



**TOWN OF AMHERSTBURG
REGULAR COUNCIL MEETING**

AGENDA

**Electronic Meeting
Public Participation via Livestream
<https://www.amherstburg.ca/livestream>**

**Monday, May 10, 2021
6:00 PM**

For information pertaining to this agenda or to arrange for any additional accessibility needs please contact Tammy Fowkes, Deputy Clerk at tfowkes@amherstburg.ca

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	Pages
1. CALL TO ORDER	8
2. ROLL CALL	
3. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF	

4. LAND ACKNOWLEDGEMENT

We will begin by acknowledging that the land on which we gather is the traditional territory of the Three Fires Confederacy of First Nations (comprising the Ojibway, the Odawa, and the Potawatomie Peoples), and of the Huron-Wendat and Wyandot Peoples. We recognize the land as an expression of gratitude to those whose traditional territory we reside on, and a way of honouring the Indigenous people who have been living and thriving on the land since time immemorial. We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island.

5. MINUTES OF PREVIOUS MEETING

That the minutes **BE ADOPTED** and that those confidential minutes of the closed sessions of Council remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act:

5.1. Special In-Camera Council Meeting Minutes - April 26, 2021

5.2. Special Council Meeting Minutes - Planning - April 26, 2021

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5.3. Regular Council Meeting Minutes - April 26, 2021

13

6. DELEGATIONS

There are no delegations.

7. REPORTS – CORPORATE SERVICES

There are no reports.

8. REPORTS – COMMUNITY & PROTECTIVE SERVICES

There are no reports.

9. REPORTS – INFRASTRUCTURE SERVICES

9.1. 2021 Fleet Vehicle Purchase

26

It is recommended that:

1. An over-expenditure for the purchase of a ¾ ton standard cab pick up truck not to exceed \$7,100 **BE APPROVED** for a total cost not to exceed \$41,556 including net HST and that the over-expenditure **BE FUNDED** from the Fleet Reserve; and,
2. An over-expenditure for the purchase of a ¾ ton crew cab pick up truck not to exceed \$6,000 **BE APPROVED** for a total cost not to exceed \$45,252 including net HST and that the over-expenditure **BE FUNDED** from the Fleet Reserve.

10. REPORTS - PLANNING & DEVELOPMENT SERVICES

10.1. Zoning By-law Amendment for 4401 Concession 4 S

31

It is recommended that:

1. **By-law 2021-024** being a by-law to amend Zoning By-law No. 1999-52, to amend the zoning for the subject lands known as 4401 Concession 4 S, be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

10.2. Zoning By-law Amendment for 5569 Concession 5 N

55

It is recommended that:

1. **By-law 2021-023** being a by-law to amend Zoning By-law No. 1999-52, to amend the zoning for the subject lands known as 5569 Concession 5 N, be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

11. REPORTS - CAO's OFFICE

There are no reports.

12. INFORMATION REPORTS

That the following information reports **BE RECEIVED**:

- 12.1. Amherstburg Accessibility Advisory Committee Achievements and Objectives in 2020 77

13. CONSENT CORRESPONDENCE

That the following consent correspondence **BE RECEIVED**:

- 13.1. Lottery Licensing to Assist Small Organizations - Town of South Bruce Peninsula Resolution 81
- 13.2. NAV Canada Aeronautical Study at Windsor International Airport - YQG, Windsor International Airport 83
- 13.3. Source Water Protection Legislation - Town of Fort Erie Resolution 84

14. CORRESPONDENCE

- 14.1. Day of Action Against Asian Racism - May 10, 2021 86

It is recommended that:

1. May 10, 2021, **BE PROCLAIMED** as Day of Action Against Asian Racism in the Town of Amherstburg.

15. CONSENT OTHER MINUTES

That the following minutes **BE RECEIVED**:

- 15.1. Committee of Adjustment Meeting Minutes - April 27, 2021 87

16. OTHER MINUTES

16.1. Drainage Board Meeting Minutes - April 6, 2021

101

It is recommended that:

1. The Drainage Board Meeting Minutes of April 6, 2021 **BE RECEIVED**;
2. The appeal from Joe Grondin relating to the assessment of Culvert #8 **BE DENIED** and the assessment as presented by R. Dobbin Engineering Inc. **BE ACCEPTED**, as recommended by the Drainage Board;
3. The request from 1583953 Ontario Inc. per Section 78 of the Drainage Act **BE ACCEPTED**, as recommended by the Drainage Board;
4. The appointment of the firm of R. Dobbin Engineering Inc. to complete the necessary report for the repair and improvement to the Morgan Drain and South Branch **BE APPROVED**, as recommended by the Drainage Board;
5. The report from the Drainage Superintendent and Engineering Coordinator dated March 22, 2021 regarding Various Drainage Apportionments **BE RECEIVED**, as recommended by the Drainage Board; and,
6. The following drainage apportionments **BE APPROVED** as listed:
 - Consent B/30/19 - Drainage Apportionments for the Jeths Drain - 128 Texas Rd.
 - Consent B/8-9/20 - Drainage Apportionments for the Dufour Drain and Sucker Creek Drain - 8121 Middle Sideroad
 - Consent B/25/20 - Drainage Apportionments for the Mitchell Drain - 7273 County Road 50

17. UNFINISHED BUSINESS

17.1. Unfinished Business List as at May 10, 2021 141

18. NEW BUSINESS

19. NOTICE OF MOTION

There are no Notices of Motion.

20. BY-LAWS

20.1. By-law 2019-095 - John Parks No. 1 Drain Improvements - 3rd & Final Reading 145

That **By-law 2019-095** being a by-law to provide for the John Parks No. 1 Drain Improvements be taken as having been read a 3rd & Final Time, *as amended*, and the Mayor and Clerk **BE AUTHORIZED** to sign same.

20.2. By-law 2020-062 - John Parks Drain No. 2 Improvements - 3rd & Final Reading 156

That **By-law 2020-062** being a by-law to provide for the John Parks Drain No. 2 Improvements be taken as having been read a 3rd & Final Time, *as amended*, and the Mayor and Clerk **BE AUTHORIZED** to sign same.

20.3. By-law 2021-033 - Confirmatory By-law 160

That **By-law 2021-033** being a by-law to Confirm all Resolutions of the Municipal Council Meetings held on May 10, 2021, be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

21. SPECIAL IN-CAMERA COUNCIL MEETING

That Council move into an In-Camera Meeting of Council directly following Regular session pursuant to Section 239 of the Municipal Act, 2001, as amended for the following reason:

Item A - Section 239(2)(k) - A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

22. ADJOURNMENT OF SPECIAL IN-CAMERA COUNCIL MEETING

23. RESUMPTION OF REGULAR COUNCIL MEETING

That Council resume Regular session at p.m.

24. REPORT OUT FROM IN-CAMERA SESSION - May 10, 2021

25. ADJOURNMENT

That Council adjourn Regular session at p.m.

MAY 2021

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
9	<p>10</p> <p>Electronic Meetings (Livestream)</p> <p>Special Council Meeting Planning 5:00 p.m. & Regular Council Meeting 6:00pm</p> <p>-Proclaimed- Day of Action Against Asian Racism</p>	<p>11</p> <p>Seniors Advisory Committee Meeting Electronic Participation 5:00 p.m.</p>	<p>12</p> <p>Parks and Recreation Advisory Committee Meeting Electronic Participation 6:00 p.m.</p>	<p>13</p> <p>Heritage Committee Meeting Electronic Participation 5:30 p.m.</p> <p>-Proclaimed- 29th Anniversary of Falun Dafa Day</p>	<p>14</p>	<p>15</p>

16	17	18 Committee of Adjustment Meeting Electronic Participation 7:30 a.m.	19	20 Accessibility Advisory Committee Meeting Electronic Participation 5:00 p.m.	21	22
23	24	25 Electronic Meeting (Livestream) Regular Council Meeting 6:00 p.m.	26 Audit and Finance Advisory Committee Meeting Electronic Participation 5:30 p.m.	27	28	29
30	31					



TOWN OF AMHERSTBURG
SPECIAL COUNCIL MEETING – PLANNING

Monday, April 26, 2021
5:00 PM

MINUTES

PRESENT

Mayor Aldo DiCarlo
Deputy Mayor Leo Meloche
Councillor Peter Courtney
Councillor Donald McArthur
Councillor Michael Prue
Councillor Marc Renaud
Councillor Patricia Simone

Giovanni (John) Miceli, CAO
Paula Parker, Clerk
Tammy Fowkes, Deputy Clerk

Frank Garardo, Manager of Planning Services

All members of Council participated in the meeting through video conferencing technology from remote locations. Public participation was conducted via livestream.

CALL TO ORDER

The Mayor called the meeting to order at 5:18 p.m.

ROLL CALL

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

There were no disclosures of pecuniary interest noted.

SPECIAL PLANNING REPORTS

4.1 Zoning By-law Amendment - 4401 Concession 4 S

The Manager of Planning Services provided an overview of the proposed Zoning By-law Amendment for 4401 Concession 4 S.

There were no comments received by the public.

Resolution # 20210426-128

Moved By Councillor Prue
Seconded By Councillor Simone

That comments from the public with respect to Zoning By-law Amendment for lands at 4401 Concession 4 S (File ZBA-09-21), owned by Randal and Beverly Pillon, BE RECEIVED and SUMMARIZED in a future report to Council.

The Mayor put the Motion.

Motion Carried

4.2 Zoning By-law Amendment - 5569 Concession 5 N

The Manager of Planning Services provided an overview of the proposed Zoning By-law Amendment for 5569 Concession 5 N.

There were no comments received from the public.

Resolution # 20210426-129

Moved By Councillor Renaud
Seconded By Councillor Simone

That comments from the public with respect to Zoning By-law Amendment for lands at 5569 Concession 5 N (File ZBA-08-21), owned by Dean Wynants, BE RECEIVED and SUMMARIZED in a future report to Council.

The Mayor put the Motion.

Motion Carried

ADJOURNMENT

Moved By Councillor Courtney
Seconded By Councillor Renaud

That Council adjourn at 5:27 p.m.

The Mayor put the Motion.

Motion Carried

MAYOR – ALDO DICARLO

CLERK – PAULA PARKER



**TOWN OF AMHERSTBURG
REGULAR COUNCIL MEETING**

**Monday, April 26, 2021
6:00 PM**

MINUTES

PRESENT

Mayor Aldo DiCarlo
Deputy Mayor Leo Meloche
Councillor Peter Courtney
Councillor Donald McArthur
Councillor Michael Prue
Councillor Marc Renaud
Councillor Patricia Simone

Giovanni (John) Miceli, CAO
Paula Parker, Clerk
Tammy Fowkes, Deputy Clerk

All members of Council participated in the meeting through video conferencing technology from remote locations. Public participation was conducted via livestream.

CALL TO ORDER

The Mayor called the meeting to order at 4:03 p.m.

ROLL CALL

SPECIAL IN-CAMERA COUNCIL MEETING

Resolution # 20210426-126

Moved By Councillor Renaud
Seconded By Deputy Mayor Meloche

That Council move into an In-Camera Meeting of Council at 4:04 p.m. pursuant to Section 239 of the Municipal Act, 2001, as amended for the following reason:

Item A - Section 239(2)(d) - Labour relations or employee negotiations; and, Section 239(2)(f) - Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

The Mayor put the Motion.

Motion Carried

ADJOURNMENT OF SPECIAL IN-CAMERA COUNCIL MEETING @ 5:08 P.M.

RESUMPTION OF REGULAR COUNCIL MEETING

Moved By Councillor Simone
Seconded By Councillor McArthur

That Council resume Regular session at 6:05 p.m.

The Mayor put the Motion.

Motion Carried

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

Item # 18.1 - Paramedic Recognition Banners, County of Essex Request - Councillor McArthur declared a conflict of pecuniary interest with respect to the County's request. He advised that he works for the County of Essex and his office is actively working on this file.

LAND ACKNOWLEDGMENT

We will begin by acknowledging that the land on which we gather is the traditional territory of the Three Fires Confederacy of First Nations (comprising the Ojibway, the Odawa, and the Potawatomie Peoples), and of the Huron-Wendat and Wyandot Peoples. We recognize the land as an expression of gratitude to those whose traditional territory we reside on, and a way of honouring the Indigenous people who have been living and thriving on the land since time immemorial. We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island.

REPORT OUT FROM IN-CAMERA SESSION - April 12 & April 26, 2021

Council met on April 12th, 2021, for a Special In-Camera Meeting at 8:24 p.m. and discussed the following item as provided for under Section 239 of the Municipal Act:

Item A – was heard under Section 239(2)(c) of the Act. There is nothing further to report.

Council met on April 12th, 2021, for a Special In-Camera Meeting at 4:00 p.m. and discussed the following item as provided for under Section 239 of the Municipal Act:

Item A – was heard under Section 239(2)(d)&(f) of the Act. There is nothing further to report.

MINUTES OF PREVIOUS MEETING

Resolution # 20210426-130

Moved By Deputy Mayor Meloche
Seconded By Councillor Renaud

That the minutes BE ADOPTED and that those confidential minutes of the closed sessions of Council remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act:

- 9.1 **Special In-Camera Council Meeting Minutes - March 22, 2021, *as amended***
- 9.2 **Special In-Camera Council Meeting Minutes - April 12, 2021**
- 9.3 **Special Council Meeting Minutes - Planning - April 12, 2021**
- 9.4 **Regular Council Meeting Minutes - April 12, 2021**

The Mayor put the Motion.

Motion Carried

DELEGATIONS

- 10.1 **Honouring the Accomplishments of Local Immigrants - Betty Federico and Frank Di Pasquale**

Resolution # 20210426-131

Moved By Councillor Simone
Seconded By Councillor Prue

That the delegation BE RECEIVED.

The Mayor put the Motion.

Motion Carried

REPORTS – CORPORATE SERVICES

- 11.1 **2020 Budget PSAB Compliant (O.Reg 284/09)**

Resolution # 20210426-132

Moved By Deputy Mayor Meloche
Seconded By Councillor Simone

That the report from the Treasurer and the Director of Corporate Services dated March 23, 2021 regarding 2020 Budget - PSAB Compliant (O. Reg. 284/09) BE ADOPTED.

The Mayor put the Motion.

Motion Carried

11.2 Court Security Prisoner Transportation Program - 2021 Funding Agreement

Resolution # 20210426-133

Moved By Councillor Courtney

Seconded By Councillor McArthur

That By-law 2021-026 being a by-law authorizing the execution of the Agreement between the Town of Amherstburg and Her Majesty the Queen in Right of Ontario as represented by the Minister of Community Safety and Correctional Services be taken as having been read three times, and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

The Mayor put the Motion.

Motion Carried

11.3 Final Tax Rate By-Law 2021-010

Resolution # 20210426-134

Moved By Deputy Mayor Meloche

Seconded By Councillor Courtney

That By-law 2021-010 being a by-law to set and levy the rates of taxation for the year 2021, be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

The Mayor put the Motion.

Motion Carried

REPORTS – COMMUNITY & PROTECTIVE SERVICES

12.1 2021 Public Event Approvals

Resolution # 20210426-135

Moved By Councillor Prue

Seconded By Deputy Mayor Meloche

That:

- 1. Administration be DELEGATED AUTHORITY to APPROVE any new or recurring Public Events for the remainder of 2021, in accordance with**

the Public Events Policy for non-Town events and for Town events within the approved 2021 Budget;

- 2. Administration be DELEGATED AUTHORITY to CONSIDER and APPROVE any exemptions to Municipal By-laws and Road Closure Requests for Public Events occurring in 2021;**
- 3. Administration be DELEGATED AUTHORITY to CONSIDER and APPROVE any Alcohol and Gaming Commission of Ontario requirements for Public Events occurring in 2021; and,**
- 4. A 2021 cost in the Non-Departmental budget centre, waiver of fees expense, not to exceed \$5,000 BE APPROVED for waiver of fees up to \$1,000 per event for approved non-Town events.**

The Mayor put the Motion.

Motion Carried

REPORTS – INFRASTRUCTURE SERVICES

There were no reports.

REPORTS - PLANNING & DEVELOPMENT SERVICES

Item # 14.2 was moved forward.

14.2 Suitability for Development on Private Septic System on one Severed Lot on Front Road N

Resolution # 20210426-136

Moved By Deputy Mayor Meloche
Seconded By Councillor Renaud

That the development of a lot on Front Road North, severed off 1459 Front Road N, on a private septic system, as outlined in the March 22, 2021 report from the Manager of Planning Services, BE APPROVED.

The Mayor put the Motion.

Motion Carried

14.1 Zoning By-law Amendment for 1459 Front Road North

Resolution # 20210426-137

Moved By Councillor Renaud
Seconded By Councillor Prue

That By-law 2021-021 being a by-law to amend Zoning By-law No. 1999-52, to amend the zoning for the subject lands known 1459 Front Road North, be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

The Mayor put the Motion.

Motion Carried

14.2 Suitability for Development on Private Septic System on one Severed Lot on Front Road N

As dealt with above

14.3 Zoning By-law Amendment for E/S Concession 7

Resolution # 20210426-138

Moved By Deputy Mayor Meloche
Seconded By Councillor Renaud

That By-law 2021-017 being a by-law to amend Zoning By-law No. 1999-52, to amend the zoning for the subject lands known as E/S Concession 7, be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

The Mayor put the Motion.

Motion Carried

REPORTS - CAO's OFFICE

15.1 Inclusive Community Program (ICP) Initiative and Advisory Steering Committee

Resolution # 20210426-139

Moved By Deputy Mayor Meloche

Seconded By Councillor McArthur

That:

1. **The Inclusive Community Program Advisory Steering Committee BE STRUCK to serve from April 12, 2021 to March 31, 2022 as outlined in the report of April 2, 2021 entitled, *Inclusive Community Program (ICP) Advisory Steering Committee*;**
2. **The ICP Advisory Steering Committee Terms of Reference BE ADOPTED as presented;**
3. **Members BE APPOINTED to the ICP Advisory Steering Committee as per the Terms of Reference:**
 - a. **William Whittall (current AAAC Chair);**
 - b. **Kathy DiBartolomeo (current SAC Chair);**
 - c. **Councillor Marc Renaud;**
 - d. **Christine Easterbrook, (current Member of AAAC)**
 - e. **Heather Vandenharn, (current Member of the SAC)**
 - f. **The Director, President or Vice President of the Amherstburg Freedom Museum; and,**
 - g. **The Executive Director of the Essex County Nurse Practitioner Led Clinic;**
4. **An over-expenditure in the CAO's Office budget centre, professional fees expense account, not to exceed \$60,000 including net HST BE APPROVED to be funded by the Inclusive Community Grant Program; and,**
5. **The CAO BE AUTHORIZED to execute the one-time agreement with the Province of Ontario - Ministry for Seniors and Accessibility in accordance with Section 6.2.18 of the Delegation of Powers and Duties Policy.**

The Mayor put the Motion.

