

**Minutes of an Amherstburg Municipal Council Special Public Meeting  
Held in Council Chambers at 4:00 p.m. on January 28, 2010**

**PRESENT:**

Mayor Wayne Hurst  
Councillor Rick Fryer  
Councillor Robert (Bob) Pillon  
Councillor John Sutton  
Councillor William (Bill) Wark

**ALSO PRESENT:**

Pamela Malott, Chief Administrative Officer  
Paul Beneteau, Treasurer  
Brenda Percy, Manager of Council & Leg. Services/Clerk  
Lory Bratt, Planning Coordinator  
Jackie Hubbs, Manager of Public Services

Norbert Bolger

**ABSENT WITH NOTICE:** Deputy Mayor Robert Bailey (Vacation)  
Councillor Rosa White (Bereavement)

**CALL TO ORDER**

The Mayor called the meeting to order.

**DISCLOSURE OF PECUNIARY INTEREST**

There were no disclosures of pecuniary interest.

**REPORTS OF MUNICIPAL OFFICERS**

**Report # 1**

A report by Lory Bratt regarding the Consent/Development Agreement for an Amherstburg Housing Project at 448 Simcoe Street with 1741059 Ontario Limited.

Lory Bratt reviewed the application before Council.

Moved by Councillor Pillon  
Seconded by Councillor Sutton

That the report by Lory Bratt dated January 22, 2010 regarding a Consent/Development Agreement be received;

That Council approve the Agreement and Site Plan for 448 Simcoe Street;

And further that **By-law 2010-15** being a by-law to authorize the signing of a Consent/Development Agreement be taken as having been read three times and finally passed and the Mayor and Clerk be authorized to sign same and affix the corporate Seal thereto.

### **Motion Carried**

#### Discussion:

In response to a question from Councillor Wark, Lory Bratt confirmed public notice was provided.

Councillor Pillon sought clarification of the remediation done to the site.

### **Report # 2**

A verbal report was provided by Jackie Hubbs, Manager of Development Services, regarding the Town Official Plan at the meeting.

Jackie Hubbs advised that the Ministry of Municipal Affairs and Housing has reviewed the Table and accepted most of the proposed changes however, there was some additional word changes requested by the Ministry. Jackie Hubbs provided a copy of Draft Policy Wording Modifications and advised that this document will form the Terms of Settlement which will go forward to the Ontario Municipal Board, together with the Official Plan. Jackie Hubbs recommended that the Town proceed to the Pre Hearing Conference with the modifications.

Moved by Councillor Sutton  
Seconded by Councillor Pillon

That Council receive the report and concur with Jackie Hubbs, Development Manager's modified wording.

### **Motion Carried**

**NEW BUSINESS**

Councillor Sutton reported on interviews done by Police Services and that the Deputy Chief position will be filled by Staff Sgt. Tim Berthiaume. When the Chief of Police is prepared to retire, Tim Berthiaume will fill that role and the position of Deputy Chief will be filled by Pat Palumbo.

**BY-LAWS**

**Confirmatory By-Law**

Moved by Councillor Sutton  
Seconded by Councillor Wark


That **By-Law 2010- 16** being a By-Law to confirm all resolutions of the Municipal Council Meeting held on January 28, 2010 be taken as having been read a first, second and third time, be finally passed and the Mayor and the Clerk be authorized to sign same and affix the Corporate Seal thereto.

**Motion Carried**

**ADJOURNMENT**

Moved by Councillor Pillon  
Seconded by Councillor Fryer

That we rise and adjourn at 4:20 p.m.

  
\_\_\_\_\_  
MAYOR - WAYNE HURST

  
\_\_\_\_\_  
CLERK - BRENDA M. RERCY

**WITHOUT PREJUDICE**  
**OFFICIAL PLAN – TOWN OF AMHERSTBURG**  
**DRAFT POLICY WORDING – MODIFICATIONS**

After extensive review and analysis, the following wording has been composed based on the correspondence submitted by Ministry of Municipal Affairs and Housing, the County of Essex, and the Town of Amherstburg. The wording is presented without prejudice as an attempt to mediate the appeal of the approval of the decision of the Town of Amherstburg Official Plan by Ministry of Municipal Affairs and Housing and to facilitate a settlement with the best interest of all three parties involved. If settlement can be reached, the Ontario Municipal Board will be approached with the request for the conversion of the scheduled pre-hearing conference on February 3, 2010 to a settlement meeting.

The following have been worded as modifications to the Town of Amherstburg Official Plan and continue the numbering as first established by William King, Manager of Planning, County of Essex at time of approval in July 2009. The Ontario Municipal Board will be requested to settle the issue of the appeal and impose these modifications as worded below.