Motion Carried

INFORMATION REPORTS

Resolution # 20210426-140

Moved By Councillor Simone
Seconded By Deputy Mayor Meloche

That the following information reports BE RECEIVED:

- 16.1 Cheque Listing for the Month of March 2021**
- 16.2 Monthly Fire Department Activity Report, March 2021**

The Mayor put the Motion.

Motion Carried

CONSENT CORRESPONDENCE

Resolution # 20210426-141

Moved By Councillor Courtney
Seconded By Councillor McArthur

That the following consent correspondence BE RECEIVED:

- 17.1 First Quarter Statistics, 2021 - Windsor Police Service, Amherstburg Detachment**
- 17.2 COVID-19 Shutdown, Support for Small Businesses - Town of Essex Resolution**
- 17.3 Healthy Professional News Media - Municipality of Chatham-Kent Resolution**
- 17.4 Clean Fuel Standard - Township of Springwater Resolution**
- 17.5 National Nursing Week 2021 - Windsor Star Special Edition**
- 17.6 Road Management Action on Invasive Phragmites - Township of Archipelago Resolution**

The Mayor put the Motion.

Motion Carried

Resolution # 20210426-142

Moved By Deputy Mayor Meloche
Seconded By Councillor Renaud

Item # 17.5 - That an 1/8 page advertisement in the amount of \$570 BE PLACED in the Windsor Star's Special Edition in recognition of Nurses Week 2021.

The Mayor put the Motion.

Motion Carried

Resolution # 20210426-143

Moved By Councillor Prue
Seconded By Councillor Simone

Item # 17.2 - That Administration BE DIRECTED to send correspondence in support of the Town of Essex's resolution regarding COVID-19 Shutdown, Support for Small Businesses.

The Mayor put the Motion.

Motion Carried

Resolution # 20210426-144

Moved By Councillor Prue
Seconded By Councillor McArthur

Item # 17.6 - That Administration BE DIRECTED to send correspondence in support of the Township of Archipelago's resolution regarding Road Management Action on Invasive Phragmites.

The Mayor put the Motion.

Motion Carried

CORRESPONDENCE

18.1 Paramedic Recognition Banners - County of Essex Request

Councillor McArthur removed himself from discussion and voting with respect to the Paramedic Recognition Banners due to his disclosure as stated above.

Resolution # 20210426-145

Moved By Councillor Courtney
Seconded By Councillor Prue

That:

1. **The correspondence from the County of Essex dated April 14, 2021 regarding Paramedic Recognition Banners BE RECEIVED; and,**
2. **Administration BE DIRECTED to hang Paramedic Recognition Banners from May 16, 2021 to June 6, 2021 in recognition of local Paramedics, as per the County of Essex request.**

The Mayor put the Motion.

Motion Carried

18.2 Falun Dafa Month - May 2021

Resolution # 20210426-146

Moved By Councillor Prue
Seconded By Deputy Mayor Meloche

That:

1. **The correspondence dated April 8, 2021 from Falun Dafa Association Canada BE RECEIVED; and,**
2. **May 2021 BE PROCLAIMED as Falun Dafa Month in the Town of Amherstburg.**

The Mayor put the Motion.

Motion Carried

UNFINISHED BUSINESS

There were no Unfinished Business Items brought forward.

NEW BUSINESS

1. Deputy Mayor Meloche advised of the letters received by residents in McGregor regarding the downspout disconnection program and wanted to

ensure that the length of piping being placed will be adequate for the homes in the area.

The Manager of Engineering advised that he will bring the concern to the Director of Infrastructure Services and the Manager of Environmental Services.

The Chief Administrative Officer advised that, as per the contract, there is the ability to look at each and every individual property and there may be some properties that require a 2ft pipe length extension with other properties requiring more pipe length.

2. Councillor Simone advised of residents on Pickering Street whose grass was not replaced properly after work had been done on their property and asked if their concerns can be addressed.

The Manager of Engineering advised that sod was placed on the affected properties in 2018 and it has since been determined that the sod on some of the affected properties has failed to take. He advised that the 1 year maintenance period has passed; and therefore, any costs to replace the grass would have to be absorbed in the operational budget.

3. Councillor Simone inquired about the departmental name changes on the current agenda asked for the reasoning behind the changes.

The Chief Administrative Officer advised that the name changes for certain departments were in alignment with the Service Delivery Review and further that the functions of the affected departments remain the same.

4. Councillor McArthur asked for an update with respect to the funding request for the Big Creek trail.

The Chief Administrative Officer advised that the initiative is currently in the 2021 work plan and Administration is hopeful that the Town will receive the funding.

NOTICE OF MOTION

There were no Notices of Motion.

BY-LAWS

22.1 By-law 2021-031 - Confirmatory By-law

Resolution # 20210426-147

Moved By Deputy Mayor Meloche
Seconded By Councillor McArthur

That By-law 2021-031 being a by-law to Confirm all Resolutions of the Municipal Council Meetings held on April 26, 2021, be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

The Mayor put the Motion.

Motion Carried

ADJOURNMENT

Moved By Councillor Courtney
Seconded By Deputy Mayor Meloche

That Council adjourn Regular session at 7:29 p.m.

The Mayor put the Motion.

Motion Carried

MAYOR – ALDO DICARLO

CLERK – PAULA PARKER



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF INFRASTRUCTURE SERVICES

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Table with 2 columns: Author's Name, Report Date, Author's Phone, Date to Council, Author's E-mail, Resolution #.

To: Mayor and Members of Town Council

Subject: 2021 Fleet Vehicle Purchase

1. RECOMMENDATION:

It is recommended that:

- 1. An over-expenditure for the purchase of a 3/4 ton standard cab pick up truck not to exceed \$9,900 BE APPROVED for a total cost not to exceed \$44,370 including net HST and that the over-expenditure BE FUNDED from the Fleet Reserve; and,
2. An over-expenditure for the purchase of a 3/4 ton crew cab pick up truck not to exceed \$6,000 BE APPROVED for a total cost not to exceed \$45,252 including net HST and that the over-expenditure BE FUNDED from the Fleet Reserve.

2. BACKGROUND:

On March 16, 2021, Administration requested quotations from local vendors based on the Ontario Public Buyers Association for the purchase of four fleet vehicles identified in the 2021 Budget. The four vehicles being replace and the recommended replacements are as follows:

Table with 5 columns: Budget Centre, Unit Number, Age of Vehicle, Current Vehicle Description, Replacement Vehicle Recommended.

3. DISCUSSION:

The Town issued four separate Request for Quotes on fleet vehicle replacements following the process of using the Ontario Public Buyer Discount for fleet vehicles. Also, using the specifications for highest and best use of town fleet developed by the Manager of Roads and Fleet. Of the four fleet vehicle replacements, two quote were over budget. The following was the results from the quotes:

¾ Ton – Standard Cab – Replaces Unit 710 Crew Cab with Standard Cab (1)

VENDORS	TOTAL PRICE (INCL. NET HST)
JOE MELOCHE FORD SALES LTD (3)	\$41,556
AMHERSTBURG CHEVROLET BUICK GMC (2016) LTD	\$44,370
RACICOT CHRYSLER	\$45,486

¾ Ton – Crew Cab – Unit RS-1 – Replaces Like for Like

VENDORS	TOTAL PRICE (INCL. NET HST)
AMHERSTBURG CHEVROLET BUICK GMC (2016) LTD	\$45,282
RACICOT CHRYSLER	\$46,953
JOE MELOCHE FORD SALES LTD (3)	\$48,844

Mid size Pick-up Truck Extended Cab – Replaces Unit 210 Like for Like

VENDORS	TOTAL PRICE (INCL. NET HST)
AMHERSTBURG CHEVROLET BUICK GMC (2016) LTD	\$33,315
JOE MELOCHE FORD SALES LTD	\$33,828

Full size Pick-up Truck Extended Cab – Replaces Unit BP-02 Mid Size with Full Size (2)

VENDORS	TOTAL PRICE (INCL. NET HST)
AMHERSTBURG CHEVROLET BUICK GMC (2016) LTD	\$34,508
RACICOT CHRYSLER	\$37,651
JOE MELOCHE FORD SALES LTD (3)	\$40,033

Notes:

- (1) Replacement of Unit 710 with a standard cab is recommended based on the operational use of the vehicle and provides redundancy within the fleet for vehicles of that type.

- (2) Replacement of Unit BP-02 with a full-size truck is recommended based on the operational use of the vehicle for more difficult terrain encountered at building inspection sites.
- (3) On May 5th Joe Meloche Sales LTD withdrew the quotes for 3 of the vehicles indicating that due to the worldwide computer chip shortage and the pandemic Ford has decreased their government fleet discounts. At the time of the report Administration has not been contacted by the other vendors to indicate any change to the validity of the quotes they provided; however some risk could exist.

4. RISK ANALYSIS:

The purchase of replacement vehicles recommended in the report will help the Town to mitigate that risk by improving reliability of equipment and consistency of service level.

The computer chip shortage could lend to problems in the procurement of vehicles and other equipment in the foreseeable future and as a result the acquisition of replacement vehicles may be delayed resulting in potential increased operational costs. Administration will advise Council of the issues regarding fleet replacement as they evolve during quarterly variance reports.

5. FINANCIAL MATTERS:

Council approved the replacement of four vehicles in the 2021 Budget.

The financial impact of the recommended purchases would be as follows:

Item	2021 Budget	2021 Actual (Incl. Net HST)	Vehicle fit up cost	Variance (over)/under
Capital Expense:				
New 2021 ¾ ton Standard Cab Pick-up Truck (Parks)	\$35,000	\$44,370	\$500	(\$9,870)
New 2021 ¾ ton Crew Cab Pick-up Truck (Parks)	\$40,000	\$45,282	\$500	\$(5,782)
New Mid-Size Extended Cab Pick Up Truck (Parks)	\$35,000	\$33,315	\$500	\$1,185
New Full-Size Extended Cab Pick Up Truck (Building)	\$35,000	\$34,508	\$500	\$(8)
Total Capital Expense:	\$145,000	\$157,475	\$2,000	(\$14,475)
Capital Funding:				
Transfer from Fleet Reserve Fund – General (Capital Replacement)	\$110,000	122,967	1,500	(\$14,467)
Transfer from Building Capital Fund	\$35,000	34,508	500	\$(8)
Total Capital Funding:	\$145,000	\$157,475	\$2,000	(\$14,475)

The Town will sell the existing pick up trucks on Gov. Deals after the Town obtains the new replacement vehicles from the dealerships. The Gov. Deals is an online government auction site. The monies raised by the auction will be transferred to the Fleet Reserve Fund as best practice. This will help cover the cost of future replacement and help replenish the reserve for over expenditures experienced in the report.

6. CONSULTATIONS:

Financial Planning Administrator regarding procurement compliance
Director, Corporate Services regarding asset management and financial impacts

7. CONCLUSION:

The four new 2021 fleet vehicle will replace existing pick-up trucks in the Parks and Building Division.



Eric Chamberlain
Manager of Roads and Fleet

Report Approval Details

Document Title:	Fleet Vehicle Purchases.docx
Attachments:	N/A
Final Approval Date:	May 5, 2021

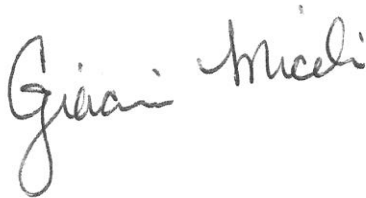
This report and all of its attachments were approved and signed as outlined below:



Antonietta Giofu



Justin Rousseau



John Miceli



Paula Parker



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF PLANNING AND DEVELOPMENT SERVICES

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Table with 2 columns: Author's Name, Report Date, Author's Phone, Date to Council, Author's E-mail, Resolution #.

To: Mayor and Members of Town Council

Subject: Zoning By-law Amendment for 4401 Concession 4 S

1. RECOMMENDATION:

It is recommended that:

- 1. By-law 2021-024 being a by-law to amend Zoning By-law No. 1999-52, to amend the zoning for the subject lands known as 4401 Concession 4 S, be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

2. BACKGROUND:

The Statutory Public Meeting was held at 5:00 p.m., April 26, 2021 to hear public comments on an application for a Zoning By-law Amendment for 4401 Concession 4 S (Conc 4, Pt Lot 40), Amherstburg. The Zoning By-law Amendment (ZBA) will change the zoning for the subject lands from the "Agricultural (A) Zone" to "Special Provision Agricultural (A-36) Zone". The parcel was the subject of an application for consent (File B35/20) to sever a dwelling which is surplus to the needs of the farming operation. The rezoning of the subject property to A-36 is a condition of the consent decision.

3. DISCUSSION:

At the statutory public meeting there were no public comments. Administration outlined the Provincial requirement for prohibiting dwellings on the remnant farm parcel.

As noted above, the applicant severed a parcel of land being 76.75 m (251.8 ft) ± frontage by 53.98 m (177.1 ft) ± depth with an area of 0.414 ha (1.02 acres) ± which includes a single detached dwelling which is surplus to the needs of the farming operation. The

residence which was the subject of the severance is located at 4401 Concession 4 S, is not subject to this rezoning. At the conclusion of the severance, the remaining farm parcel subject of the recommended ZBA will have a total area of 97.77 acres ±.

The subject parcel is zoned Agriculture in the Zoning By-Law and Agriculture in the Town's Official Plan. The effect of the ZBA will allow for general agricultural uses on the subject property and prohibit any new dwelling units on the remnant land.

The application is consistent with the Provincial Policy Statement, specifically Section 2.3.4.1(c) which provides for lot creation for a residence surplus to a farming operation as a result of farm consolidation provided that new residential dwellings are prohibited on any vacant remnant parcel created by the severance. The application is also in conformity with the Town's Official Plan specifically Section 3.2.2(14) which provides for surplus dwelling severances subject to the remnant parcel being rezoned to ensure no new dwelling units will be permitted. The proposed lot size as well as the intended land use for the subject parcel complies with the zone requirements for the Special Provision Agricultural Zone.

4. RISK ANALYSIS:

The recommendation presents little to no risk to the municipality. Should Council not approve the proposed application for ZBA, the consent which has been approved by the Committee of Adjustment could not be finalized. The home which is surplus to the needs of the farming operation could then not be severed and transferred.

5. FINANCIAL MATTERS:

All costs associated with the application are the responsibility of the applicant.

6. CONSULTATIONS:

No further consultations are required on this application. All statutory notice requirements and consultations were met through the planning process.

7. CONCLUSION:

Administration recommends that Zoning By-law 2021-024 be approved by Council, given three readings and finally passed and the Mayor and Clerk be authorized to sign same.



Frank Garardo
Manager of Planning Services

Report Approval Details

Document Title:	Zoning By-law Amendment for 4401 Concession 4 S.docx
Attachments:	- 2021 05 10 - ZBA 4401 Conc 4 S- ATTACHMENTS.pdf
Final Approval Date:	May 3, 2021

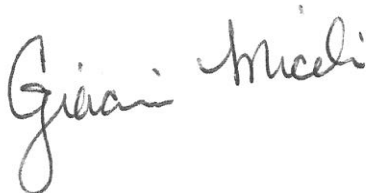
This report and all of its attachments were approved and signed as outlined below:



Nicole Rubli



Cheryl Horrobin



John Miceli



Paula Parker

CORPORATION OF THE TOWN OF AMHERSTBURG
**NOTICE OF STATUTORY PUBLIC MEETING
TO CONSIDER A ZONING BY-LAW AMENDMENT**

TAKE NOTICE that the Council of the Corporation of the Town of Amherstburg will hold a public meeting, by electronic means, on **Monday, April 26, 2021 commencing at 5:00 p.m.** in the Town of Amherstburg Council Chambers, 271 Sandwich Street South, Amherstburg, Ontario. The purpose of this meeting is to consider a proposed amendment to the Town of Amherstburg Zoning By-law 1999-52, under Section 34 of the Planning Act.

THE SUBJECT LANDS affected by the proposed amendment are described as Part of Lot 40, Concession 4, municipally known as the farm parcel severed from 4401 Concession 4 S. The property is vacant agricultural land and the total area subject to the rezoning is 39.57 hectares (97.77 acres). (see key map below)

THE PURPOSE OF THE AMENDMENT TO ZONING BY-LAW No. 1999-52 is to change the zoning of the subject lands noted above from the “**Agricultural (A) Zone**” to “**Special Provision Agricultural (A-36) Zone**”. The parcel is designated Agricultural in the Town’s Official Plan. The lands described above are subject to an application for consent (File B/35/20) to sever a dwelling which is surplus to the needs of a farming operation.

THE EFFECT OF THE ZONING BY-LAW AMENDMENT will be to allow for general agricultural use on the subject property and prohibit any new dwelling unit on the land. The “Special Provision Agricultural (A-36) Zone” is established as a site specific zone for the retained agricultural parcel created through consent, to prohibit new residential uses on these lands.

COVID-19 Emergency: During the COVID-19 Declaration of Emergency (declared by the Province of Ontario and the Town of Amherstburg under the provisions of Section 7.0.1 and Section 4(1) of the *Emergency Management and Civil Protection Act, R.S.O. 1990, c.E.9, respectively*) Town of Amherstburg Council is holding electronic meetings, and in-person meeting attendance is restricted. Any person, who wishes to make representation is required to do so in writing.

ANY PERSON may make written representation in support of or in opposition to the proposed Zoning By-law Amendment by email to the Planner, Frank Garardo at fgarardo@amherstburg.ca or in person by appointment for drop-off in the vestibule of the Libro Centre located at 3295 Meloche Road. Comments must be submitted by 4:00 p.m. on Thursday, April 22, 2021 before the hearing and will be read aloud prior to the application being heard by Council.

ANY PERSON who wishes to attend by electronic means, must register with the Clerk’s Office no later than 4:00 pm on Thursday, April 22, 2021. To register for electronic participation please email the Deputy Clerk at tfowkes@amherstburg.ca. Once you register, you will be given information on how to make your submission at the electronic meeting by electronic participation. To participate, you will need access to a computer or tablet with internet service or a telephone.

NO PERSON OR PUBLIC BODY shall be added as a party to the hearing of the appeal unless, before the bylaw was passed, the person or public body made oral submissions at a public meeting or written submissions to the Council or, in the opinion of the Local Planning Appeal Tribunal, there are reasonable grounds to add the person or public body as a party.

IF A PERSON OR PUBLIC BODY does not make oral submissions at a public meeting, or make written submissions to the Town of Amherstburg before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there is reasonable grounds to do so.

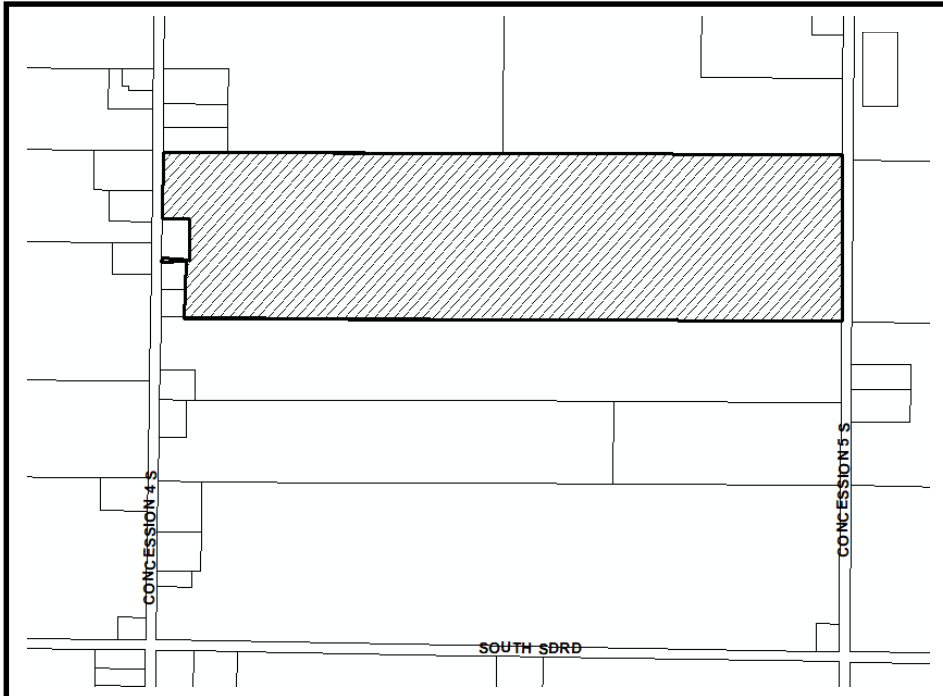
ADDITIONAL INFORMATION relating to the proposed Zoning By-law (File# ZBA/09/21) Amendment is available for inspection by calling or emailing the Planning Department Office during normal office hours, 8:30 a.m. to 4:30 p.m. The proposed Zoning By-law Amendment

Information will be gathered in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). All comments and communications received will become part of the public record unless you expressly request the Town to remove it. If you want to learn more about why and how the Town collects your information, write to the Town Clerk’s Office, 271 Sandwich Street South, Amherstburg, ON N9V 2A5 or call 519-736-0012.

is also available for review on the Town of Amherstburg Website: www.amherstburg.ca. If you wish to be notified of the passage of the proposed Zoning By-law Amendment, you must make a written request to the Town at the address below. The hearing will be available for viewing by livestream by visiting www.amherstburg.ca.

DATED at the Town of Amherstburg this 31st day of March, 2021.

KEY MAP



Frank Garardo, MCIP, RPP
Manager of Planning Services

Town of Amherstburg
Libro Centre
3295 Meloche Road
Amherstburg, Ontario N9V 2Y8
Telephone: (519) 736-5408
Fax No. (519) 736-9859
Website: www.amherstburg.ca

Information will be gathered in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). All comments and communications received will become part of the public record unless you expressly request the Town to remove it. If you want to learn more about why and how the Town collects your information, write to the Town Clerk's Office, 271 Sandwich Street South, Amherstburg, ON N9V 2A5 or call 519-736-0012.

Municipal Fee Received:	1020.00
Municipal Deposit Received:	N/A
ERCA Fee Received:	200.00

Application No. ZBA/09/21

**FORM 1
PLANNING ACT
APPLICATION FOR ZONING BY-LAW AMENDMENT
TOWN OF AMHERSTBURG**

1. Name of approval authority Town of Amherstburg
2. Date application received by municipality March 19, 2021
3. Date application deemed complete by municipality March 25, 2021
4. Name of registered owner Randy + Beverly Pillon
Telephone number [REDACTED]
Address [REDACTED]
Email [REDACTED]
Name of registered owner's solicitor or authorized agent (if any) _____
Telephone number _____
Address _____
Email _____

Please specify to whom all communications should be sent:

- registered owner solicitor agent

5. Name and address of any mortgages, charges or other encumbrances in respect of the subject land:

6. Location and description of subject land:

Concession No. 4 Lot(s) No. Pl Lt 40
Registered Plan No. _____ Lot(s) No. _____
Reference Plan No. _____ Part(s) No. _____
Street Address severed from 4401 Con 4S Assessment Roll No. 630-00810

7. Size of subject parcel:

Frontage 137.86m Depth irregular Area 97.77 ac

8. Access to subject parcel:

- Municipal Road County Road Provincial Highway
 Private Road Water

If access to the subject land is **by water** only, state the parking and docking facilities used or to be used and the approximate distance between these facilities and the nearest public road

9. (a) Current Official Plan Land Use designation of subject land Agricultural
(b) Explanation of how application conforms to the Official Plan Section 3.2.2(14)

of the OP requires the remnant parcel subsequent to a surplus dwelling severance be rezoned to restrict residential development

(c) Does the application implement an alteration to the boundary of an area of settlement or implement a new area of settlement?

- Yes
- No

If yes, provide details of the official plan or official plan amendment that deals with this matter:

10. Current Zoning of subject land Agricultural (A) Zone

11. Nature and extent of rezoning requested _____

A to A-3b - to restrict residential development

12. Reasons why rezoning is requested condition of consent of

Severed surplus dwelling

13. Current use of subject land Agricultural

14. Length of time current use of subject land has continued 100+ yrs

15. Is the subject land within an area where the municipality has pre-determined:

(a) minimum and maximum density requirements

- Yes
- No

(b) minimum and maximum height requirements

- Yes
- No

If yes, state the requirements _____

16. Number and type of buildings or structures **existing** on the subject land and their distance from the front lot line, rear lot line and side lot lines, their height and their dimensions/floor area:

two agricultural structures

17. Date of construction of existing buildings and structures on the subject land:

1988 + 1995

18. Date subject land acquired by current registered owner 2017

19. Proposed use of subject land Agricultural

20. Number and type of buildings or structures **proposed** to be built on the subject land and their distance from the front lot line, rear lot line and side lot lines, their height and their dimensions/floor area:

-none

21. Type of water supply:

- municipally owned and operated piped water supply
- well
- Other (specify)

22. Type of sanitary sewage disposal:

- municipally owned and operated sanitary sewers
- septic system
- Other (specify) N/A

If the requested amendment permits development on a privately owned and operated individual or communal septic system and more than 4,500 litres of effluent will be produced per day as a result of the development being completed the applicant is required to submit a:

- (i) servicing options report, and
- (ii) a hydrogeological report

23. Type of storm drainage:

- sewers
- ditches
- swales
- Other (specify) municipal drain

24. If known, indicate whether the subject land is the subject of an application under the Planning Act for:

- consent to sever
- approval of a plan of subdivision

If known, indicate the file number and status of the foregoing application:

B/35/20 - approved - currently satisfying conditions

25. If known, indicate if the subject land has ever been the subject of an application for rezoning under Section 34 of the Planning Act:

No

If known, indicate whether the subject land has ever been the subject of a Minister's Zoning Order and, if known, the Ontario Regulation number of that order.

No

26. Does the requested amendment remove the subject land from an area of employment in the official plan?

- Yes
- No

If yes, state the current official plan policies, if any, dealing with the removal of land from an area of employment.

27. Is the subject land within an area where zoning with conditions may apply?

Yes No

If yes, how does this application conform to the official plan policies relating to zoning with conditions?

28. Is the requested amendment consistent with policy statements issued under subsection 3(1) of the Planning Act (i.e. 2005 Provincial Policy Statement)?

Yes No

Comments _____

29. Is the subject land within an area of land designated under any provincial plan or plans?

Yes No

If yes, does the requested amendment conform to or does not conflict with the provincial plan or plans?

30. Is the land associated with any natural environment area or adjacent to or abutting lands that are designated as a Wetland or Natural Environment?

Yes No

If yes, an Environmental Impact Assessment is required, for approval by the Town and Essex Region Conservation Authority, to be completed in accordance with the County of Essex Guidelines for Environmental Impact Assessments or when Council considers it appropriate, additional requirements may be made to the Guidelines in accordance with more detailed locally adopted terms of reference for an Environmental Impact Assessment.

31. Will the proposed project include the addition of permanent above ground fuel storage?

Yes No

Dated at the Town of Amherstburg this 19th day of March, 2021.

x Beverly Pillon Randy Pillon
(signature of applicant, solicitor or authorized agent)

I, Randy + Beverly Pillon of the Town of Amherstburg
in the County/District/Regional Municipality of Essex solemnly declare that
all the statements contained in this application are true, and I make this solemn declaration
conscientiously believing it to be true, and knowing that it is of the same force and effect as
if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the Town of Amherstburg in the County
of Essex this 19th day of March, 2021.

Frank Gerardo, a Commissioner, etc.,
Province of Ontario, for the
Corporation of the Town of Amherstburg.
Expires June 7, 2022

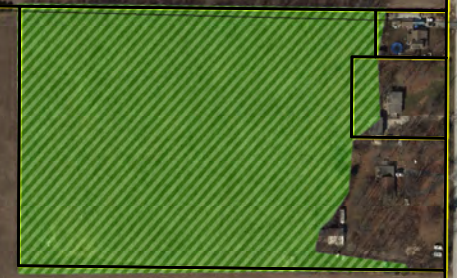
x Beverly Pillon Randy Pillon
Applicant, Solicitor or Authorized Agent

F. Gerardo
A Commissioner, etc.

EP

A-36

A



Legend

-  Zoning
-  OP- Agricultural

**DECISION OF APPROVAL AUTHORITY
WITH REASONS RE APPLICATION FOR CONSENT**

- | | |
|---|---|
| (a) Name of approval authority | TOWN OF AMHERSTBURG COMMITTEE OF ADJUSTMENT |
| (b) Name of applicant | RE AN APPLICATION BY (b) Randal and Beverly Pillon |
| (c) Brief description | LOCATION OF PROPERTY (c) 4401 Concession 4 S
(Roll No. 3729-630-000-00810) |
| (d) As set out in application | PURPOSE OF APPLICATION (d) The applicant is proposing to sever a parcel of land being 75.5 m (247.7 ft) ± frontage by 54.8 m (179.8 ft) ± depth with an area of 0.41 ha (1.02 acres) ± which includes a single detached dwelling which is surplus to the needs of the farming operation. The remaining parcel being 137.86 m (452.3 ft) ± frontage by an irregular depth with an area of 39.57 hectares (97.77 acres) ± is agricultural land containing two agricultural structures. |
| (e) Date of decision | CONCUR in the following decision and reasons for decision made on the (e) 24 th day of November, 2020. |
| | DECISION: APPROVED |
| (f) State conditions to be satisfied before granting of consent | <ol style="list-style-type: none"> 1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; an electronic and paper copy to be provided to the municipality. 2. The applicant submit to the municipality the deed, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality. 3. That all property taxes be paid in full. 4. That an assessment apportionment for any and all drains affected by the severance be completed in accordance with the provisions of the Drainage Act and that all costs associated with said apportionment be paid by the applicant. 5. That the retained farmland to be rezoned to ensure that no new dwelling units shall be permitted and the requirement for this non-development be registered against the title of the property. 6. That the applicant obtain a report from an independent qualified person that the existing private septic system serving the surplus dwelling does not cross the property lines, that the system is in working order and that its operation will not be affected by the severance, to the satisfaction of the Building Department. 7. That should access be required for the retained or severed lot, access be completed in accordance with the provisions of the Drainage Act if it is required to cross a Municipal Drain. If access is required to cross a roadside ditch, it will be completed according to the Town right-of-way policies. Alternatively, if the applicant wishes to utilize the existing farm access for the severed lot, an easement will be required to permit the access. The easement will be required to return to the Committee of Adjustment for approval. The access shall be provided to each lot to the satisfaction of the municipality. 8. That a minor variance be obtained from the provisions of Bylaw 1999-52, as amended, Section 26(3)(a)(i) which requires a minimum lot area of 40 hectares in an Agricultural (A) Zone regarding the retained farm parcel, Section 26(3)(d)(ii) which requires a minimum interior side yard width for non-residential uses of 15 m (49.5 ft) in an Agricultural (A) Zone and Section 26(3)(b)(i) which requires a minimum lot frontage of 140 m (459.3 ft) in an Agricultural (A) Zone. 9. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice. |
| (g) State reasons for decision | REASONS FOR DECISION: (g) The request is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement. The surplus dwelling lot creation does not remove agricultural land from production. |

I/WE, the undersigned, in making the decision upon this application for consent, in addition to other matters, have had regard to the matters that are to be had regard to under subsection 51(4) of The Planning Act, and having considered whether a plan of subdivision of the land in accordance with Section 50 of the said Act is necessary for the proper and orderly development of the municipality.

.....
David Cozens

.....
Terris Buchanan

.....
Anthony Campigotto

.....
Donald Shaw

.....
Josh Mailloux

ORIGINAL DOCUMENT SIGNED

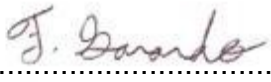
CERTIFICATION

The Planning Act, R.S.O. 1990

(h) Name of approval authority I, **Frank Garardo, Secretary-Treasurer** of the (h) **Town of Amherstburg** certify that the above is a true copy of the decision of the approval authority with respect to the application recorded therein.

(i) Name & address of approval authority

Dated this 25th day of November, 2020


.....
Secretary-Treasurer
Town of Amherstburg
Committee of Adjustment
3295 Meloche Rd, Amherstburg, ON N9V 2Y8

	Yes/Concur	No/Not Concur
Terris Buchanan	X	
Anthony Campigotto	X	
Josh Mailloux	X	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

Reasons of Committee – The Committee, having considered the evidence presented, and having reviewed the plans and correspondence on file, is satisfied that the variance request is minor in nature, will not impact the character of the neighbourhood, and is keeping with the intent of the Official Plan and Zoning By-law.

6.3 Applications B/35/20 & A/27/20 – Randal & Beverly Pillon – 4401 Concession 4 S (Roll No. 3729-630-000-00810)

Public in Attendance: Randal and Beverly Pillon

B/35/20: The applicant is proposing to sever a parcel of land being 73.1 m (239.8 ft) ± frontage by 54.8 m (179.8 ft) ± depth with an area of 0.4 ha (0.99 acres) ± which includes a single detached dwelling which is surplus to the needs of the farming operation. The remaining parcel being 140.26 m (460 ft) ± frontage by an irregular depth with an area of 39.58 hectares (97.8 acres) ± is agricultural land containing two agricultural structures

A/27/20: The applicant is requesting relief from Zoning Bylaw 1999-52, as amended, Section 26(3)(a)(i) which requires a minimum lot area of 40 hectares (98.84 acres) and Section 26(3)(d)(ii) which requires a minimum interior side yard width for non-residential uses of 15 m (49.5 ft) in an Agricultural (A) Zone. Subsequent to a severance of 0.4 hectares (0.99 acres) from an existing 39.58 hectares (97.8 acres) parcel the retained farm parcel will have an area of 39.58 hectares (97.8 acres) and an existing pole barn will have an interior side yard of 11.1 m (36.42 ft). Therefore, the amount of relief requested is 0.41 hectares (1.04 acres) and 3.9 m (12.8 ft) respectively.

The following correspondence was received from the various agencies and residents circulated:

- i) Letter dated November 16, 2020 from the Essex Region Conservation Authority stating:

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 Whelan Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act. We have no objections to the application with respect to our natural hazards or regulatory perspective. Our office has reviewed the proposal and has no concerns relating to stormwater management. The subject property is within, and/or is adjacent to (within 120 metres of), a natural heritage feature that may meet the criteria for identification as significant woodland under the Provincial Policy Statement (PPS). Section 2.15 of the PPS 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, 2020 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 references to the PPS policies, we note that

the purpose of this application for consent is to sever off a surplus dwelling lot only, and that there will be no change in land use. Based upon this, therefore it is our recommendation to the Municipality that a demonstration of no negative impact is not required.

With the review of background information and aerial photograph, ERCA has no concerns in relation to Stormwater Management, Natural Heritage and Natural Hazard for this application. Therefore, ERCA has no objections to this application for Consent and Minor Variance.

- ii) Email dated November 16, 2020 from the Windsor Police Department stating that:
The Windsor Police Service has no concerns or objections with the variances being sought to permit reductions in both minimum lot area and minimum interior side yard width. This change will not impair police service delivery to the property.
- iii) Email from the Engineering and Public Works Department dated November 10, 2020 indicating the following:
 - *Drainage Apportionment required for the Whelan Drain*
 - *EPW questions the existing driveway arrangement and notes that the proposed severance will require that the severance and the farm will be sharing the driveway and access from Concession Rd 4S. Should the farm or home be sold in the future, how will the driveway/access arrangement be conveyed and protected under new ownership?*
 - *Should a new driveway access be required to accommodate the severance, an engineering report under the provisions of the Drainage Act may be required, depending on the location of the driveway. If this were to be the case, all costs associated with the new driveway and engineering report would be assessed by the engineer and outlined within the report.*
- iv) Email from the Building Department dated November 20, 2020 indicating the following:
 - *Location of the septic system with the severed lot and dwelling*
 - *Clearance for the septic system by certified individual*
 - *Is there plumbing facilities in the remaining agricultural building, if so how is the sanitary being handled? Is there a separate septic system?*
- v) Planning Report dated November 17, 2020 from Frank Garardo, Secretary Treasurer and Sarah French, Planner.