**MODIFICATION # 20:**

**Subsection 3.2.2 (1) Agricultural Land Uses: Policies** is deleted in its entirety and replaced with the following wording:

- “3.2.2 (1) (a) The ‘Agricultural’ designation on Schedules ‘A’ and ‘B’ shall mean that the predominant use of the lands shall be for agriculture and uses connected with the conservation of water, soil, wildlife and other natural resources. The agricultural uses permitted include the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures including accommodation for full-time farm labour when the size and nature of the operation requires additional employment;
- (b) Secondary uses shall be permitted in the ‘Agricultural’ designation provided they are small-scale, compatible with, and do not hinder surrounding agricultural operations. Such uses shall be secondary to the principal use of the property, namely agriculture, such as farm occupations and home occupations as per Section 3.2.2. (18) of this Plan, bed and breakfast establishments or agricultural trucking establishments;
- (c) Agriculture-related commercial and agriculture-related dry processing industrial uses shall be permitted in the ‘Agricultural’ designation provided they are small-scale, compatible with, and do not hinder surrounding agricultural operations. Such uses must also be directly related to the farm operation and are required in close proximity to the farm operation such as retail sales of produce grown on the farm, wineries, market gardening, nurseries, bulk seed storage, warehousing or produce, cold storage, and packaging or processing facilities or grain and seed storage facilities;
- ”

- (d) Wayside pits and quarries are permitted in the 'Agricultural' designation subject to Section 2.23 and other applicable policies of this Plan;
- (e) Portable asphalt plants are permitted in the 'Agricultural' designation subject to Section 2.24 and other applicable policies of this Plan;
- (f) Operations that require significant amounts of water and/or produce significant amounts of effluent will not be permitted."

#### MODIFICATION # 21

**Section 3.2.2 (2) Agricultural Land Uses: Policies** (mushroom farms) is deleted in its entirety and replaced with the following policy:

- "3.2.2 (2) Mushroom operations including the growing, harvesting, cleaning, packaging and shipping of mushrooms and any other uses related to mushroom production including the creation of compost are also permitted in the Agricultural designation. However, the establishment of a new mushroom farm or the expansion of an existing operation shall only be permitted subject to the following conditions;
- (a) A site plan control agreement shall be required to address appropriate setbacks, building size and location, parking, lighting, drainage, buffering, screening, and landscaping and any other matters under Section 41 of the Planning Act;
  - (b) Minimum setbacks for the establishment of new or the expansion of an existing mushroom operation shall be required in the Comprehensive Zoning By-law to ensure adequate separation from existing residential and other sensitive land uses."

#### MODIFICATION # 22

**Subsection 3.2.2 (5) Agricultural Land Uses: Policies** text is deleted with the number left for future use.

#### MODIFICATION # 23

**Subsection 3.2.2 (6) Agricultural Land Uses: Policies** is deleted in its entirety and replaced with the following policy:

- "3.2.2 (6) Existing social, recreational, and institutional uses such as churches, schools, cemeteries, community halls, retirement homes, golf courses, public uses, airports, receiving and transmission towers, and historic sites are permitted uses within the Agricultural designation subject to further considerations and policies of this Plan. Any proposed expansion of these uses shall be limited to the boundaries of the existing site and no conveyance of agricultural land shall be permitted to accommodate the expansion;"

#### MODIFICATION # 24

**Subsection 3.2.2 (9)(f) Agricultural Land Uses: Policies** (aquaculture) is deleted in its entirety and replaced with the following policy:

"3.2.2 (9) (f) the use meets the provisions in the Zoning By-law."

**MODIFICATION # 25**

**Subsection 3.2.2 (9)(i) Agricultural Land Uses: Policies** (aquaculture) is deleted in its entirety and replaced with the following policy:

"3.2.2 (9) (i) in the creation of ponds for a fish farm, development agreements may be required that address the staged removal of top soil."

**MODIFICATION # 26**

**Subsection 3.2.2(11) Agricultural Land Uses: Policies** (min. lot size) is deleted in its entirety and replaced with the following policy:

"3.2.2 (11) The minimum lot size within the 'Agricultural' Designation for newly created lots shall be 40 hectares for both the severed and retained parcels. Specialty farm operations and greenhouse operations may be established on existing smaller lots. Lot size requirements of the Agricultural designation may also include lands designated as Wetland or Natural Environment;"

**MODIFICATION # 27**

**Subsection 3.2.2(14) Agricultural Land Uses: Policies** (surplus dwelling) is deleted in its entirety and replaced with the following policy:

- "3.2.2 (14) Where previous or current farm acquisitions have rendered an existing habitable farm house surplus (as defined in the Provincial Policy Statement and existing as of January 1, 1978) to the long-term needs of the farm operation, a consent may be considered to sever the surplus dwelling from the farm unit, provided that, in addition to the general consent policies of this Plan, all of the following conditions are met:
- a) the lot severed for the surplus dwelling is large enough to accommodate the use and on-site servicing (i.e. subsurface sewage disposal and well) while ensuring that as little acreage as possible is taken out of productive agricultural land and shall generally be less than one (1) hectare in size;
  - b) the Minimum Distance Separation Formulae can be met with the formulae applied as if the property severed for the surplus farm dwelling was zoned or designated as a residential lot; and
  - c) As a condition of the consent, the remnant parcel shall be rezoned under the Comprehensive Zoning By-law to ensure that no new dwelling units shall be permitted on it and a condition stating that 'no additional dwelling units shall be permitted on the remnant parcel' shall be registered on title."

**MODIFICATION # 28**

**Subsection 3.2.2(18)(g) Agricultural Land Uses: Policies** (commercial/industrial uses in 'Agricultural' designation) is deleted in its entirety and replaced with the following policy:

"3.2.2 (18)(g) The development of any new, or expansion of a legally existing commercial or industrial use which are not farm or home occupations, as defined in the Zoning By-law, are not permitted in the Agricultural designation and shall require an amendment to this Plan. Prior to the Plan being amended, Council must be satisfied that the proposed development cannot locate in an area already appropriately designated, is consistent with the PPS, that the proposed location is in compliance with the minimum distance separation (MDS) formula contained in the Town's Zoning By-law, that any proposed expansion of an existing use shall be limited to the boundaries of the existing site and no conveyance of agricultural land shall be permitted to accommodate the expansion and that the application satisfies the criteria included in Section 8.4 of this Plan."