Committee Discussion:

The Chair introduced the application and asked if there were any members of the public present for this application. There were none. The Planner, Frank Garardo read the purpose of the application. Randal and Beverly Pillon stated that the dwelling is excess to their farm property and no longer needed. The size of the retained driveway and the proposed intent for future driveways was questioned. The Pillons stated that the house would likely be torn down in the future and a new house built with a new driveway access. It was mentioned that the conditions recommended that the Pillons either install a new driveway or come back to the Committee with an easement request. The size of the lot was questioned and the Committee members wondered why it did not extend all the way to the drain. Sarah French, Planner, stated that the lot lines of the surplus dwelling lot were reduced and moved away from the drain in order to maintain the minimum lot frontage required for the farm lot. The Committee requested that the application be amended to include the land up to the drain. This request changed the description of the severance and added the minimum lot frontage to the minor variance requirements. The requirement of whether a condition requiring a change of use permit for the farm accessory structures was discussed. It was determined that the barns do not house animals and if they were to house animals in the future a nutrient management plan and potentially building permits would be required which would trigger minimum distance separation requirements. Therefore, a condition requiring a change of use permit was not added to the conditions list. Frank Garardo read the proposed conditions and the applicant acknowledged understanding of the conditions.

The following resolution was put forth:

That application B/35/20 be approved, as amended, subject to the below conditions.

Amended Decision B/35/20: The applicant is proposing to sever a parcel of land being 75.5 m (247.7 ft) ± frontage by 54.8 m (179.8 ft) ± depth with an area of 0.41 ha (1.02 acres) ± which includes a single detached dwelling which is surplus to the needs of the farming operation. The remaining parcel being 137.86 m (452.3 ft) ± frontage by an irregular depth with an area of 39.57 hectares (97.77 acres) ± is agricultural land containing two agricultural structures.

1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; an electronic and paper copy to be provided to the municipality.
2. The applicant submit to the municipality the deed, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. That an assessment apportionment for any and all drains affected by the severance be completed in accordance with the provisions of the Drainage Act and that all costs associated with said apportionment be paid by the applicant.
5. That the retained farmland to be rezoned to ensure that no new dwelling units shall be permitted and the requirement for this non-development be registered against the title of the property.
6. That the applicant obtain a report from an independent qualified person that the existing private septic system serving the surplus dwelling does not cross the property lines, that the system is in working order and that its operation will not be affected by the severance, to the satisfaction of the Building Department.
7. That should access be required for the retained or severed lot, access be completed in accordance with the provisions of the Drainage Act if it is required to cross a Municipal Drain. If access is required to cross a roadside ditch, it will be completed according to the Town right-of-way policies. Alternatively, if the applicant wishes to utilize the existing farm access for the severed lot, an easement will be required to permit the access. The easement will be required to return to the Committee of Adjustment for approval. The access shall be provided to each lot to the satisfaction of the municipality.
8. That a minor variance be obtained from the provisions of Bylaw 1999-52, as amended, Section 26(3)(a)(i) which requires a minimum lot area of 40 hectares in an Agricultural (A) Zone regarding the retained farm parcel, Section 26(3)(d)(ii) which requires a minimum interior side yard width for non-residential uses of 15 m (49.5 ft) in an Agricultural (A) Zone and Section 26(3)(b)(i) which requires a minimum lot frontage of 140 m (459.3 ft) in an Agricultural (A) Zone.
9. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.

Moved by: Don Shaw

Seconded by: Terris Buchanan

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	X	
Anthony Campigotto	X	
Josh Mailloux	X	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

Reasons of Committee – The request is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement. The surplus dwelling lot creation does not remove agricultural land from production.

That application A/27/20 be approved, as amended.

Amended Decision A/27/20: The applicant is requesting relief from Zoning Bylaw 1999-52, as amended, Section 26(3)(a)(i) which requires a minimum lot area of 40 hectares (98.84 acres), Section 26(3)(d)(ii) which requires a minimum interior side yard width for non-residential uses of 15 m (49.5 ft) and Section 26(3)(b)(i) which requires a minimum lot frontage of 140 m (459.3 ft) in an Agricultural (A) Zone. Subsequent to a severance of 0.41 hectares (1.02 acres) from an existing 39.58 hectares (97.8 acres) parcel the retained farm parcel will have an area of 39.57 hectares (97.77 acres) and an existing pole barn will have an interior side yard of 11.1 m (36.42 ft). The retained farm parcel will have a lot frontage of 137.86 m (452.3 ft). Therefore, the amount of relief granted is 0.43 hectares (1.06 acres) from the minimum lot size, 3.9 m (12.8 ft) from the side yard width for non-residential uses and 2.14 m (7.02 ft) from the lot frontage requirements.

Moved by: Josh Mailloux

Seconded by: Anthony Campigotto

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	X	
Anthony Campigotto	X	
Josh Mailloux	X	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

Reasons of Committee – The Committee, having considered the evidence presented, and having reviewed the plans and correspondence on file, is satisfied that the variance request is minor in nature, will not impact the character of the neighbourhood, and is keeping with the intent of the Official Plan and Zoning By-law. The surplus dwelling lot creation does not remove agricultural land from production.

6.4 Applications B/36/20 & A/28/20 – Betty Jane Cipkar, c/o Elizabeth A. Orsi, Agent – 8270 Malden Colchester South Townline Road (Roll No. 3729-560-000-00105)

Public in Attendance: Elizabeth Orsi, Agent

B/36/20: The applicant is proposing to sever a parcel of land being 4.88 m (16 ft) frontage by 77.72 m (255 ft) depth with an area of 379.04 sq m (4080 sq ft) for purposes of a lot addition to merge with 8310 Malden Colchester South Townline Road. The remaining parcel being 65.8 m (216 ft) frontage by 77.72 m (255 ft) depth with an area of 5117.1 sq m (55,080 sq ft) contains a single detached structure. No new lots are being created.

A/28/20: The applicant is requesting relief from Zoning Bylaw 1999-52, as amended, Section 26(3)(a)(i) which requires a minimum lot area of 40 hectares (98.84 ha) in an Agricultural (A) Zone. Subsequent to a severance of 379.04 sq m (4080 sq ft) from an existing 5496.1 sq m (59,160 sq ft) parcel the retained residential parcel will have an area of 5117.1 sq m (55,080 sq ft). Therefore, the amount of relief requested is 39.49 hectares (97.58 acres).

The following correspondence was received from the various agencies and residents circulated:

- i) Letter dated November 13, 2020 from the Essex Region Conservation Authority indicating no comments or concerns.
- ii) Email dated November 16, 2020 from the Windsor Police Department stating that:
The Windsor Police Service has no concerns or objections with the proposed lot addition resulting from the requested severance as the outcome will not result in a negative public safety impact.
- iii) Email from the Engineering and Public Works Department dated November 10,



planning@erca.org

P.519.776.5209

F.519.776.8688

360 Fairview Avenue West
Suite 311, Essex, ON N8M 1Y6

April 07, 2021

Mr. Frank Garardo
Manager of Planning Services
3925 Meloche Road
Amherstburg, ON N9V 2Y8

Dear Mr. Garardo:

RE: Zoning By-Law Amendment ZBA-09-21
4401 CONCESSION 4 S
ARN 372963000000810; PIN: 015400139
Applicant: PILLON RANDAL ALFRED

The following is provided as a result of our review of Zoning By-Law Amendment ZBA-09-21. The purpose of the amendment to Zoning By-law No. 1999-52 is to change the zoning of the subject lands noted above from the "Agricultural (A) Zone" to "Special Provision Agricultural (A-36) Zone".

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

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

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Whelan Drain and Ralph Atkinson Ong Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

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

SECTION 1.6.6.7 Stormwater Management (PPS, 2020)

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

Mr. Garardo
April 07, 2021

PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the *Planning Act*. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

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).

Section 2.15 of the PPS 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.

We note that the subject property is adjacent to (within 120 m of) a natural heritage feature that may meet the criteria for significance under the PPS. Section 2.1.8 of the PPS, 2020 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 subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

FINAL RECOMMENDATION

With the review of background information and aerial photograph, ERCA has no objection to this application for Zoning By-Law Amendment.

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Vitra Chodha
Resource Planner
/vc



From: [DESANDO, Bruno](#)
To: [Janine Mastronardi](#)
Subject: RE: Notice of Public Meeting for Two ZBAs
Date: March 31, 2021 12:57:31 PM
Importance: High

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hello Janine,

Canada Post has no comments for the attached applications.

Regards,

Bruno

Bruno DeSando
CANADA POST CORPORATION
Delivery Planning
955 Highbury Avenue
LONDON ON N5Y 1A3
tel: 519-494-1596
fax: 519-457-5412
e-mail: bruno.desando@canadapost.ca

From: Janine Mastronardi <jmastronardi@amherstburg.ca>

Sent: March-31-21 12:31 PM

To: Giovanni (John) Miceli <jmiceli@amherstburg.ca>; Antonietta Giofu <aGiofu@amherstburg.ca>; Todd Hewitt <thewitt@amherstburg.ca>; Angelo Avolio <aavolio@amherstburg.ca>; Michelle Lavin <mlavin@amherstburg.ca>; Shane McVitty <smcvitty@amherstburg.ca>; Ron Meloche <rmeloche@amherstburg.ca>; Paula Parker <pparker@amherstburg.ca>; Antonio Marra <amarra@amherstburg.ca>; Paul Acton <pacton@amherstburg.ca>; Rob Unis <runis@amherstburg.ca>; ONTUGLLandsINQ@uniongas.com; Executivevp.lawanddevelopment@opg.com; planning@erca.org; Denise Kimmerly <denise_kimmerly@wecdsb.on.ca>; Rebecca Belanger <rbelanger@countyofessex.ca>; Lisa Shepley <lshepley@countyofessex.ca>; K Balallo <kbalallo@countyofessex.ca>; Barry Horrobin <bhorrobin@amherstburg.ca>; BruceMontone@amherstburg.ca; DESANDO, Bruno <bruno.desando@canadapost.ca>; Carr <ccarr@essexpowerlines.ca>; Girard <agirard@essexpowerlines.ca>

Subject: Notice of Public Meeting for Two ZBAs

From: [Horrobin, Barry](#)
To: [Janine Mastronardi](#)
Cc: [Lisa Cheney](#); [Frank Garardo](#)
Subject: RE: Notice of Public Meeting for Two ZBAs
Date: March 31, 2021 5:45:56 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Janine:

The Windsor Police Service has no concerns or objections with either of these two proposed Zoning By-law amendments at 5569 Concession 5 North and 4401 Concession 4 South respectively. The nature of the changes for both applications will have no discernible or negative impact on police incident response or general service delivery capability whatsoever.

Respectfully,

Barry Horrobin, B.A., M.A., CLEP, CMM-III
Director of Planning & Physical Resources
WINDSOR POLICE SERVICE



Advanced Certified Law Enforcement Planner

From: Janine Mastronardi <jmastronardi@amherstburg.ca>
Sent: Wednesday, March 31, 2021 12:31 PM
To: Giovanni (John) Miceli <jmiceli@amherstburg.ca>; Antonietta Giofu <aGiofu@amherstburg.ca>; Todd Hewitt <thewitt@amherstburg.ca>; Angelo Avolio <aavolio@amherstburg.ca>; Michelle Lavin <mlavin@amherstburg.ca>; Shane McVitty <smcvitty@amherstburg.ca>; Ron Meloche <rmeloche@amherstburg.ca>; Paula Parker <pparker@amherstburg.ca>; Antonio Marra <amarra@amherstburg.ca>; Paul Acton <pacton@amherstburg.ca>; Rob Unis <runis@amherstburg.ca>; ONTUGLLandsINQ@uniongas.com; Executivevp.lawanddevelopment@opg.com; planning@erca.org; Denise Kimmerly <denise_kimmerly@wecdsb.on.ca>; Rebecca Belanger <rbelanger@countyofessex.ca>; Lisa Shepley <lshpley@countyofessex.ca>; K Balallo <kbalallo@countyofessex.ca>; Horrobin, Barry <[REDACTED]>; Bruce Montone <bmontone@amherstburg.ca>; DESANDO, Bruno <bruno.desando@canadapost.ca>; Carr <ccarr@essexpowerlines.ca>; Girard <agirard@essexpowerlines.ca>

**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2021-024**

**By-law to amend Zoning By-law No. 1999-52
E/S Concession 4 S (Conc 4, Pt Lot 40), Amherstburg**

WHEREAS By-law 1999-52, as amended, is a land use control by-law regulating the use of lands and the character, location and use of buildings and structures within the Town of Amherstburg;

AND WHEREAS the Council of the Town of Amherstburg deems it appropriate and in the best interest of proper planning to amend By-law 1999-52, as herein provided;

AND WHEREAS this By-law conforms to the Official Plan for the Town of Amherstburg;

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg enacts as follows:

1. Schedule "A", Map 49 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from A to A-36" on Schedule "A" attached hereto and forming part of this By-law from "Agricultural (A) Zone" to "Special Provision Agricultural (A-36) Zone".
2. THIS By-law shall take effect from the date of passage by Council and shall come into force in accordance with Sections 34 of the Planning Act, R.S.O. 1990, c.P. 13.

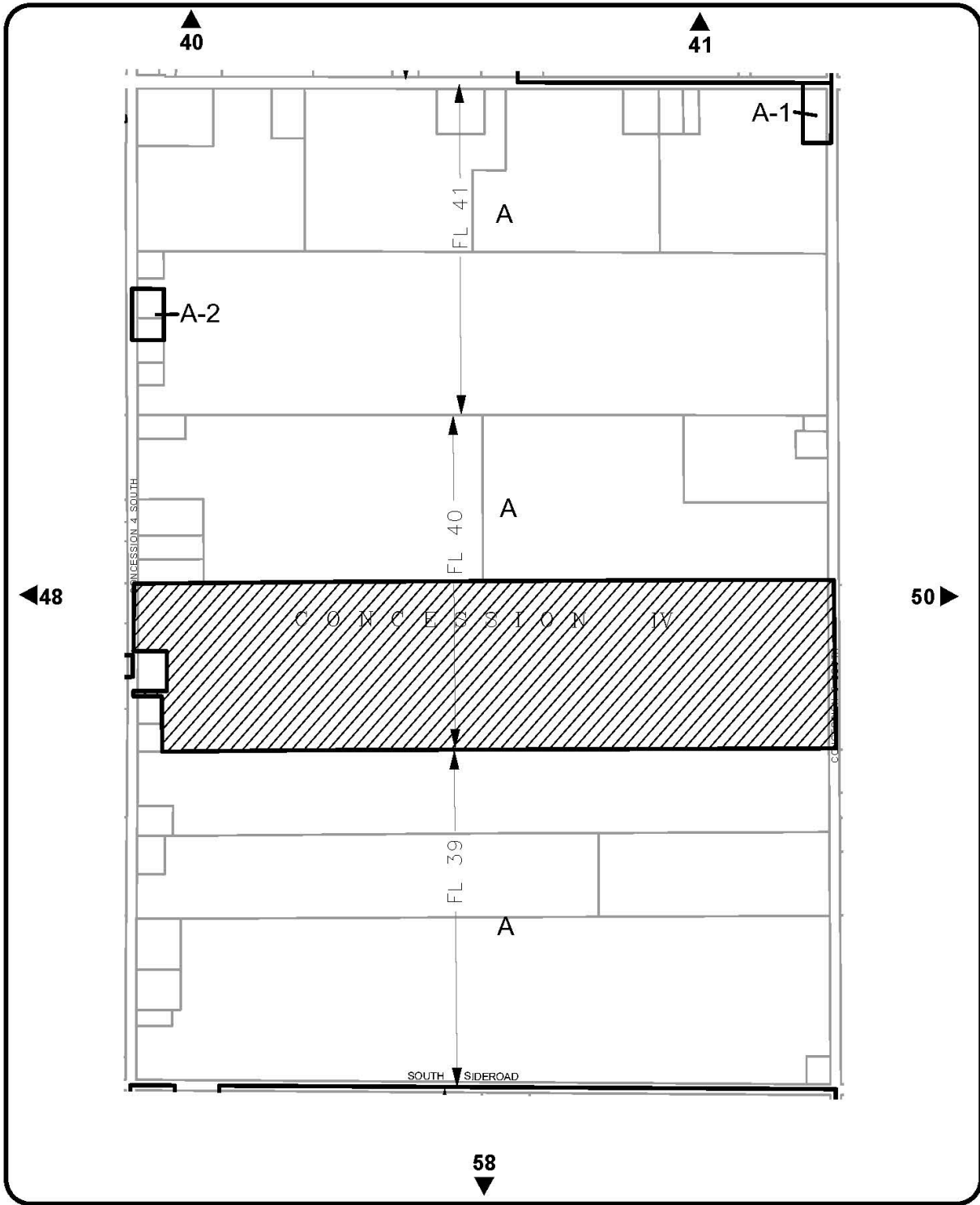
Read a first, second and third time and finally passed this 10th day of May, 2021.

MAYOR- ALDO DICARLO


CLERK- PAULA PARKER

TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2021-024
A BY-LAW TO AMEND BY-LAW No. 1999-52



SCHEDULE 'A'
MAP 49
ZONING BY-LAW NO. 1999-52

A to A-36 

MAYOR- ALDO DICARLO

CLERK- PAULA PARKER



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF PLANNING AND DEVELOPMENT SERVICES

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Table with 2 columns: Author's Name, Report Date, Author's Phone, Date to Council, Author's E-mail, Resolution #.

To: Mayor and Members of Town Council

Subject: Zoning By-law Amendment for 5569 Concession 5 N

1. RECOMMENDATION:

It is recommended that:

- 1. By-law 2021-023 being a by-law to amend Zoning By-law No. 1999-52, to amend the zoning for the subject lands known as 5569 Concession 5 N, be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

2. BACKGROUND:

The Statutory Public Meeting was held at 5:00 p.m., April 26, 2021 to hear public comments on an application for a Zoning By-law Amendment for the 5569 Concession 5 N (Conc 5, Pt Lot 8), Amherstburg. The Zoning By-law Amendment (ZBA) will change the zoning for the subject lands from the "Agricultural (A) Zone" to "Environmental Protection (EP) Zone". The parcel was the subject of an application for consent (File B/03/21) for a lot addition. The rezoning of the subject property to EP is a condition of the consent decision.

3. DISCUSSION:

At the statutory public meeting there were no public comments.

As noted above, the applicant severed a 17.73 acre ± parcel of vacant agricultural land for the purpose of a lot addition to merge wit the 48.74 acre farm to the north. At the conclusion of the severance the retained parcel at 5569 Concession 5 N will contain a planted woodlot with a total area of 1.28 hectares (3.17 acres).

The subject parcel is zoned Agriculture in the Zoning By-Law and Agriculture in the Town's Official Plan. The effect of the ZBA will be to allow for general environmental protection uses on the subject property and will prohibit residential uses on these lands.

4. RISK ANALYSIS:

The recommendation presents little to no risk to the municipality. Should Council not approve the proposed application for ZBA, the consent which has been approved by the Committee of Adjustment could not be finalized. The lot addition could then not be severed and transferred.

5. FINANCIAL MATTERS:

All costs associated with the application are the responsibility of the applicant.

6. CONSULTATIONS:

No further consultations are required on this application. All statutory notice requirements and consultations were met through the planning process.

7. CONCLUSION:

Administration recommends that Zoning By-law 2021-023 be approved by Council, given three readings and finally passed and the Mayor and Clerk be authorized to sign same.



Frank Garardo
Manager of Planning Services

JM

Report Approval Details

Document Title:	Zoning By-law Amendment for 5569 Concession 5 North.docx
Attachments:	- 2021 05 10 - ZBA 5569 Conc 5 N- ATTACHMENTS.pdf
Final Approval Date:	May 3, 2021

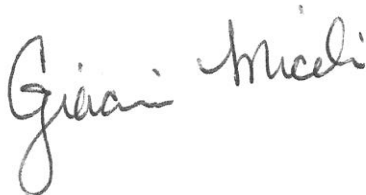
This report and all of its attachments were approved and signed as outlined below:



Nicole Rubli



Cheryl Horrobin



John Miceli



Paula Parker

CORPORATION OF THE TOWN OF AMHERSTBURG
**NOTICE OF STATUTORY PUBLIC MEETING
TO CONSIDER A ZONING BY-LAW AMENDMENT**

TAKE NOTICE that the Council of the Corporation of the Town of Amherstburg will hold a public meeting, by electronic means, on **Monday, April 26, 2021 commencing at 5:00 p.m.** in the Town of Amherstburg Council Chambers, 271 Sandwich Street South, Amherstburg, Ontario. The purpose of this meeting is to consider a proposed amendment to the Town of Amherstburg Zoning By-law 1999-52, under Section 34 of the Planning Act.

THE SUBJECT LANDS affected by the proposed amendment are described as Part of Lot 8, Concession 5, municipally known as part of 5569 Concession 5 N. The property is a planted woodlot and the total area subject to the rezoning is 1.28 hectares (3.17 acres). (see key map below)

THE PURPOSE OF THE AMENDMENT TO ZONING BY-LAW No. 1999-52 is to change the zoning of the subject lands noted above from the “**Agricultural (A) Zone**” to “**Environmental Protection (EP) Zone**”. The parcel is designated Agricultural in the Town’s Official Plan. The lands described above are a portion of the retained parcel subject to an application for consent (File B/03/21) for a lot addition. The amendment is a condition of consent from the Committee of Adjustment.

THE EFFECT OF THE ZONING BY-LAW AMENDMENT will be to allow for general environmental protection uses on the subject property. The “Environmental Protection (EP) Zone” will prohibit residential uses on these lands.

COVID-19 Emergency: During the COVID-19 Declaration of Emergency (declared by the Province of Ontario and the Town of Amherstburg under the provisions of Section 7.0.1 and Section 4(1) of the *Emergency Management and Civil Protection Act, R.S.O. 1990, c.E.9, respectively*) Town of Amherstburg Council is holding electronic meetings, and in-person meeting attendance is restricted. Any person, who wishes to make representation is required to do so in writing.

ANY PERSON may make written representation in support of or in opposition to the proposed Zoning By-law Amendment by email to the Planner, Frank Garardo at fgarardo@amherstburg.ca or in person by appointment for drop-off in the vestibule of the Libro Centre located at 3295 Meloche Road. Comments must be submitted by 4:00 p.m. on Thursday, April 22, 2021 before the hearing and will be read aloud prior to the application being heard by Council.

ANY PERSON who wishes to attend by electronic means, must register with the Clerk’s Office no later than 4:00 pm on Thursday, April 22, 2021. To register for electronic participation please email the Deputy Clerk at tfowkes@amherstburg.ca. Once you register, you will be given information on how to make your submission at the electronic meeting by electronic participation. To participate, you will need access to a computer or tablet with internet service or a telephone.

NO PERSON OR PUBLIC BODY shall be added as a party to the hearing of the appeal unless, before the bylaw was passed, the person or public body made oral submissions at a public meeting or written submissions to the Council or, in the opinion of the Local Planning Appeal Tribunal, there are reasonable grounds to add the person or public body as a party.

IF A PERSON OR PUBLIC BODY does not make oral submissions at a public meeting, or make written submissions to the Town of Amherstburg before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there is reasonable grounds to do so.

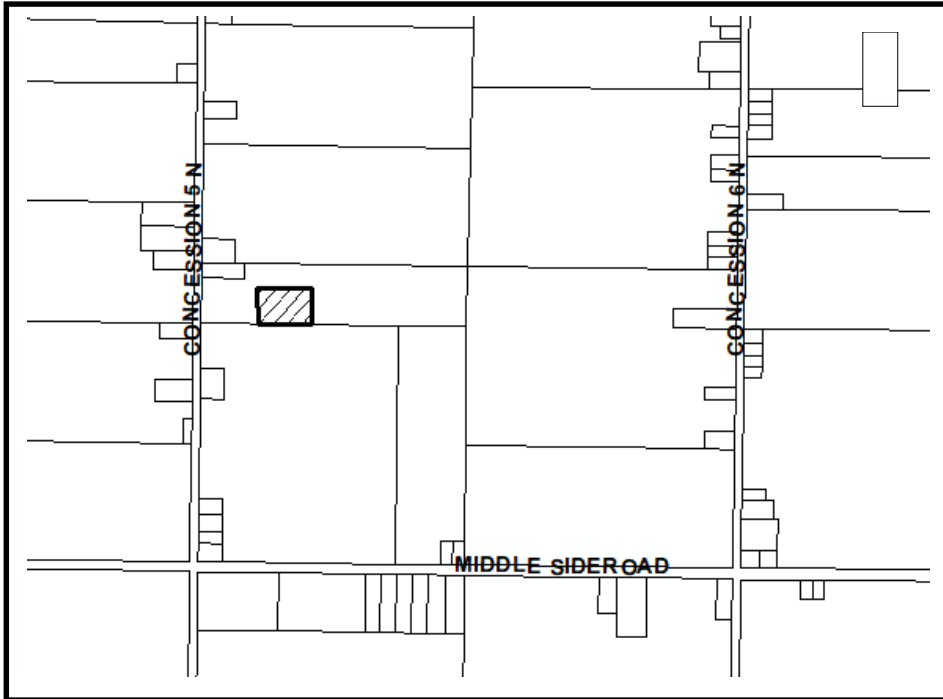
ADDITIONAL INFORMATION relating to the proposed Zoning By-law (File# ZBA/08/21) Amendment is available for inspection by calling or emailing the Planning Department Office during normal office hours, 8:30 a.m. to 4:30 p.m. The proposed Zoning By-law Amendment

Information will be gathered in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). All comments and communications received will become part of the public record unless you expressly request the Town to remove it. If you want to learn more about why and how the Town collects your information, write to the Town Clerk’s Office, 271 Sandwich Street South, Amherstburg, ON N9V 2A5 or call 519-736-0012.

is also available for review on the Town of Amherstburg Website: www.amherstburg.ca. If you wish to be notified of the passage of the proposed Zoning By-law Amendment, you must make a written request to the Town at the address below. The hearing will be available for viewing by livestream by visiting www.amherstburg.ca.

DATED at the Town of Amherstburg this 31st day of March, 2021.

KEY MAP



Frank Garardo, MCIP, RPP
Manager of Planning Services

Town of Amherstburg
Libro Centre
3295 Meloche Road
Amherstburg, Ontario N9V 2Y8
Telephone: (519) 736-5408
Fax No. (519) 736-9859
Website: www.amherstburg.ca

Information will be gathered in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). All comments and communications received will become part of the public record unless you expressly request the Town to remove it. If you want to learn more about why and how the Town collects your information, write to the Town Clerk's Office, 271 Sandwich Street South, Amherstburg, ON N9V 2A5 or call 519-736-0012.

Municipal Fee Received:	1620.00
Municipal Deposit Received:	N/A
ERCA Fee Received:	200.00

Application No. ZBA/08/21

**FORM 1
PLANNING ACT
APPLICATION FOR ZONING BY-LAW AMENDMENT
TOWN OF AMHERSTBURG**

1. Name of approval authority Town of Amherstburg
2. Date application received by municipality March 17, 2021
3. Date application deemed complete by municipality March 25, 2021
4. Name of registered owner Dean Wynants
 Telephone number _____
 Address _____
 Email _____
 Name of registered owner's solicitor or authorized agent (if any) _____
 Telephone number _____
 Address _____
 Email _____

Please specify to whom all communications should be sent:

- registered owner solicitor agent

5. Name and address of any mortgages, charges or other encumbrances in respect of the subject land:

6. Location and description of subject land:

Concession No. 5 Lot(s) No. Pl L+ 8
 Registered Plan No. _____ Lot(s) No. _____
 Reference Plan No. _____ Part(s) No. _____
 Street Address 5569 Con S N Assessment Roll No. 440-01500

7. Size of subject parcel:

Frontage 300ft Depth 460 ft Area 3.17 acres

8. Access to subject parcel:

- Municipal Road County Road Provincial Highway
 Private Road Water

If access to the subject land is **by water** only, state the parking and docking facilities used or to be used and the approximate distance between these facilities and the nearest public road

9. (a) Current Official Plan Land Use designation of subject land Agricultural
 (b) Explanation of how application conforms to the Official Plan _____

- Condition of consent

(c) Does the application implement an alteration to the boundary of an area of settlement or implement a new area of settlement?

- Yes
- No

If yes, provide details of the official plan or official plan amendment that deals with this matter:

10. Current Zoning of subject land Agricultural

11. Nature and extent of rezoning requested A to EP

12. Reasons why rezoning is requested condition of consent

13. Current use of subject land vacant - treed property

14. Length of time current use of subject land has continued 13 yrs

15. Is the subject land within an area where the municipality has pre-determined:

(a) minimum and maximum density requirements

- Yes
- No

(b) minimum and maximum height requirements

- Yes
- No

If yes, state the requirements _____

16. Number and type of buildings or structures **existing** on the subject land and their distance from the front lot line, rear lot line and side lot lines, their height and their dimensions/floor area:

vacant land

17. Date of construction of existing buildings and structures on the subject land:

N/A

18. Date subject land acquired by current registered owner 2006

19. Proposed use of subject land vacant treed property

20. Number and type of buildings or structures **proposed** to be built on the subject land and their distance from the front lot line, rear lot line and side lot lines, their height and their dimensions/floor area:

none

21. Type of water supply:

- municipally owned and operated piped water supply
- well
- Other (specify) N/A

22. Type of sanitary sewage disposal:

- municipally owned and operated sanitary sewers
- septic system
- Other (specify) N/A

If the requested amendment permits development on a privately owned and operated individual or communal septic system and more than 4,500 litres of effluent will be produced per day as a result of the development being completed the applicant is required to submit a:

- (i) servicing options report, and
- (ii) a hydrogeological report

23. Type of storm drainage:

- sewers
- ditches
- swales
- Other (specify) municipal drains

24. If known, indicate whether the subject land is the subject of an application under the Planning Act for:

- consent to sever
- approval of a plan of subdivision

If known, indicate the file number and status of the foregoing application:

B / 03 / 21 - approved - currently satisfying conditions

25. If known, indicate if the subject land has ever been the subject of an application for rezoning under Section 34 of the Planning Act:

N/A

If known, indicate whether the subject land has ever been the subject of a Minister's Zoning Order and, if known, the Ontario Regulation number of that order.

26. Does the requested amendment remove the subject land from an area of employment in the official plan?

- Yes
- No

If yes, state the current official plan policies, if any, dealing with the removal of land from an area of employment.

27. Is the subject land within an area where zoning with conditions may apply?

Yes No

If yes, how does this application conform to the official plan policies relating to zoning with conditions?

28. Is the requested amendment consistent with policy statements issued under subsection 3(1) of the Planning Act (i.e. 2005 Provincial Policy Statement)?

Yes No

Comments _____

29. Is the subject land within an area of land designated under any provincial plan or plans?

Yes No

If yes, does the requested amendment conform to or does not conflict with the provincial plan or plans?

30. Is the land associated with any natural environment area or adjacent to or abutting lands that are designated as a Wetland or Natural Environment?

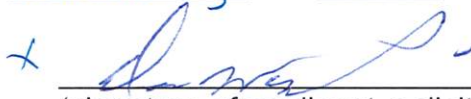
Yes No

If yes, an Environmental Impact Assessment is required, for approval by the Town and Essex Region Conservation Authority, to be completed in accordance with the County of Essex Guidelines for Environmental Impact Assessments or when Council considers it appropriate, additional requirements may be made to the Guidelines in accordance with more detailed locally adopted terms of reference for an Environmental Impact Assessment.

31. Will the proposed project include the addition of permanent above ground fuel storage?

Yes No

Dated at the Town of Amherstburg this 17th day of March, 2021.

x 

(signature of applicant, solicitor or authorized agent)

I, Dean Wynants of the Town of Amherstburg
in the County/District/Regional Municipality of Essex solemnly declare that
all the statements contained in this application are true, and I make this solemn declaration
conscientiously believing it to be true, and knowing that it is of the same force and effect as
if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the Town of Amherstburg in the County
of Essex this 17th day of March, 2021.

Frank Garardo, a Commissioner, etc.,
Province of Ontario, for the
Corporation of the Town of Amherstburg.
Expires June 1, 2022

x 
Applicant, Solicitor or Authorized Agent


A Commissioner, etc.

**DECISION OF APPROVAL AUTHORITY
WITH REASONS RE APPLICATION FOR CONSENT**

- (a) Name of approval authority **TOWN OF AMHERSTBURG COMMITTEE OF ADJUSTMENT**
- (b) Name of applicant RE AN APPLICATION BY (b) **Dean E. Wynants**
- (c) Brief description LOCATION OF PROPERTY (c) **5569 Concession 5 N (Roll No. 3729-440-000-01500)**
- (d) As set out in application PURPOSE OF APPLICATION (d) The applicant is proposing to sever a vacant parcel of farmland with 21.95 m (72 ft) frontage by an irregular depth and an area of 7.18 hectares (17.73 acres) for the purpose of a lot addition to merge with the 48.74 acre farm to the north known as Con 5, Pt Lt 8, designated as Part 3, 12R-10930, E/S Concession 5 N. The proposed retained parcel being 91.44 m (300 ft) frontage by 277.37 m (910 ft) depth has an area of 2.54 hectares (6.27 acres).
- (e) Date of decision **CONCUR** in the following decision and reasons for decision made on the (e) 26th day of January, 2021.

DECISION: APPROVED

- (f) State conditions to be satisfied before granting of consent
 1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; an electronic and paper copy to be provided to the municipality.
 2. The applicant submit to the municipality the deed, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality.
 3. That all property taxes be paid in full.
 4. That an assessment apportionment for any and all drains affected by the severance be completed in accordance with the provisions of the Drainage Act and that all costs associated with said apportionment be paid by the applicant.
 5. That Subsection 3 of Section 50 of the Planning Act applies to any subsequent conveyance or transaction of or in relation to the parcel of land being the subject of the consent.
 6. That prior to the stamping of deeds the owner is to provide satisfactory evidence that the adjacent parcel is under consolidation relative to the parcel which is the subject of the consent.
 7. That the applicant obtain a report from an independent qualified person that the existing private septic system serving the surplus dwelling does not cross the property lines, that the system is in working order and that its operation will not be affected by the severance, to the satisfaction of the Building Department.
 8. That a minor variance be obtained from the provisions of Bylaw 1999-52, as amended, Section 26(3)(a)(i) which requires a minimum lot area of 40 hectares in an Agricultural (A) Zone regarding the retained rural residential parcel in an Agricultural (A) Zone.
 9. That the 3.2 acre portion of the retained lot that contains the planted woodlot be rezoned to Environmental Protection (EP) Zone.
 10. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.

- (g) State reasons for decision REASONS FOR DECISION: (g) The request is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement. The proposed lot addition will not remove any land from agricultural production and the existing woodlot will be rezoned to the Environmental Protection (EP) Zone to protect it from future development.

I/WE, the undersigned, in making the decision upon this application for consent, in addition to other matters, have had regard to the matters that are to be had regard to under subsection 51(4) of The Planning Act, and having considered whether a plan of subdivision of the land in accordance with Section 50 of the said Act is necessary for the proper and orderly development of the municipality.

.....
David Cozens

.....
Terris Buchanan

.....
Anthony Campigotto

.....
Donald Shaw

.....
Josh Mailloux

ORIGINAL DOCUMENT SIGNED

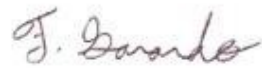
CERTIFICATION

The Planning Act, R.S.O. 1990

(h) Name of approval authority I, **Frank Garardo, Secretary-Treasurer** of the (h) **Town of Amherstburg** certify that the above is a true copy of the decision of the approval authority with respect to the application recorded therein.

(i) Name & address of approval authority

Dated this 28th day of January, 2021



.....
Secretary-Treasurer
Town of Amherstburg
Committee of Adjustment
3295 Meloche Rd, Amherstburg, ON N9V 2Y8

6. That an assessment apportionment for any and all drains affected by the severance be completed in accordance with the provisions of the Drainage Act and that all costs associated with said apportionment be paid by the applicant.
7. That a minor variance be obtained from the provisions of Bylaw 1999-52, as amended, Section 26(3)(a)(i) which requires a minimum lot area of 40 hectares in an Agricultural (A) Zone regarding the retained farm parcel.
8. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.

Moved by: Terris Buchanan

Seconded by: Josh Mailloux

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	x	
Anthony Campigotto	x	
Josh Mailloux	x	
Donald Shaw (VC)	x	
David Cozens (CH)	x	

Reasons of Committee – The request is in conformity with Sections 6.1.2 and 6.1.2(6) of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement. The proposed lot addition does not remove agricultural land from production.

That application A/02/21 be approved.

Moved by: Anthony Campigotto

Seconded by: Don Shaw

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	x	
Anthony Campigotto	x	
Josh Mailloux	x	
Donald Shaw (VC)	x	
David Cozens (CH)	x	

Reasons of Committee – The Committee, having considered the evidence presented, and having reviewed the plans and correspondence on file, is satisfied that the variance request is minor in nature, will not impact the character of the neighbourhood, and is keeping with the intent of the Official Plan and Zoning By-law. The proposed lot addition does not remove agricultural land from production.