MODIFICATION # 29

**Subsection 3.3.3 (3) Non-renewable Resources: Extractive Industrial Policies** is deleted in its entirety and the remainder of the subsection is renumbered sequentially.

MODIFICATION # 30

**Subsection 3.3.4(1) Special Policy Area 1** is deleted in its entirety and replaced with the following:

" 3.3.4 (1) Special Policy Area 1

Lands identified on Schedules A or B as Special Policy Area 1 have been designated on the Land Use Schedules as Extractive Industrial. These lands have been used for Salt Solution Mining or Brine Wells by the former industry known locally as General Chemical. With the closure and bankruptcy of this industry in Amherstburg these lands have been sold to non-industrial interests. The lands identified as Special Policy 1 to the north of North Sideroad have not been actively farmed and are lands that abut an extensive natural environment area. The lands identified as Special Policy 1 to the south of North Sideroad were used as both submersed brine wells as well as agricultural lands on the surface.

Redevelopment of the lands south of North Sideroad for agricultural purposes shall be permitted by this Plan in addition to the brine well extraction.

Redevelopment of the lands north of North Sideroad for light industrial or recreational purposes shall be permitted by this Plan in addition to the brine well extraction. Permitted recreational uses shall be limited to passive uses such as golf courses, campgrounds, or parks and shall be subject to Site Plan Agreements and a site specific Zoning By-law amendment that specifically identifies the type of facility permitted, including the area of the site to be used for what activities, road access, parking, lighting, drainage, screening and landscaping and any other matters that may be deemed appropriate under Sections 34 and 41 of the Planning Act. In addition, the portion of these lands located to the north of North Sideroad shall also be considered to have a dual designation of Light Industrial which shall allow the lands to develop as one or the other designation but not of both designations and the appropriate policies of the Official Plan would apply. Development of the lands as Light Industrial shall be subject to servicing capability. In locations or areas of

known historic salt solution mining activity, geo-technical studies are required to be conducted by qualified engineers that conclude the sites are safe for any proposed development. Any associated wells must be plugged according to the provincial regulations and standards.”

**MODIFICATION # 31**

**Section 4.7.2 (5) Settlement Area: Land Use Policies: Recreational Development Designation** is deleted in its entirety and replaced with the following policy:

“4.7.2 (5) All existing recreational uses at the date of adoption of this Plan shall be allowed to expand provided the expansion is limited to within the boundaries of the existing Recreational Development Designation, and the uses are able to conform to the policies of this subsection and to the zoning requirements.”

**MODIFICATION # 32**

**Section 4.7.2 (7)(d) Settlement Area: Land Use Policies: Recreational Development Designation** is hereby deleted in its entirety and replaced with the following policy:

“4.7.2 (7)(d) The plan of subdivision affecting these lands will be deemed by Council By-Law to no longer be a plan of subdivision. Not more than one dwelling unit and accessory uses, including private boat docks shall be permitted on each lot. Access to the subject lands shall be by the Detroit River;”

**MODIFICATION # 33**

**Section 6.1.2 (10) Development Policies: Land Severances** is hereby deleted in its entirety and replaced with the following policy:

“6.1.2 (10) In areas designated in whole or in part as “Agricultural”, or “Natural Environment”, or “Wetland”, minor boundary adjustments may be permitted that could have the effect of creating a lot of less than 40 hectares, conditional on one of the parcels being added to an adjacent property and the existing dwelling remaining on the remnant parcel so that no new building lots have been created. Generally the remnant lot must be either a viable farm parcel size or follow the policy of the surplus farm unit and be generally less than one (1) hectare in size.”

**MODIFICATION # 34**

**Section 6.6.3 Housing Policies: Housing Supply** is hereby amended with the addition of the following statement following Section 6.6.3 (15):

“6.6.3 (16) The Town acknowledges that it is the responsibility of the County of Essex to identify, coordinate and provide direction on issues such as targets for intensification, redevelopment, and affordable housing. The County of Essex is currently undertaking the mandatory five year review of its Official Plan wherein the aforementioned issues will be addressed. The Town, in consultation with the County of Essex, shall ensure that this Plan conforms to the policies and direction established by the County Official Plan. In accordance with Section 27(4) of the



**Planning Act, RSO 1990, c.P. 13, in the event of a conflict between the County Official Plan and this Plan, the County Official Plan prevails to the extent of the conflict.”**