6.3 Applications B/03/21 & A/03/21 – Dean Wynants – 5569 Concession 5 N (Roll No. 3729-440-000-01500)

Public in Attendance: Dean Wynants

B/02/21: The applicant is proposing to sever a vacant parcel of farmland with 21.95 m (72 ft) frontage by an irregular depth and an area of 7.18 hectares (17.73 acres) for the purpose of a lot addition to merge with the 48.74 acre farm to the north known as Con 5, Pt Lt 8, designated as Part 3, 12R-10930, E/S Concession 5 N. The proposed retained parcel being 91.44 m (300 ft) frontage by 277.37 m (910 ft) depth has an area of 2.54 hectares (6.27 acres), and is designated and zoned Agricultural in both the Town's Official Plan and Zoning By-law.

A/03/21: The applicant is requesting relief from Zoning Bylaw 1999-52, as amended, Section 26(3)(a)(i) which requires a minimum lot area of 40 hectares in an Agricultural (A)

Zone. Subsequent to a severance of 7.17 hectares (17.73 acres) from an existing 9.71 hectares (24 acres) parcel the retained parcel will have an area of 2.54 hectares (6.27 acres). Therefore, the amount of relief requested is 37.46 hectares (92.57 acres).

The following correspondence was received from the various agencies and residents circulated:

- i) Letter dated January 18, 2021 from the Essex Region Conservation Authority stating:
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 Dauphin Drain and Smale Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act. Our office has reviewed the proposal and has no concerns relating to stormwater management. The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS. With the review of background information and aerial photograph, ERCA has no objection to these applications for Minor Variance and Consent.
- ii) Email dated January 18, 2021 from the Windsor Police Department stating that:
The Windsor Police Service has no objections with the proposed severance to enable a lot addition. This change will not impair police service delivery to the property.
- iii) Email dated January 15, 2021 from the Engineering and Public Works Department indicating the following:
 - *Drainage Apportionment required for the Dauphin Drain and the Agreement Drain.*
- iv) Email dated January 11, 2021 from the Fire Department dated indicating no comments.
- v) Planning Report dated January 18, 2021 from Frank Garardo, Secretary Treasurer and Sarah French, Planner.

Committee Discussion:

The Chair introduced the application and asked if there were any members of the public present for this application. There were none. The Planner, Frank Garardo read the purpose of the application. Dean Wynants presented the concept of the application. Mr. Wynants stated that he planted the trees on the property through a program with ERCA in 2008 and would like to keep the 6 acres of land with his house. The farmland would remain agricultural and would continue to be farmed by the current farmer (Tony Simon). A discussion occurred regarding the merits of rezoning the 3.2 acres of woodlot to Environmental Protection (EP) Zone. Members Don Shaw and Josh Mailloux were opposed to the rezoning. Mr. Wynants also stated that he would prefer not to have the rezoning as a condition but if required, would be willing to rezone. Member Terris Buchanan stated that the rezoning would protect the woodlot and would only prevent the owner from building in it. Frank Garardo stated that retained lands for severances in the agricultural area are typically smaller and the rezoning was a way to justify a larger parcel as the 3.2 acres would be protected and therefore remain agricultural, as woodlots can be considered an agricultural use. A similar severance from 2018 was referenced. The severance in question also had a large parcel of environmentally protected land as part of the retained parcel. A motion for the approval without the rezoning condition was put forth but was defeated three to two. A motion for the approval with the rezoning condition was put forward and carried three to two. Frank Garardo read the proposed conditions and the applicant acknowledged understanding of the conditions.

The following resolution was put forth:

That application B/03/21 be approved subject to the following conditions:

1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; an electronic and paper copy to be provided to the municipality.
2. The applicant submit to the municipality the deed, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. That an assessment apportionment for any and all drains affected by the severance be completed in accordance with the provisions of the Drainage Act and that all costs associated with said apportionment be paid by the applicant.
5. That Subsection 3 of Section 50 of the Planning Act applies to any subsequent conveyance or transaction of or in relation to the parcel of land being the subject of the consent.
6. That prior to the stamping of deeds the owner is to provide satisfactory evidence that the adjacent parcel is under consolidation relative to the parcel which is the subject of the consent.
7. That the applicant obtain a report from an independent qualified person that the existing private septic system serving the surplus dwelling does not cross the property lines, that the system is in working order and that its operation will not be affected by the severance, to the satisfaction of the Building Department.
8. That a minor variance be obtained from the provisions of Bylaw 1999-52, as amended, Section 26(3)(a)(i) which requires a minimum lot area of 40 hectares in an Agricultural (A) Zone regarding the retained rural residential parcel in an Agricultural (A) Zone.
9. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.

Moved by: Josh Mailloux

Seconded by: Don Shaw

-defeated-

	Yes/Concur	No/Not Concur
Terris Buchanan		X
Anthony Campigotto		X
Josh Mailloux	X	
Donald Shaw (VC)	X	
David Cozens (CH)		X

Reasons of the Committee – The majority of the Committee members felt that in order to approve the retained lot at 6.27 acres that the 3.2 acre parcel planted as a woodlot should be rezoned to Environmental Protection (EP) to ensure it cannot be built on in the future.

The following resolution was put forth:

That application B/03/21 be approved subject to the following conditions:

1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; an electronic and paper copy to be provided to the municipality.
2. The applicant submit to the municipality the deed, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. That an assessment apportionment for any and all drains affected by the severance be completed in accordance with the provisions of the Drainage Act and that all costs associated with said apportionment be paid by the applicant.
5. That Subsection 3 of Section 50 of the Planning Act applies to any subsequent conveyance or transaction of or in relation to the parcel of land being the subject of the consent.

6. That prior to the stamping of deeds the owner is to provide satisfactory evidence that the adjacent parcel is under consolidation relative to the parcel which is the subject of the consent.
7. That the applicant obtain a report from an independent qualified person that the existing private septic system serving the surplus dwelling does not cross the property lines, that the system is in working order and that its operation will not be affected by the severance, to the satisfaction of the Building Department.
8. That a minor variance be obtained from the provisions of Bylaw 1999-52, as amended, Section 26(3)(a)(i) which requires a minimum lot area of 40 hectares in an Agricultural (A) Zone regarding the retained rural residential parcel in an Agricultural (A) Zone.
9. That the 3.2 acre portion of the retained lot that contains the planted woodlot be rezoned to Environmental Protection (EP) Zone.
10. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.

Moved by: Terris Buchanan
 Seconded by: Anthony Campigotto

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	x	
Anthony Campigotto	x	
Josh Mailloux		x
Donald Shaw (VC)		x
David Cozens (CH)	x	

Reasons of Committee – The request is in conformity with Sections 6.1.2 and 6.1.2(6) of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement. The proposed lot addition will not remove any land from agricultural production and the existing woodlot will be rezoned to the Environmental Protection (EP) Zone to protect it from future development.

That application A/03/21 be approved.

Moved by: Terris Buchanan
 Seconded by: Anthony Campigotto

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	x	
Anthony Campigotto	x	
Josh Mailloux	x	
Donald Shaw (VC)	x	
David Cozens (CH)	x	

Reasons of Committee – The Committee, having considered the evidence presented, and having reviewed the plans and correspondence on file, is satisfied that the variance request is minor in nature, will not impact the character of the neighbourhood, and is keeping with the intent of the Official Plan and Zoning By-law. The proposed lot addition will not remove any land from agricultural production and the existing woodlot will be rezoned to the Environmental Protection (EP) Zone to protect it from future development.

6.4 Applications B/04/21 & B/05/21 – 1109158 Ontario Ltd, c/o Casey Martin, Agent– 158 & 168 Texas Road (Roll Nos. 3729-420-000-23100 & 23000)

Public in Attendance: Casey Martin, Nick Martin



planning@erca.org

P.519.776.5209

F.519.776.8688

360 Fairview Avenue West
Suite 311, Essex, ON N8M 1Y6

April 07, 2021

Mr. Frank Garardo
Manager of Planning Services
3925 Meloche Road
Amherstburg, ON N9V 2Y8

Dear Mr. Garardo:

RE: Zoning By-Law Amendment ZBA-08-21
5569 CON 5 NORTH
ARN 372944000001500; PIN: 015500240
Applicant: WYNANTS DEAN EDWARD

The following is provided as a result of our review of Zoning By-Law Amendment ZBA-08-21. The purpose of the amendment to Zoning By-Law No. 1999-52 is to change the zoning of the subject lands noted above from the "Agricultural (A) Zone" to "Environmental Protection (EP) Zone.

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

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

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Dauphin Drain and Smale Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

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

SECTION 1.6.6.7 Stormwater Management (PPS, 2020)

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

Mr. Garardo
April 07, 2021

PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the *Planning Act*. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

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

FINAL RECOMMENDATION

With the review of background information and aerial photograph, ERCA has no objection to this application for Zoning By-law amendment.

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Vitra Chodha
Resource Planner
/vc



From: [DESANDO, Bruno](#)
To: [Janine Mastronardi](#)
Subject: RE: Notice of Public Meeting for Two ZBAs
Date: March 31, 2021 12:57:31 PM
Importance: High

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hello Janine,

Canada Post has no comments for the attached applications.

Regards,

Bruno

Bruno DeSando
CANADA POST CORPORATION
Delivery Planning
955 Highbury Avenue
LONDON ON N5Y 1A3
tel: 519-494-1596
fax: 519-457-5412
e-mail: bruno.desando@canadapost.ca

From: Janine Mastronardi <jmastronardi@amherstburg.ca>

Sent: March-31-21 12:31 PM

To: Giovanni (John) Miceli <jmiceli@amherstburg.ca>; Antonietta Giofu <aGiofu@amherstburg.ca>; Todd Hewitt <thewitt@amherstburg.ca>; Angelo Avolio <aavolio@amherstburg.ca>; Michelle Lavin <mlavin@amherstburg.ca>; Shane McVitty <smcvitty@amherstburg.ca>; Ron Meloche <rmeloche@amherstburg.ca>; Paula Parker <pparker@amherstburg.ca>; Antonio Marra <amarra@amherstburg.ca>; Paul Acton <pacton@amherstburg.ca>; Rob Unis <runis@amherstburg.ca>; ONTUGLLandsINQ@uniongas.com; Executivevp.lawanddevelopment@opg.com; planning@erca.org; Denise Kimmerly <denise_kimmerly@wecdsb.on.ca>; Rebecca Belanger <rbelanger@countyofessex.ca>; Lisa Shepley <lshepley@countyofessex.ca>; K Balallo <kbalallo@countyofessex.ca>; Barry Horrobin <bhorrobin@amherstburg.ca>; BruceMontone@amherstburg.ca; DESANDO, Bruno <bruno.desando@canadapost.ca>; Carr <ccarr@essexpowerlines.ca>; Girard <agirard@essexpowerlines.ca>

Subject: Notice of Public Meeting for Two ZBAs

From: [Horrobin, Barry](#)
To: [Janine Mastronardi](#)
Cc: [Lisa Cheney](#); [Frank Garardo](#)
Subject: RE: Notice of Public Meeting for Two ZBAs
Date: March 31, 2021 5:45:56 PM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Janine:

The Windsor Police Service has no concerns or objections with either of these two proposed Zoning By-law amendments at 5569 Concession 5 North and 4401 Concession 4 South respectively. The nature of the changes for both applications will have no discernible or negative impact on police incident response or general service delivery capability whatsoever.

Respectfully,

Barry Horrobin, B.A., M.A., CLEP, CMM-III
Director of Planning & Physical Resources
WINDSOR POLICE SERVICE



Advanced Certified Law Enforcement Planner

From: Janine Mastronardi <jmastronardi@amherstburg.ca>
Sent: Wednesday, March 31, 2021 12:31 PM
To: Giovanni (John) Miceli <jmiceli@amherstburg.ca>; Antonietta Giofu <aGiofu@amherstburg.ca>; Todd Hewitt <thewitt@amherstburg.ca>; Angelo Avolio <aavolio@amherstburg.ca>; Michelle Lavin <mlavin@amherstburg.ca>; Shane McVitty <smcvitty@amherstburg.ca>; Ron Meloche <rmeloche@amherstburg.ca>; Paula Parker <pparker@amherstburg.ca>; Antonio Marra <amarra@amherstburg.ca>; Paul Acton <pacton@amherstburg.ca>; Rob Unis <runis@amherstburg.ca>; ONTUGLLandsINQ@uniongas.com; Executivevp.lawanddevelopment@opg.com; planning@erca.org; Denise Kimmerly <denise_kimmerly@wecdsb.on.ca>; Rebecca Belanger <rbelanger@countyofessex.ca>; Lisa Shepley <lshpley@countyofessex.ca>; K Balallo <kbalallo@countyofessex.ca>; Horrobin, Barry <[REDACTED]>; Bruce Montone <bmontone@amherstburg.ca>; DESANDO, Bruno <bruno.desando@canadapost.ca>; Carr <ccarr@essexpowerlines.ca>; Girard <agirard@essexpowerlines.ca>

**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2021-023**

**By-law to amend Zoning By-law No. 1999-52
5569 Concession 5 N (Conc 5, Pt Lot 8), Amherstburg**

WHEREAS By-law 1999-52, as amended, is a land use control by-law regulating the use of lands and the character, location and use of buildings and structures within the Town of Amherstburg;

AND WHEREAS the Council of the Town of Amherstburg deems it appropriate and in the best interest of proper planning to amend By-law 1999-52, as herein provided;

AND WHEREAS this By-law conforms to the Official Plan for the Town of Amherstburg;

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg enacts as follows:

1. Schedule "A", Map 15 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from A to EP" on Schedule "A" attached hereto and forming part of this By-law from "Agricultural (A) Zone" to "Environmental Protection (EP) Zone".
2. THIS By-law shall take effect from the date of passage by Council and shall come into force in accordance with Sections 34 of the Planning Act, R.S.O. 1990, c.P. 13.

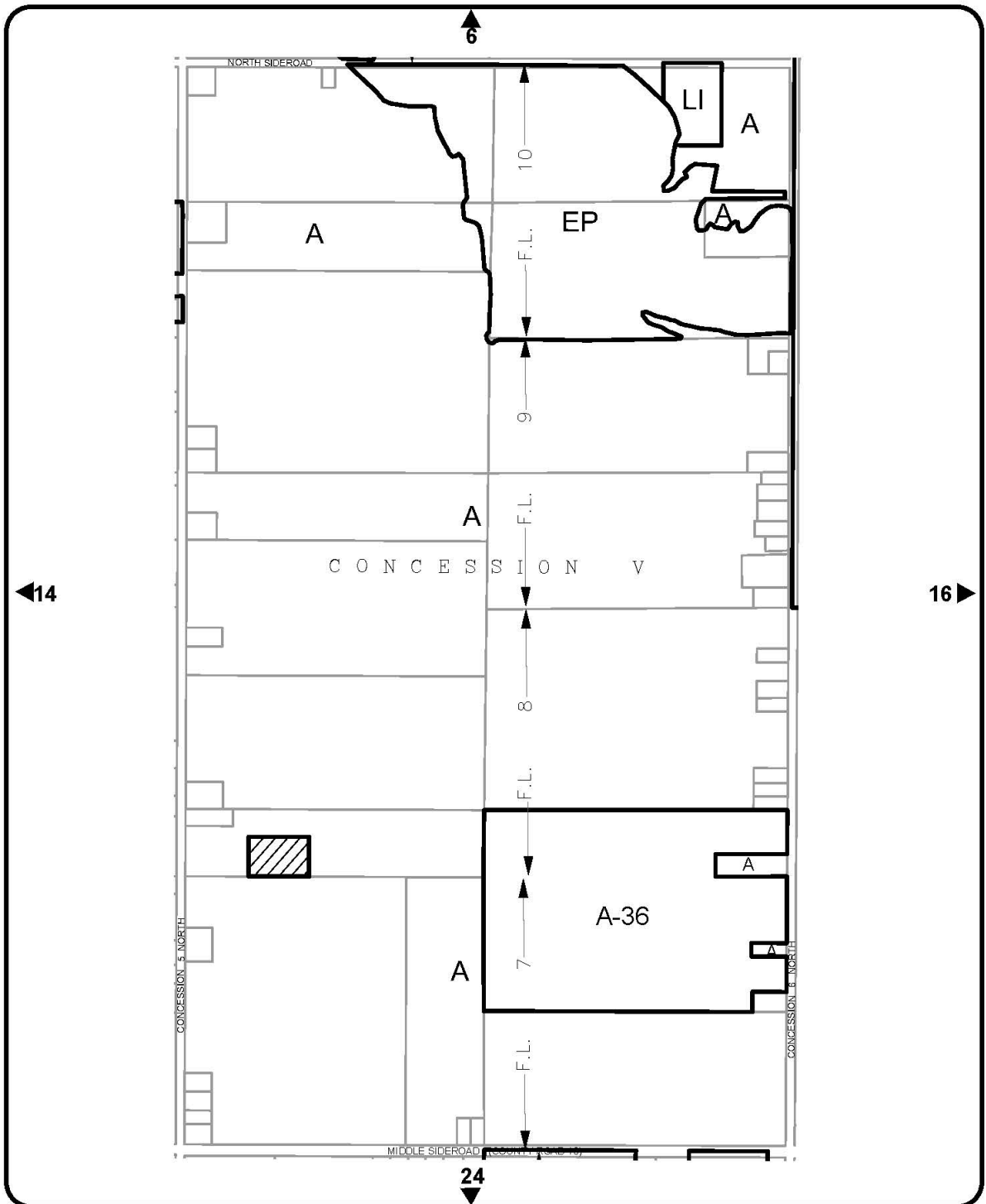
Read a first, second and third time and finally passed this 10th day of May, 2021.

MAYOR- ALDO DICARLO

CLERK- PAULA PARKER

TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2021-023
 A BY-LAW TO AMEND BY-LAW No. 1999-52



SCHEDULE 'A'
MAP 15
 ZONING BY-LAW NO. 1999-52

A to EP 

MAYOR- ALDO DICARLO

CLERK- PAULA PARKER



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF THE CAO

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Author's Name: Kevin Fox	Report Date: April 26, 2021
Author's Phone: 519 736 0012 ext. 2272	Date to Council: May 10, 2021
Author's E-mail: kfox@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Amherstburg Accessibility Advisory Committee Achievements and Objectives in 2020

1. **RECOMMENDATION:**

It is recommended that:

1. The report dated March 22, 2021, Amherstburg Accessibility Advisory Committee Achievements and Objectives in 2020 **BE RECEIVED for information.**

2. **BACKGROUND:**

The Accessibility for Ontarians with Disabilities Act (AODA) provides that municipalities must establish an Accessibility Advisory Committee. As per the AODA and the Committee's current approved Terms of Reference, the Committee shall advise Council on specific matters. These matters include:

- Advise Council of the requirements and implementation of accessibility standards and the preparation of accessibility reports;
- Review in a timely manner the site plans and drawings described in Section 41 of the Planning Act;
- Preparation, implementation and monitoring of effectiveness of the Town's annual Accessibility Plan;
- Review and comment on the accessibility of buildings, parks and other Town facilities;
- Identify, research and collaborate on Town accessibility initiatives as they relate to new and existing Municipal by-laws; and;
- Identify research and collaborate on the Town accessibility initiatives as they relate to purchasing goods and services for the Town and goods and services provided by the Town or agents providing services under contract with the Town.

3. DISCUSSION:

The work plan of the Amherstburg Accessibility Advisory (AAAC) was considerably impacted by the global pandemic, COVID-19, but still managed to provide recommendations and advice relative to many 2020 objectives.

Administration sought the advice and recommendations of the AAAC relative to:

- The Town's multi-year accessibility plan;
- Facility audits completed on municipal buildings;
- The Town's website and web content accessibility, functionality and needs;
- All development site plans and drawings; and,
- The Libro Secondary Plan Concept.

Responding to an invitation of the AAAC, a representative of the new high school development attended and provided further information on accessibility included in the design of the site.

Some of the 2020 recommendations made by the Committee to meet their legislated mandates included:

- That Licensing and By-law Enforcement investigate a means of incentivizing, regulating, or, a combination of both, to achieve a higher proportion of on-demand accessible taxis in the Town of Amherstburg.
- That Council adopt a higher than required standard for accessibility for municipal property known as Facility Accessibility Design Standards.
- That Council consider a transfer from the AODA Compliance Reserve fund relative to the provision of accessible play surfaces at one Town Park.
- That Council consider a transfer from the AODA Compliance Reserve fund relative to the provision of an accessible route into the Gibson Gallery as part of a cost-sharing agreement with the Fort Malden Guild of Arts and Crafts.

Council endorsed all of these recommendations and accessible play surfaces have already been installed at Ranta Memorial Park.

The annual Accessible Parking Blitz, as previously recommended by the Committee and endorsed by Council, was completed through a combined effort of the Licensing and Enforcement Division and the Amherstburg Detachment of the Windsor Police Service. This educational and enforcement piece is an integral reminder of the importance of respecting and understanding accessibility provisions in our community.

The impact of the pandemic affected the committee's ability to meet on a number of occasions and has resulted in fewer than anticipated new accessibility audits being completed. While it was envisioned that 2020 would see a review of all municipal parkland to identify accessibility concerns, this item remains with the committee in 2021. Additionally, the committee was unable to attend many training opportunities or to form recommendations with regards to promoting identified accessibility messaging through public service announcements in the River Town Times.

4. **RISK ANALYSIS:**

There are no identified risks related to the recommendation of this report.

5. **FINANCIAL MATTERS:**

There are no financial implications related to the recommendation in this report.

6. **CONSULTATIONS:**

Paula Parker, Clerk/Risk Manager

7. **CONCLUSION:**

While 2020 was a tumultuous and unprecedented year, the Amherstburg Accessibility Advisory Committee continued to meet as often as possible and remained focused on ensuring that legislative responsibilities were met. In 2021, the AAAC will support creation of a new multi-year Accessibility Plan, as informed by the determinations of the Facility Assessment Needs Study, for Council's consideration.



Kevin Fox
Policy and Committee Coordinator

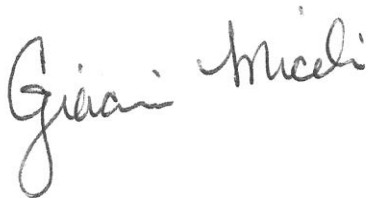
Report Approval Details

Document Title:	Amherstburg Accessibility Advisory Committee Achievements and Objectives in 2020.docx
Attachments:	
Final Approval Date:	May 3, 2021

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



Cheryl Horrobin



John Miceli



Paula Parker



April 23, 2021

Doug Downey
Attorney General
McMurtry-Scott Building
720 Bay Street, 11th Floor
Toronto ON M7A 2S9

Dear Honorable Mr. Downey:

Re: Lottery Licensing to Assist Small Organizations

Small organizations are the foundation of rural Ontario. Thousands of hours of selfless volunteerism are logged each year by organizations who may not necessarily be considered not-for profit or charitable. That doesn't mean that they don't contribute to our communities; small organizations cook for the homeless, clean up parks and flower beds, read to young people, teach life skills to young adults, organize parades, put on concerts...the list goes on.

Many of these small organizations are not eligible to receive a lottery license. This makes it impossible for them to continue to be successful as their fundraising capabilities are extremely limited.

Through this correspondence, we request that you give serious consideration to instituting an additional level of lottery licensing which would enable small organizations to obtain a lottery license. Those who are not able to sustain a non-profit or charitable status could still receive a lottery license if their proceeds benefit the community. Thresholds could be placed on the prize values and perhaps even the number of events which could be held in a calendar year.

We hear over and over again about the hardships in our community and we know that there are organizations who have the ability to help and are not permitted to. Understanding this, Council adopted a resolution seeking your consideration.

R-226-2021

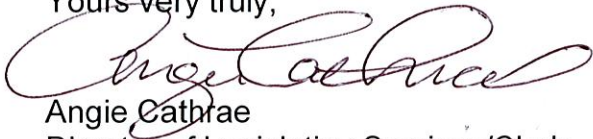
It was **Moved** by J. Kirkland, **Seconded** by K. Durst and **Carried**

That staff are directed to contact the Ministry responsible for Alcohol and Gaming of Ontario to seek their assistance in implementing an additional level of licensing which would permit small organizations to hold fundraisers as a method of sustaining our community and organizations;

And further that all municipalities in Ontario are sent this resolution to seek their assistance in lobbying the Ministry.

We look forward to your consideration of our request.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Angie Cathrae".

Angie Cathrae
Director of Legislative Services/Clerk
519-534-1400 ext 122
Tol Free 1-877-534-1400
angie.cathrae@southbrucepeninsula.com

cc: MPP Bill Walker, All Ontario Municipalities

April 21, 2021

Town of Amherstburg
Mayor Aldo DiCarlo and Members of Council
271 Sandwich Street South
Amherstburg, ON
N9V 2A5

RE: NAV Canada Aeronautical Study at Windsor International Airport

Dear Mr. Mayor and Members of Council:

As you are aware, NAV Canada has made the decision to maintain air traffic control service at Windsor International Airport.

On behalf of YQG, I would like to extend our sincere appreciation for your support to retain controlled tower service at Windsor International Airport.

Stakeholder engagement is at the heart of the NAV Canada aeronautical study process. There is no doubt that your input provided NAV Canada with an indication of the importance of YQG to the local community.

Thank you again for your support.

Sincerely,

YOUR QUICK GATEWAY (WINDSOR) INC.



Mark Galvin
Chief Executive Officer

c. Mayor Drew Dilkens, Chairperson of the Board of Directors, YQG Inc.



Community Services

Legislative Services

April 27, 2021
File #120203

Sent via email: premier@ontario.ca

The Honourable Doug Ford, Premier of Ontario
Legislative Building
Queen's Park
Toronto, ON M7A 1A1

Honourable and Dear Sir:

Re: Province Investigating and Updating Source Water Protection Legislation

Please be advised the Municipal Council of the Town of Fort Erie at its meeting of April 26, 2021 passed the following resolution:

Whereas the Municipal Council of the Town of Fort Erie passed a resolution on October 21st, 2019 identifying that 1,100 private water wells were in operation in the Town of Fort Erie, of which 75% were used for domestic purposes including human and livestock consumption, and

Whereas the Municipal Council of the Town of Fort Erie further identified in that resolution that Council requires the protection of water in the aquifer supplying water to those wells from contamination as the result of any remediation of Pit One owned by the Port Colborne Quarries in the City of Port Colborne, and further

Whereas Report No. PDS-23-2021, approved by Council on March 22, 2021, identified that while the Niagara Peninsula Conservation Authority, The Regional Municipality of Niagara and Local Area Municipalities work together to protect source water, these plans do not generally apply to private servicing, and

Whereas Report No. PDS-23-2021 further identified efforts undertaken by the Town of Fort Erie through available provincial planning policy, regulation and legislation to protect source water within the Town of Fort Erie without any explicit ability to designate source water protection for private services, and

Whereas on July 28, 2010, through Resolution 64/292, the United Nations General Assembly explicitly recognized the human right to water and sanitation and acknowledged that clean drinking water and sanitation are essential to the realization of all human rights, and

.../2

Mailing Address:

The Corporation of the Town of Fort Erie
1 Municipal Centre Drive, Fort Erie ON L2A 2S6

Office Hours 8:30 a.m. to 5:00 p.m. Phone: (905) 871-1600 FAX: (905) 871-4022

Web-site: www.forterrie.ca

Whereas it would be desirable to ensure that those in our community who rely on wells and other private servicing for clean drinking water are afforded the same source water protection as municipal drinking water systems;

Now therefore it be resolved,

That: The Municipal Council of the Town of Fort Erie recognizes and acknowledges that clean drinking water and sanitation are basic human rights and essential to the realization of all human rights, and further

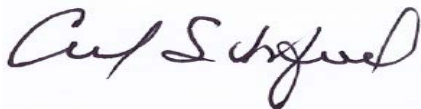
That: The Municipal Council of the Town of Fort Erie requests that the Ministry of Environment, Conservation and Parks consider legislative changes that would permit the expansion of source water protection to aquifers and private services, and further

That: This resolution be circulated to The Honourable Doug Ford, Premier of Ontario, the Honourable Jeff Yurek, Minister of the Environment, Conservation and Parks, Wayne Gates, MPP Niagara Falls, Jeff Burch, MPP Niagara Centre, Jennifer Stevens, MPP St. Catharines and Sam Oosterhoff, MPP Niagara West, and further

That: This resolution be circulated to all Conservation Authorities and Municipalities in Ontario for their endorsement and support.

Thank you for your attention to this matter.

Yours very truly,



Carol Schofield, Dipl.M.A.
Manager, Legislative Services/Clerk

cschofield@forterie.ca

CS:dlk

c.c.

The Honourable Jeff Yurek, Minister of Environment, Conservation and Parks jeff.yurekco@pc.ola.org

Jeff Burch, MPP, Niagara Centre jburch-gp@ndp.on.ca

Sam Oosterhoff, MPP, Niagara West sam.oosterhoff@pc.ola.org

Jennifer Stevens, MPP, St. Catharines JStevens-co@ndp.on.ca

Wayne Gates, MPP, Niagara Falls wgates-co@ndp.on.ca

Ontario Conservation and all Ontario Conservation Authorities: kgavine@conservationontario.ca; bhomer@abca.ca; kfurlanetto@crca.ca; generalmanager@catfishcreek.ca; @cloca.com; mvytyvtskyy@hrca.on.ca; deb.martindowns@cvc.ca; tim.pidduck@crowevalley.com; tbyrne@erca.org; llaliberte@grca.on.ca; karmstrong@grandriver.ca; t.lanthier@greysauble.on.ca; Lisa.Burnside@conservationhamilton.ca; majchrowski@kawarthaconservation.com; elizabeth@kettlecreekconservation.on.ca; cullen@lsrca.on.ca; tammy@lakeheadca.com; jmaxwell@lprca.on.ca; mark.peacock@lvca.ca; kelly.vandette@ltc.on.ca; beard@mvca.on.ca; David.Vallier@mattagamiregion.ca; smcintyre@mvc.on.ca; csharma@npca.ca; carl.jorgensen@conservationsudbury.ca; brian.tayler@nbmca.ca; dhevenor@nvca.on.ca; dlandry@otonabeeconservation.com; bmcnevin@quinteconservation.ca; richard.pilon@rrca.on.ca; sommer.casgrain-robertson@rvca.ca; j.stephens@svca.on.ca; cbarrett@ssmrca.ca; acoleman@nation.on.ca; bmcdougall@scrca.on.ca; John.MacKenzie@trca.ca; annett@thamesriver.on.ca

Ontario Municipalities

Proclamation



The Corporation of the Town of Amherstburg

“Day of Action Against Asian Racism – May 10”

WHEREAS Burnaby RCMP reported a 350 per cent increase in anti-Asian hate crimes during the first year of the COVID-19 pandemic; and

WHEREAS The Canadian Charter of Rights and Freedoms 15(1) states that Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability; and

WHEREAS The Town of Amherstburg strives to be a caring, inclusive, vibrant, safe, livable and just city; and that we must embrace diversity, celebrate culture and creativity, foster belongings and participation, and adapt well to a changing world; and

WHEREAS Every resident in Amherstburg deserves safe public spaces without the fear of discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability; and

WHEREAS May is Asian Heritage Month in Canada.

NOW THEREFORE I, ALDO DICARLO, MAYOR OF THE TOWN OF AMHERSTBURG, DO HEREBY PROCLAIM MAY 10, 2021 AS “DAY OF ACTION AGAINST ASIAN RACISM”

Aldo DiCarlo, Mayor

AMHERSTBURG COMMITTEE OF ADJUSTMENT

Present: T. Buchanan, A. Campigotto, D. Shaw, D. Cozens

Also Present: Frank Garardo, Manager of Planning Services, Kevin Fox, Policy and Committee Coordinator, Janine Mastronardi, Recording Secretary, Todd Hewitt, Manager of Engineering and Operations, Amy Farkas, Dillon Consulting Limited

Absent: J. Mailloux, with notice

1. Call to Order

The Chair, David Cozens, called the meeting to order at 7:36 a.m. and performed introductions of the Committee members and administration.

2. Roll Call

The Chair completed roll call for the electronic meeting, all members were present with the exception of J. Mailloux who was absent with notice.

3. Land Acknowledgement

The Chair has read the following land acknowledgement;

We will begin by acknowledging that the land on which we gather is the traditional territory of the Three Fires Confederacy of First Nations (comprising the Ojibway, the Odawa, and the Potawatomie Peoples), and of the Huron- Wendat and Wyandot Peoples. We recognize the land as an expression of gratitude to those whose traditional territory we reside on, and a way of honouring the Indigenous people who have been living and thriving on the land since time immemorial. We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island.

4. Disclosure of Interest

There were no disclosures of interest.

5. Adoption of Agenda

That the agenda be approved for adoption.

Moved by: Anthony Campigotto

Seconded by: Terris Buchanan

	Yes/Concur	No/Not Concur
Terris Buchanan	X	
Anthony Campigotto	X	
Josh Mailloux	Absent	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

6. Adoption of Minutes

The Chair requested comments on the adoption of minutes. There were none.

A motion was put forward to adopt the minutes of March 30, 2021 as presented.

Moved by: Anthony Campigotto

Seconded by: Don Shaw

	Yes/Concur	No/Not Concur
Terris Buchanan	X	
Anthony Campigotto	X	
Josh Mailloux	Absent	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

7. Order of Business

7.1 Applications B/17/21 & A/14/21 – Blake & Suzanne Laramie – 8121 Alma Street (Roll No. 3729-610-000-04900)

Public in Attendance: Blake Laramie, Applicant

B/17/21: The applicant is proposing to sever a parcel of land being 59.13 m (194 ft) ± frontage by 71.63 m (235 ft) ± depth with an area of 0.425 ha (1.05 acres) ± which includes a single detached dwelling and one accessory structure, which are considered surplus to the needs of the farming operation. The remaining parcel being 1,257.6 m (4,126 ft) ± frontage by 299.92 m (984 ft) ± depth with an area of 39.23 hectares (96.95 acres) ± is agricultural land, which includes four accessory structures: one pole barn and three grain bins. The property is designated Agricultural in the Town’s Official Plan and zoned Agricultural in the Town’s Zoning By-law.

A/14/21: The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 26(3)(a)(i), which requires a minimum lot area of 40 hectares in an Agricultural (A) Zone. Subsequent to a severance of a 0.425 ha (1.05 acres) ± surplus dwelling from an existing 39.66 hectares (98 acres) parcel, the retained farm parcel will have an area of 39.23 hectares (96.95 acres). Therefore, the amount of relief requested is 0.77 hectares (1.9 acres).

The following correspondence was received from the various agencies and residents circulated:

- i) Letter dated April 20, 2021 from the Essex Region Conservation Authority stating:
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).

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

With the review of background information and aerial photograph, ERCA has no objection to these applications for Consent and Minor Variance.
- ii) Letter dated April 20, 2021 from the County of Essex stating that:
The minimum setback for any proposed structures on this property must be 85 feet from the center of the original ROW of County Road No. 10. Permits are necessary for any changes to existing structures, or the construction of new entrances. New accesses to be located on Alma Street. No new access from County Road No. 9 will be permitted.
- iii) Email dated April 14, 2021 from the Fire Department states no objection.

- iv) Email dated April 20, 2021 from the Windsor Police Department stating that:
The Windsor Police Service has no concerns or objections with the application for a severance resulting in a variance associated with minimum remaining lot area. The result of this application will create no consequences for police service delivery.
- v) Email dated April 15, 2021 from the Engineering and Public Works Department stating a drainage apportionment is required for the Long Marsh Drain.
- vi) Email dated April 19, 2021 from the Building division stating,
 - *Septic review required*
- vii) Planning Report dated April 20, 2021 from Amy Farkas, Dillon Consulting Limited, on behalf of Frank Garardo, Manager of Planning Services.

Committee Discussion:

The Chair introduced the application and asked if there were any members of the public present for this application. There were none. The Planner, Frank Garardo read the purpose of the application. Blake Laramie presented the concept of the application. Discussion ensued regarding access to the retained farmland and farm buildings. Mr. Laramie confirmed that he has spoken with the Public Works Department regarding the installation of a new access off of the Howard Avenue cut off. The Chair confirmed with the applicant that they are aware of the required conditions. The applicant confirmed knowledge and understanding of the conditions.