Section of O.P.	WORDING IN APPROVED OP	MMA COMMENTS	TOWN/COUNTY – PROPOSED WORDING
<p><b>3.2.2 (1) Agricultural Land Uses: Policies</b></p>	<ul style="list-style-type: none"> <li>• “(1) The Agricultural designation on Schedules “A” and “B” shall mean that the predominant use of the lands shall be for agriculture and uses connected with the conservation of water, soil, wildlife and other natural resources. The uses permitted include all types of farming, including the raising of livestock and other animals for food, fur or fibre, including poultry, and fish, aquaculture, apiaries, agro-forestry, nurseries and maple syrup production, the related on-farm buildings and structures, the farm residence, home/rural occupations, bed and breakfast establishments, residences required for associated farm labour, retail sales of produce grown on the farm, wineries, market gardening, nurseries, small scale commercial or industrial uses directly supportive and directly related to the agricultural operation and need to be in close proximity to agriculture (such as bulk seed, warehousing of produce, cold storage, packaging or processing plants, agricultural trucking establishments, establishments for the sale, repair, and service of agricultural machinery), limited existing social, recreational and institutional uses, forestry and reforestation, and wayside pits subject to further policies of this Plan;</li> </ul>	<ul style="list-style-type: none"> <li>• <b>OMAFRA</b></li> <li>• Separate issues using subsections or subsections be used to make the distinction between which uses are agricultural, agriculture-related or secondary uses</li> <li>• Presently policies are not considered consistent with PPS</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Proposed modification # 20</b></li> <li>• Accept OMAFRA wording with the following additions and modifications:</li> <li>• 3.2.2 (1) reworded with OMAFRA wording creating subsections (1) through (5) defining the Permitted Uses within the Agricultural Designation.</li> <li>• 3.2.2 (1)(3) as modified by OMAFRA permitted Uses to be further modified to include a new paragraph extracted from 3.2.2 (5):                      “(5) Operations that require significant amounts of water and/or produce significant amounts of effluent will not be permitted.”</li> </ul>
<p><b>3.2.2 (2) Agricultural Land Uses: Policies</b></p>	<ul style="list-style-type: none"> <li>• “(2)Mushroom operations including the growing, harvesting, cleaning, packaging and shipping of mushrooms and any other uses related to mushroom production including the creation of compost are also permitted in the Agricultural designation.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>OMAFRA</b></li> <li>• “The PPS recognizes mushroom farms as a permitted use in an agriculture designation. Therefore, the requirement for a ZBLA and EIS must be removed in their</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Proposed modification # 21</b></li> <li>• Modification of existing 3.2.2(2) to reflect OMAFRA requested changes:                      “3.2.2(2) Mushroom operations including the growing, harvesting, cleaning,</li> </ul>

<p><b>3.2.2 (5)                  Agricultural Land Use Policies</b></p>	<p>However, the establishment of a new mushroom farm or the expansion of an existing operation shall only be permitted subject to the following conditions:</p> <p>a) A Zoning By-Law amendment and a site plan control agreement shall be required to address appropriate setbacks, building size and location, parking, lighting, drainage, buffering, screening, and landscaping and any other matters under Section 34 and 41 of the Planning Act. Minimum setbacks for mushroom operations shall be required in the implementing Zoning By-law to ensure adequate separation from existing residential and other sensitive land uses;</p> <p>b) An Environmental Impact Assessment shall be conducted to the satisfaction of the Town to provide an analysis of the location of the proposed operation and other existing uses with respect to the prevailing winds, the compatibility of the proposed use with existing uses or potential uses in adjoining areas, and the effect of such a use on the surrounding area including the natural environment, demonstrating no adverse effects; and</p> <p>c) The criteria listed in Section 8.4 of this Plan,"</p>	<ul style="list-style-type: none"> <li>• Contrary to the 'right to farm' mushroom operations is odour, OMAFRA recommends that the Town to develop a standard setback distance which Ministry staff would review for appropriateness"</li> </ul>	<p>packaging and shipping of mushrooms and any other uses related to mushroom production including the creation of compost are also permitted in the Agricultural designation. However, the establishment of a new mushroom farm or the expansion of an existing operation shall only be permitted subject to the following conditions:</p> <p>a) A site plan control agreement shall be required to address appropriate setbacks, building size and location, parking, lighting, drainage, buffering, screening, and landscaping and any other matters under Section 41 of the Planning Act.</p> <p>b) Minimum setbacks for the establishment of new or the expansion of an existing mushroom operation shall be required in the Comprehensive Zoning By-law to ensure adequate separation from existing residential and other sensitive land uses."</p>	<p><b>Proposed modification # 22</b></p> <ul style="list-style-type: none"> <li>• Deleted</li> <li>• This provision has been included under 3.2.2 (1) through OMAFRA wording.</li> <li>• 3.2.2 (5) place holder with "reserved numbering" to be included.</li> </ul>	<p><b>OMAFRA</b></p> <ul style="list-style-type: none"> <li>• Deletion of subsection</li> </ul>
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	<p>close proximity to farm operations. Permitted uses shall be limited to: grain dryers, feed mills, grain and seed storage facilities, bulk farm supply dealers, farm machinery and equipment sales and service, livestock assembly points, livestock veterinary clinics, and agricultural research operations. Operations that require significant amounts of water and/or produce significant amounts of effluent will not be permitted. Justification as to why the use cannot locate within an established Industrial or Commercial designation will be required. Agriculturally related commercial and industrial uses will require site specific zoning in the Town's Zoning By-Law."</p>		
<p><b>3.2.2 (6)</b>  <b>Agricultural Land Use: Policies</b></p>	<ul style="list-style-type: none"> <li>• "(6)Existing social, recreational, and institutional uses such as churches, schools, cemeteries, community halls, retirement homes, golf courses, public uses, airports, receiving and transmission towers, and historic sites. Any proposed expansion of these uses shall be limited to the boundaries of the existing site and no conveyance of agricultural land shall be permitted to accommodate the expansion;"</li> </ul>	<ul style="list-style-type: none"> <li>• <b>MMA</b></li> <li>• proposed wording was redundant.</li> <li>• Wording to be included that identifies these activities as permitted uses.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Proposed modification # 23</b></li> <li>• Modification to existing 3.2.2. (6) to include "...permitted uses within the Agricultural designation subject to further considerations and policies of this Plan."</li> <li>• "(6) Existing social, recreational, and institutional uses such as churches, schools, cemeteries, community halls, retirement homes, golf courses, public uses, airports, receiving and transmission towers, and historic sites are permitted uses within the Agricultural designation subject to further considerations and policies of this Plan. Any proposed expansion of these uses shall be limited to the boundaries of the existing site and no conveyance of agricultural land shall be permitted to accommodate the expansion;"</li> </ul>

<p><b>3.2.2 (9)</b>  <b>Agricultural Land Use: Policies - aquaculture</b></p>	<ul style="list-style-type: none"> <li>• "Aquaculture or fish farming including the growing, harvesting, cleaning, packaging and shipping of fish and any other uses related to fish production are permitted. However, the establishment of a new fish farm or the expansion to an existing operation requires an amendment to the Zoning By-Law and is subject to Site Plan Control. When an application for a zoning by-law amendment to allow a fish farm is made, Council shall be satisfied that:"</li> </ul>	<ul style="list-style-type: none"> <li>• <b>OMAFRA</b></li> <li>• The requirement of a ZBLA to establish a new aquaculture operation is contrary to the right to farm policies of OP and PPS</li> </ul>	<ul style="list-style-type: none"> <li>• <b>New wording through Modification # 10 of County approval:</b>                      "3.2.2 (9) Existing, new and expanded aquaculture or fish farming, including the growing, harvesting, cleaning, packaging and shipping of fish and any other uses related to fish production are permitted. However, the establishment of new fish farm or the expansion to an existing operation is subject to Site Plan Control. When considering an application for Site Plan Control, Council shall be satisfied that:"</li> </ul>
<p><b>3.2.2 (9)(c)</b>  <b>Agricultural Land Use: Policies - aquaculture</b></p>	<ul style="list-style-type: none"> <li>• "(c) approvals have been obtained from the Ministry of Natural Resources for a license to propagate and sell fish and transport fish;"</li> </ul>	<ul style="list-style-type: none"> <li>• <b>MNR</b></li> <li>• deletion of "a license...fish"</li> <li>• Inclusion of "an aquaculture license".</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Modified wording through Modification # 11 of County approval:</b>                      "3.2.2(9)(c) approvals have been obtained from the Ministry of Natural Resources for an Aquaculture license."</li> </ul>
<p><b>3.2.2 (9)(f)</b>  <b>Agricultural Land Use: Policies - aquaculture</b></p>	<ul style="list-style-type: none"> <li>• "(f) the Zoning By-Law and Site Plan Control documents are appropriate for the use;"</li> </ul>	<ul style="list-style-type: none"> <li>• <b>MMA</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Proposed modification # 24</b></li> <li>• With the removal of the need for a ZBLA –aquaculture as a 'right to farm' – removes the need to reference appropriateness of ZBLA:</li> <li>• "3.2.2(9)(f) the use meets the provisions in the Zoning By-law."</li> </ul>
<p><b>3.2.2 (9)(i)</b>  <b>Agricultural Land Use: Policies - aquaculture</b></p>	<ul style="list-style-type: none"> <li>• "(i) in the creation of ponds for a fish farm, Zoning By-Law amendments and development agreements may be required that address the staged removal of top soil;"</li> </ul>	<ul style="list-style-type: none"> <li>• <b>MMA</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Proposed modification # 25</b></li> <li>• With the removal of the need for a ZBLA –aquaculture as a 'right to farm' – removes the need to reference appropriateness of ZBLA:</li> <li>• "3.2.2(9)(i) in the creation of ponds for a</li> </ul>

			fish farm, development agreements may be required that address the staged removal of top soil."
<b>3.2.2 (11)</b>	<ul style="list-style-type: none"> <li>• "(11) The minimum lot size within the Agricultural designation for newly created lots shall be 40 hectares for both the severed and retained parcels. Specialty farm operations and greenhouse operations may be established on smaller lots subject to appropriate conditions by Council and/or a justification of the agricultural viability of the farm unit. Demonstration of agricultural viability must be to the satisfaction of Council after consultation with the Ministry of Agriculture and Food and Rural Affairs. Lot size requirements of the Agricultural designation may also include lands designated as Wetland or Natural Environment;"</li> </ul>	<ul style="list-style-type: none"> <li>• <b>OMAFRA</b></li> <li>• Modification to this subsection: inclusion of 'existing' prior to small lots and deletion of 'agricultural viability justification'</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Proposed modification # 26</b></li> <li>• <b>Accept OMAFRA wording:</b>                      "The minimum lot size within the Agricultural Designation for newly created lots shall be 40 hectares for both the severed and retained parcels. Specialty farm operations and greenhouse operations may be established on existing smaller lots. Lot size requirements of the Agricultural designation may also include lands designated as Wetland or Natural Environment;"</li> </ul>
<b>3.2.2 (14)</b> <b>Agricultural Land Use: policies</b>	<ul style="list-style-type: none"> <li>• "(14) Where previous or current farm acquisitions have rendered an existing habitable farm house surplus (as defined in the Provincial Policy Statement and existing as of January 1, 1978) to the long-term needs of the farm operation, or where an established farm has more than one habitable dwelling, existing as of January 1, 1978 which is considered surplus to the needs of the farm operation, a consent may be considered to sever the surplus dwelling from the farm unit, provided that, in addition to the general consent policies of this Plan, all of the following conditions are met:</li> <li>b) the lot severed for the surplus dwelling is large enough to accommodate the use and on-site servicing (i.e.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>OMAFRA</b></li> <li>• Second portion of this subsection does not involve a farm consolidation {therefore} it is not permitted by PPS</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Proposed modification # 27</b></li> <li>• <b>Accept OMAFRA wording:</b>                      "(14) Where previous or current farm acquisitions have rendered an existing habitable farm house surplus (as defined in the Provincial Policy Statement and existing as of January 1, 1978) to the long-term needs of the farm operation, a consent may be considered to sever the surplus dwelling from the farm unit, provided that, in addition to the general consent policies of this Plan, all of the following conditions are met:                      a) the lot severed for the surplus dwelling is large enough to accommodate the use and on-site servicing (i.e.</li> </ul>

<p><b>3.2.2 (18)(g)</b>  <b>Agricultural Land Use: policies</b></p>	<p>subsurface sewage disposal and well) while ensuring that as little acreage as possible is taken out of productive agricultural land and shall generally be less than one (1) hectare in size;</p> <p>c) the Minimum Distance Separation Formulae can be met with the formulae applied as if the property severed for the surplus farm dwelling was zoned or designated as a residential lot; and</p> <p>d) the severance will neither create nor add additional dwelling units and such condition shall be registered on title. "</p>	<p>subsurface sewage disposal and well) while ensuring that as little acreage as possible is taken out of productive agricultural land and shall generally be less than one (1) hectare in size;</p> <p>b) the Minimum Distance Separation Formulae can be met with the formulae applied as if the property severed for the surplus farm dwelling was zoned or designated as a residential lot; and</p> <p>c) As a condition of the consent, the remnant parcel shall be rezoned under the Comprehensive Zoning By-law to ensure that no new dwelling units shall be permitted on it and a condition stating that no additional dwelling units shall be permitted on the remnant parcel" shall be registered on title."</p>	<p>subsurface sewage disposal and well) while ensuring that as little acreage as possible is taken out of productive agricultural land and shall generally be less than one (1) hectare in size;</p> <p>b) the Minimum Distance Separation Formulae can be met with the formulae applied as if the property severed for the surplus farm dwelling was zoned or designated as a residential lot; and</p> <p>c) As a condition of the consent, the remnant parcel shall be rezoned under the Comprehensive Zoning By-law to ensure that no new dwelling units shall be permitted on it and a condition stating that no additional dwelling units shall be permitted on the remnant parcel" shall be registered on title."</p>
	<ul style="list-style-type: none"> <li>• "The development of any new commercial or industrial uses which are not farm or home occupations, as defined, are not permitted in the Agricultural designation and shall require an amendment to this Plan. Prior to the Plan being amended, Council must be satisfied that the proposed development cannot locate in an area already appropriately designated, is consistent with Section 2.3 of the Provincial Policy Statement, and that the proposed location is in compliance with the minimum distance separation (MDS) formula contained in the Town's Zoning By-Law. Expansions of legally existing commercial or industrial uses in the Agricultural designation may be permitted without an amendment to this Plan provided the proposed expansions are in compliance with the minimum distance separation (MDS) formula and satisfy the criteria</li> </ul>	<ul style="list-style-type: none"> <li>• <b>OMAFRA</b></li> <li>• The inclusion of a sentence that reads: "that any proposed expansion of an existing use shall be limited to the boundaries of the existing site and no conveyance of agricultural land shall be permitted to accommodate the expansion."</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Proposed modification # 28</b></li> <li>• Accept OMAFRA wording:                      "The development of any new, or expansion of a legally existing commercial or industrial use which are not farm or home occupations, as defined in the Zoning By-law, are not permitted in the Agricultural designation and shall require an amendment to this Plan. Prior to the Plan being amended, Council must be satisfied that the proposed development cannot locate in an area already appropriately designated, is consistent with the PPS, that the proposed location is in compliance with the minimum distance separation (MDS) formula contained in the Town's Zoning By-law, that any proposed expansion of an existing use shall be limited to the boundaries of the</li> </ul>

<p><b>3.3.3                  Non-renewable                  Resources:                  Extractive                  Industrial                  Policies</b></p>	<p>included in Section 8.4 of this Plan.”</p> <ul style="list-style-type: none"> <li>• “When a quarry operation ceases, redevelopment of the site for recreational land uses will be permitted subject to detailed applications, site plan agreements, and rezoning.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>OMAFRA</b></li> <li>• “Because {this section} permits rehabilitation to ‘passive recreational activities’, this Section of the Plan is not consistent with the PPS and should be modified to state that rehabilitation of the site will be carried out so that substantially the same areas and same average soil quality for agriculture are restored.”</li> </ul>	<p>existing site and no conveyance of agricultural land shall be permitted to accommodate the expansion and that the application satisfies the criteria included in Section 8.4 of this Plan.”</p> <ul style="list-style-type: none"> <li>• This is a new policy direction and ultimately the removal of grandfathered rights by the existing quarries to re-use the subject quarry for recreational purposes.</li> <li>• Policy direction to allow for the recreational use as a post remediation use has been in two previous Town Official Plans as acceptable re-use;</li> <li>• Due to the nature of the use of the quarry for rock removal, not sand or gravel, and the resultant depth (150 ft plus) and the shape of the quarry, the re-use of the site for agriculture is not feasible.</li> <li>• Existing quarries are long standing with an intent to continue with the present quarry use;</li> <li>• These deep quarried pits would not facilitate the re-use of the site as agriculture.</li> <li>• This wording was acceptable at a pre-consultation meeting with stakeholders.</li> <li>• No modifications proposed for policies affecting existing quarries.</li> </ul>
<p><b>3.3.3 (3)                  Non-renewable                  Resources:                  Extractive                  Industrial                  Policies</b></p>	<ul style="list-style-type: none"> <li>• “Council shall protect Salt Solution Mining Sites from incompatible land uses which would preclude or hinder future mining except where it can be shown that: (3) the proposed use or development would not significantly preclude or hinder future mining.”</li> </ul>	<ul style="list-style-type: none"> <li>• <b>MNR</b></li> <li>• Delete subsection 3</li> <li>• MNR recommends that the punctuation be modified as ‘incompatible land use’ requires further clarification and seeks clarification on how a use that “would not significantly preclude or hinder future mining” qualifies as an ‘incompatible land use’.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Proposed modification # 29</b></li> <li>• Accept MNR modification and delete 3.3.3 (3)</li> </ul>



<p><b>3.3.3</b>  <b>Non-Renewable Resources: Extractive Industrial policies</b></p>		<ul style="list-style-type: none"> <li>• <b>MOE</b></li> <li>• MOE recommends that prior to the County considering approval of this subsection, the Town be required to explain...what rationale the Town is using to delete the previous policy on the provision of municipal piped water for all new development within 600 meters of quarry operations.</li> </ul>	<ul style="list-style-type: none"> <li>• Piped water exists everywhere within the 600 m radius of existing quarries and pits. The provision was deleted because it was redundant and unnecessary.</li> </ul>
<p><b>3.3.4</b>  <b>Special Policy Area 1: Non-renewable Resources: Extractive Industrial Policies</b></p>	<p>Special Policy Area 1 Lands identified on Schedules A or B as Special Policy Area 1 have been designated on the Land Use Schedules as Extractive Industrial. These lands have been used for Salt Solution Mining or Brine Wells by the former industry known locally as General Chemical. With the closure and bankruptcy of this industry in Amherstburg these lands have been sold to non-industrial interests. The lands identified as Special Policy 1 have not been actively farmed and are lands that about an extensive natural environment area. Redevelopment of these lands for passive recreational activities or agriculture shall be permitted by this Plan in addition to the brine well extraction. Permitted recreational uses shall be limited to passive uses such as golf courses, campgrounds, or parks and shall be subject to Site Plan Agreements and a site specific Zoning By-law amendment that specifically identifies the type of facility permitted, including the area of the site to be used for what activities, road access, parking, lighting, drainage, screening and landscaping and any other matters that may be deemed appropriate under Sections 34 and 41 of the Planning Act. In</p>	<ul style="list-style-type: none"> <li>• <b>MOE</b></li> <li>• The MOE recommends that the subject lands be serviced by full municipal servicing and this Official Plan policy clearly convey such to the reader.</li> </ul>	<ul style="list-style-type: none"> <li>• No further modifications required.</li> <li>• Section 2.1 (6) and 2.6.4 speaks to the need for availability of adequate municipal services.</li> <li>• "subject to servicing capabilities" identified for Special Policy Area 1 references the need for: i) determination that municipal service capacities are available to cover the needed services; and ii) for the proponent to demonstrate how services are to be provided."</li> </ul>

<p><b>3.3.4 Non-renewable Resources – Special Policy</b></p>	<p>• Special Policy Area 1</p>	<ul style="list-style-type: none"> <li>• <b>OMAFRA</b></li> <li>• “rehabilitation of the site will be carried out so that substantially the same areas and same average soil quality for agriculture are restored”</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Modification # 30</b></li> <li>• 1) North of North Sideroad:</li> <li>• Special Policy Area 1 was previously owned by General Chemical and used on the north side of North Side Road as brine wells. These were not excavated pits, but rather, underground wells.</li> <li>• These wells have existed on this site for approximately 60 years.</li> <li>• These lands were used for industrial purposes, not agriculture</li> <li>• The lands to the north of North Side</li> </ul>
<p>addition, the portion of these lands located to the north of North Sideroad shall also be considered to have a dual designation of Light Industrial which shall allow the lands to develop as one or the other designation but not of both designations and the appropriate policies of the Official Plan would apply. Development of the lands as Light Industrial shall be subject to servicing capability. In locations or areas of known historic salt solution mining activity, geotechnical studies are required to be conducted by qualified engineers that conclude the sites are safe for any proposed development. Any associated wells must be plugged according to the provincial regulations and standards. No buildings or structures shall be erected for any use unless supported by a geotechnical report prepared by qualified experts to the satisfaction of the Town as to site stability relative to the brine well extraction.</p>			

			<p>Road are to be developed for a solar farm, an appropriate re-use of these lands.</p> <ul style="list-style-type: none"> <li>In consideration of the historical industrial use of the property, the present light industrial use of the property, these lands north of North Sideroad, Council has recommended 'Light Industrial or Recreational' land use as a future land use designation.</li> <li>2) South of North Sideroad</li> <li>Special Policy Area 1 in OP directs the re-habilitated use as 'Recreational' based on the past light industrial use of these lands</li> <li>PPS directs that these lands must be rehabilitated and converted 'back to' agricultural lands.</li> <li>Modification to be made to the policy that will require the post rehabilitation land use of the portion of lands south of North Sideroad to be 'Agricultural'.</li> </ul>
<p><b>4.7.2 Recreation Development Designation</b></p>	<ul style="list-style-type: none"> <li>"4.7.2 Recreational development will be permitted in accordance with the following policies/criteria:                      (5) All existing recreational uses at the date of the adoption of this Plan shall be allowed to expand provided they are able to conform to the policies of this subsection and to the zoning requirements."</li> </ul>	<ul style="list-style-type: none"> <li><b>OMAFRA</b></li> <li>Ministry staff note an amendment to the town's OP is required in order to expand any of these existing recreational use in an Agri. Designation. Ministry staff request that this is clearly stated here. "Any proposed expansion of the uses shall be limited to the boundaries of the existing site and conveyance of agricultural land shall be permitted to accommodate the expansion."</li> </ul>	<ul style="list-style-type: none"> <li><b>Modification # 31</b></li> <li>This provision to be reworded to be consistent with OMAFRA wording to ensure clarity that any expansion of a recreational use may only occur within the boundaries of the existing recreational designation:                      "4.7.2 Recreational development will be permitted in accordance with the following policies/criteria:                      (5) All existing recreational uses at the date of adoption of this Plan shall be allowed to expand provided the expansion is limited to within the boundaries of the existing Recreational Designation."</li> </ul>

<p><b>4.7.2 (7)(d)</b></p>	<ul style="list-style-type: none"> <li>The plan of subdivision affecting these lands will be deemed by Council By-Law to no longer be a plan of subdivision. Not more than one dwelling unit and accessory uses, including private boat docks shall be permitted on each lot. The municipality will not be responsible for the provision of services to this area now or at any time in the future. Access to the subject lands shall be by the Detroit River;</li> </ul>		<ul style="list-style-type: none"> <li><b>Modification # 32</b></li> <li>Modification by deleting:</li> <li>"The municipality will not be responsible for the provision of services to this area now or at any time in the future."</li> <li>"4.7.2(7)(d) The plan of subdivision affecting these lands will be deemed by Council By-Law to no longer be a plan of subdivision. Not more than one dwelling unit and accessory uses, including private boat docks shall be permitted on each lot. Access to the subject lands shall be by the Detroit River;"</li> </ul>
<p><b>6.1.2 (9)(g)</b> Land Severance policies</p>	<ul style="list-style-type: none"> <li>"6.1.2(9)(g) In areas designated in whole or in part as "Agricultural", or "Natural Environment", or "Wetland", a consent to create a lot of less than 40 hectares may be granted conditional on one of the parcels being added to an adjacent property and the existing dwelling unit remains with the remaining parcel so that no new building lots have been created. Generally the lot remaining must be either a viable farm parcel size or follow the policy of the surplus farm unit and be generally less than one (1) hectare in size."</li> </ul>	<ul style="list-style-type: none"> <li><b>OMAFRA</b></li> <li>MMA email of January 25, 2010</li> <li>The Ministry is not clear as to the purpose of this subsection.</li> <li>OMAFRA requests this subsection be deleted in its entirety.</li> </ul>	<ul style="list-style-type: none"> <li><b>Modification # 33</b></li> <li>Modification as outlined in MMA</li> <li>"6.1.2(10) In areas designated in whole or in part as "Agricultural", or "Natural Environment", or "Wetland", minor boundary adjustments may be permitted that could have the effect of creating a lot of less than 40 hectares, conditional on one of the parcels being added to an adjacent property and the existing dwelling remaining on the remnant parcel so that no new building lots have been created. Generally the remnant lot must be either a viable farm parcel size or follow the policy of the surplus farm unit and be generally less than one (1) hectare in size."</li> </ul>
<p><b>Minimum targets for intensification and redevelopment</b></p>			<ul style="list-style-type: none"> <li><b>Modification # 34</b></li> <li>Section 6.6.3 (16) to be modified, as follows, with similar wording to modification # 1:</li> </ul>

<p><b>within built-up areas</b></p> <p><b>And</b></p> <p><b>Minimum targets for the provision of affordable housing for low and moderate income households</b></p>			<p>"The Town acknowledges that it is the responsibility of the County of Essex to identify, coordinate and provide direction on issues such as targets for intensification, redevelopment, and affordable housing. The County of Essex is currently undertaking the mandatory five year review of its Official Plan wherein the aforementioned issues will be addressed. The Town, in consultation with the County of Essex, shall ensure that this Plan conforms to the policies and direction established by the County Official Plan. In accordance with Section 27(4) of the Planning Act, RSO 1990, c.P. 13, in the event of a conflict between the County Official Plan and this Plan, the County Official Plan prevails to the extent of the conflict."</p>
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