The following resolutions were put forth:

That application B/14/21 be approved subject to the following conditions:

1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; an electronic and paper copy to be provided to the municipality.
2. The applicant submit to the municipality the deed, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate, and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. That an assessment apportionment for any and all drains affected by the severance be completed in accordance with the provisions of the Drainage Act and that all costs associated with said apportionment be paid by the applicant.
5. That the retained farmland to be rezoned to ensure that no new dwelling units shall be permitted and the requirement for this non-development be registered against the title of the property.
6. That the applicant obtain a report from an independent qualified person that the existing private septic system serving the surplus dwelling does not cross the property lines, that the system is in working order and that its operation will not be affected by the severance, to the satisfaction of the Building Department.
7. That should access be required for the retained or severed lot, access be completed in accordance with the provisions of the Drainage Act if it is required to cross a Municipal Drain. If access is required to cross a roadside ditch, it will be completed according to the Town right-of-way. The access shall be provided to each lot to the satisfaction of the municipality and County.
8. That a minor variance be obtained from the provisions of By-law 1999-52, as amended, Section 26(3)(a)(i) which requires a minimum lot area of 40 hectares in an Agricultural (A) Zone regarding the retained farm parcel.

9. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.

Moved by: Anthony Campigotto
 Seconded by: Terris Buchanan

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	X	
Anthony Campigotto	X	
Josh Mailloux	Absent	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

Reasons of Committee – The request is in conformity with Section 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement. The size and configuration of the severed surplus dwelling lot is appropriate for this severance as it reduces the amount of land taken from the farming operation and does not remove any of the farming drainage tiles from the farming operation.

That application A/14/21 be approved.

Moved by: Anthony Campigotto
 Seconded by: Don Shaw

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	X	
Anthony Campigotto	X	
Josh Mailloux	Absent	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

Reasons of Committee – The Committee, having considered the evidence presented, and having reviewed the plans and correspondence on file, is satisfied that the variance request is minor in nature, will not impact the character of the neighbourhood, and is keeping with the intent of the Official Plan and Zoning By-law. The proposed lot addition and surplus dwelling severances do not remove agricultural land from production.

7.2 Application B/22/21 –John & Susan McCallum, c/o Nick B. Soulliere, Agent – 420 Texas Road (Roll No. 3729-420-000-26500)

Public in Attendance: Nick B. Soulliere, Agent on the Application

Application B/13/21: The applicant is proposing to sever a parcel of land with 94 m ± width by 210.6 m ± depth and an area of 19,750 sq m ± for the purpose of a lot addition to merge with the vacant land to the east. The proposed retained parcel being 27.34 m ± frontage by 91.2 m ± depth has an area of 2,495 sq m ± contains one single detached dwelling. The subject lands are designated Low Density Residential in the Town's Official Plan and Residential Type 1A (R1A) Zone in the Town's Zoning By-law.

The following correspondence was received from the various agencies and residents circulated:

- i) Letter dated April 20, 2021 from the Essex Region Conservation Authority stating:

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 Morgan Drain South Branch and Morgan Drian Main and south Branch. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

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

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

With the review of background information and aerial photograph, ERCA has no objection to this application for Consent.

- ii) Email dated April 20, 2021 from the Windsor Police Department stating that: *The Windsor Police Service has no concerns or objections with the application involving a severance for a lot addition. The result of the application will not impact police service delivery whatsoever.*
- iii) Email dated April 19, 2021 from the Building Division stating no issues.
- iv) Email dated April 15, 2021 from the Engineering and Public Works Department indicating the following:
 - *At this stage, a drainage apportionment for the Morgan Drain and South Branch will not be needed as there is presently an ongoing drainage project taking place under the Drainage Act. The applicant should be made aware that an engineering project is ongoing and that improvements to the Morgan Drain and South Branch may be recommended where it exists within the limits of the subject lots. Drainage Assessments to both the retained and severed lots may be forthcoming in the future.*
 - *Any future developments within the severed and/or retained lots will be subject to all applicable procedures under Site Plan Control; all future site servicing (water, sanitary, storm sewers and SWM) will be subject to Town, ERCA and County development criteria and approval and will be at the expense of the applicant.*
- v) Email dated April 14, 2021 from the Fire Department dated indicating no objection.
- vi) Planning Report dated April 20, 2021 from Amy Farkas, Dillon Consulting Limited, on behalf of Frank Garardo, Manager of Planning Services.

Committee Discussion:

The Chair introduced the application and asked if there were any members of the public present for this application. Mr. and Mrs. Worden, 389 White Crescent, were in attendance. The Planner, Frank Garardo read the purpose of the application. Nick B. Soulliere, Agent on the application, presented the concept of the application. Discussion ensued. T. Buchanan questioned what the intended use of the property is. N. Soulliere indicated that right now the owners are in discussions with the Town and ERCA on the potential use of the land and confirmed any development would be residential in nature. Mr. Worden noted that the drain to the rear of their property and at the north end of the subject property was stagnant and questioned what the result would be of this application for lot addition. F. Garardo stated that any development applications under the Planning

Act such as a plan of subdivision would require public consultation and extensive work with engineering and conservation authorities regarding stormwater management prior to any residential development proceeding. D. Cozens confirmed the application was to join the two lots to make one larger parcel. Frank Garardo read the conditions of the severance and the agent acknowledged understanding.

The following resolutions were put forth:

That application B/22/21 be approved subject to the following conditions:

1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; a copy to be provided to the municipality.
2. The applicant to submit to the municipality the deed, in triplicate, acceptable for registration in order that consent may be attached to the original and duplicate and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. Subsection 3 of Section 50 of the Planning Act applies to any subsequent conveyance or transaction of or in relation to the parcels of land being the subject of the consent (severed and retained parcels).
5. That prior to the stamping of deeds the owner is to provide satisfactory evidence that the adjacent parcel is under consolidation relative to the parcels which are the subject of the consent.
6. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.

Moved by: Anthony Campigotto
 Seconded by: Terris Buchanan

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	X	
Anthony Campigotto	X	
Josh Mailloux	Absent	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

Reasons of Committee – The request is in conformity with Sections 6.1.2 and 6.1.2(6) of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement. The existing use of the land is not changing and no new lots are being created.

7.3 Applications B/23 & 24/21 – 1473490 Ontario Limited, c/o Harold & Joe Shaw, Agents – N/W Corner Alma & Concession 3 N (Roll No. 3729-360-000-01290)

Public in Attendance: Joe Shaw, Agent on the Application

B/23/21: The applicant is proposing to sever a parcel of land being 45.72 m (150 ft) frontage by 76.2 m (250 ft) depth with an area of 0.348 ha (0.86 acres) for the purpose of an industrial lot creation. The remaining parcel being 76.2 m (250 ft) frontage by 121.14 m (397.45 ft) depth with an area of 0.923 hectares (2.28 acres) is vacant industrial land. The property is designated and zoned Light Industrial in the Town's Official Plan and Zoning By-law.

B/24/21: The applicant is proposing to sever a parcel of land being 45.72 m (150 ft) frontage by 76.2 m (250 ft) depth with an area of 0.348 ha (0.86 acres) for the purpose of an industrial lot creation. The remaining parcel being 76.2 m (250 ft) frontage by 75.42 m (247.45 ft) depth with an area of 0.575 hectares (1.42 acres) is vacant industrial land. The property is designated and zoned Light Industrial in the Town's Official Plan and Zoning By-law.

The following correspondence was received from the various agencies and residents circulated:

- i) Letter dated April 16, 2021 from the Essex Region Conservation Authority stating:

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 Faucher Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

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

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

With the review of background information and aerial photograph, ERCA has no objections to these applications for Consent.

- ii) Email dated April 20, 2021 from the Windsor Police Department stating that:
The Windsor Police Service has no concerns or objections with this application for a severance to create an industrial lot, as it will carry no impacts to police service delivery whatsoever.

- iii) Email dated April 15, 2021 from the Engineering and Public Works Department stating that:

- *The existing watermain on Concession Rd 3N is undersized to service industrial development at this location. EPW recommends against this severance until such time that the watermain is appropriately upgraded to meet industrial servicing and fire protection standards.*
- *No Sanitary sewers, septic field required for new lots. Additionally, the applicant should be aware that, in the future, should a sanitary sewer collection system be constructed along Concession Rd 3N, each of the lots described under this application will be required to connect and be serviced by said sanitary sewer.*
- *The cost of all servicing requirements will be at the expense of the applicant.*
- *Future industrial development will require comprehensive SWM control, subject to approval from the Town and ERCA.*
- *Any future development proposed will be subject to Site Plan Control, subject to the approval of the Town, ERCA, the County of Essex, along with environmental regulating agencies (MNR, MECP, etc.).*
- *Presently, the subject properties are within the watershed of the Faucher Drain and the Darrah Drain, but have no immediate connection to either drain. Drainage approval will require demonstration of a suitable path to the outlet drainage system.*
- *Drainage apportionment will be required for the Faucher and Darrah Drain.*

- *Based on the proposal, the new severed lots will require separate driveway accesses and culverts from Concession Rd 3N. This will require necessary review and permit from the Town.*
 - *The applicant will be required to obtain a Right-of-Way Permit from EPW according to Town policy for any work required within the limits of the Town right-of-way. All permitting cost will be entirely borne by the applicant.*
- iv) Email dated April 14, 2021 from the Fire Department stating, *An upgrade of the Concession 3 North 2" water main to a minimum of a 6", and fire hydrants meeting Public Works specifications, spaced at 90 metres maximum from existing hydrants at Alma to run along Concession 3 North frontage of proposed severed lots.*
- v) Email dated April 19, 2021 from the Building division stating,
- *Confirm fire hydrants*
 - *Ensure new septic system will fit newly created lots*
 - *Grade designs will be required at building permit application submissions*
 - *R.O.W permit will be required*
- vi) Planning Report dated April 20, 2021 from Amy Farkas, Dillon Consulting Limited, on behalf of Frank Garardo, Manager of Planning Services.

Committee Discussion:

The Chair introduced the application and asked if there were any members of the public present for this application. There were none. The Planner, Frank Garardo read the purpose of the application. Joe Shaw presented the concept of the application. Mr. Shaw noted that they have owned the property for several years and recently have been approached by contractors who are interested in building small shops on the site but the existing parcel is too large. The severances are being proposed to create lots the size that will meet the needs of interested buyers. Frank Garardo read the conditions of the severance and the applicant acknowledged understanding. Dave Cozens reiterated the conditions to extend the waterline and install a fire hydrant. The applicant acknowledged understanding and that communication for further understanding had taken place with the Manager of Environmental Services. Todd Hewitt noted there is an 8" waterline on Alma that could be extended northerly up Alma. Frank Garardo stated all conditions including the installation of the waterline and hydrant will be required to be completed within one year of the Committee's approval and prior to the stamping of the deeds. Terris Buchanan inquired if the installation of bridges to the properties would be an issue. Todd Hewitt responded advising that no approval issues should arise for new accesses off of Concession 3 N. The ditch is a roadside ditch and standard ROW permits would be required.

The following resolution was put forth:

That application B/23/21 be approved subject to the following conditions:

1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; a copy to be provided to the municipality.
2. The applicant to submit to the municipality the deed, in triplicate, acceptable for registration in order that consents may be attached to the original and duplicate and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. That an assessment apportionment for any and all drains affected by the severances be completed in accordance with the provisions of the Drainage

Act and that all costs associated with said apportionment be paid by the applicant.

5. That the Concession 3 N water main be upgraded to the satisfaction of the Engineering and Public Works department prior to the stamping of the deeds, at the applicants expense. The applicant must demonstrate that the water main has been upgraded prior to the stamping of the deeds.
6. That the applicant install a Fire Hydrant satisfactory to the Fire Department prior to the stamping of the deeds.
7. That a new septic system servicing the new lots be designed to the satisfaction of the Town. Should a future sanitary sewer collection system be constructed along Concession Rd 3 N, each of the lots described under this application will be required to connect and be serviced by said sanitary sewer.
8. That should access be required for the retained or severed lot, access be completed in accordance with the provisions of the Drainage Act if it is required to cross a Municipal Drain. If access is required to cross a roadside ditch, it will be completed according to the Town right-of-way policies or permitting policies from the County of Essex, should the ditch be within the County right-of-way. The access shall be provided to each lot to the satisfaction of the municipality.
9. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.

Moved by: Terris Buchanan
 Seconded by: Anthony Campigotto

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	x	
Anthony Campigotto	x	
Josh Mailloux	Absent	
Donald Shaw (VC)	x	
David Cozens (CH)	x	

Reasons of Committee – The request is in conformity with Sections 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement. The proposed lots provide for infill development that meets the provisions of the Zoning By-law 1999-52, as amended.

That application B/24/21 be approved subject to the following conditions:

1. That a Reference Plan of the subject property satisfactory to the municipality be deposited in the Registry Office; a copy to be provided to the municipality.
2. The applicant to submit to the municipality the deed, in triplicate, acceptable for registration in order that consents may be attached to the original and duplicate and a copy be provided to the municipality.
3. That all property taxes be paid in full.
4. That an assessment apportionment for any and all drains affected by the

severances be completed in accordance with the provisions of the Drainage Act and that all costs associated with said apportionment be paid by the applicant.

5. That the Concession 3 N water main be upgraded to the satisfaction of the Engineering and Public Works department prior to the stamping of the deeds, at the applicants expense. The applicant must demonstrate that the water main has been upgraded prior to the stamping of the deeds.
6. That the applicant install a Fire Hydrant satisfactory to the Fire Department prior to the stamping of the deeds.
7. That a new septic system servicing the new lots be designed to the satisfaction of the Town. Should a future sanitary sewer collection system be constructed along Concession Rd 3 N, each of the lots described under this application will be required to connect and be serviced by said sanitary sewer.
8. That should access be required for the retained or severed lot, access be completed in accordance with the provisions of the Drainage Act if it is required to cross a Municipal Drain. If access is required to cross a roadside ditch, it will be completed according to the Town right-of-way policies or permitting policies from the County of Essex, should the ditch be within the County right-of-way. The access shall be provided to each lot to the satisfaction of the municipality.
9. This consent will be deemed to be refused in accordance with the Planning Act if the above noted conditions are not met within one year from the date of this notice.

Moved by: Terris Buchanan
 Seconded by: Don Shaw

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	x	
Anthony Campigotto	x	
Josh Mailloux	Absent	
Donald Shaw (VC)	x	
David Cozens (CH)	x	

Reasons of Committee – The request is in conformity with Sections 6.1.2 of Amherstburg's Official Plan and is consistent with the Provincial Policy Statement. The proposed lots provide for infill development that meets the provisions of the Zoning By-law 1999-52, as amended.

7.4 Application A/18/21 – Ken & Kim McAlpine – 6606 Concession 6 S (Roll No. 3729-580-000-03310)

Public in Attendance: Ken McAlpine, Applicant

A/11/21: The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 3(1)(b) which permits the total lot coverage of all non-farm accessory use structures to a maximum of 185 square meters (1,991 sq.ft). The applicant is proposing the construction of a 28 ft by 36 ft, 1,008 sq ft addition to an existing 1,936 sq ft residential detached accessory structure resulting in a total accessory structure lot coverage of 2,944 sq ft (5.26%) on a 56,000 sq ft lot. Therefore, the amount of relief requested is 953 sq ft

(1.8%) in accessory structure lot coverage. The subject property is zoned Agricultural Zone in the Zoning By-law 1999-52, as amended, and designated Agricultural in the Town of Amherstburg Official Plan.

The following correspondence was received from the various agencies and residents circulated:

- i) Letter dated April 22, 2021 from the Essex Region Conservation Authority stating: *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 Albert Mcgee Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.*

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

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.
- ii) Email dated April 15, 2021 from the Engineering and Public Works Department stating no comments.
- iii) Email dated April 19, 2021 from the Building division stating that:
 - Provide proper grading along property line to address any water runoff
 - Existing accessory structure to have an minimum foundation depth of 48” to permit addition
- iv) Planning Report dated April 20, 2021 from Amy Farkas, Dillon Consulting Limited, on behalf of Frank Garardo, Manager of Planning Services.

Committee Discussion:

The Chair introduced the application and asked if there were any members of the public present for this application. There were none. The Planner, Frank Garardo read the purpose of the application. Ken McAlpine presented the concept of the application confirming the garage addition is for storage of his personal items such as jet skis, trailer, vehicle, etc. Discussion ensued regarding residential accessory structure lot coverage in the Agricultural Zone and the impact of this request on the neighbourhood. It was noted that the addition would not be obvious from the street, farmland is to the rear, tree line to the north and minimal impact on the one adjacent neighbour. The applicant confirmed that they were aware of the condition for proper grading around the proposed structure.

The following resolution was put forth:

That application A/18/21 be approved subject to the following condition:

1. That the proper grading along the property line be complete for any water runoff, to the satisfaction of the Building Department.

Moved by: Terris Buchanan

Seconded by: Don Shaw

-carried-

	Yes/Concur	No/Not Concur
Terris Buchanan	X	

Anthony Campigotto	X	
Josh Mailloux	Absent	
Donald Shaw (VC)	X	
David Cozens (CH)	X	

Reasons of Committee –

The Committee, having considered the evidence presented, and having reviewed the plans and correspondence on file, is satisfied that the variance request is minor in nature, will not impact the character of the neighbourhood, and is keeping with the intent of the Official Plan and Zoning By-law.

7.5 Application A/16/21 – Marcella Dufour & Jim Best – 22 Holiday Court (Roll No. 3729-190-000-06500)

Public in Attendance: Marcella Dufour & Jim Best, Applicants

A/16/21: The applicant is requesting relief from Zoning By-law 1999-52, as amended, Section 3(1)(c) which permits a maximum accessory structure height of 5.5 m (18 ft) measured to the peak of the roof and Section 3(1)(b) which permits a maximum lot coverage of 10 percent of the lot area to a maximum of 100 sq m (1,076 sq ft) in a Residential Zone.

The applicant is proposing the construction of a 30 ft x 36 ft, 1,080 sq ft, accessory structure with a height of 6.7 m (22 ft) to the peak of the roof. The proposed structure will have a three car garage on the main floor and a secondary suite on the second floor.

Therefore, the amount of relief requested is 1.22 m (4 ft) in height for an accessory structure and 0.37 sq m (4 sq ft) in accessory structure lot coverage.

The subject property is zoned Residential First Density in the Zoning By-law 199-52, as amended, and designated Low Density Residential in the Town of Amherstburg Official Plan.

The following correspondence was received from the various agencies and residents circulated:

- i) Letter dated April 16, 2021 from the Essex Region Conservation Authority stating: *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).*

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

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

With the review of background information and aerial photograph, ERCA has no objection to this application for Minor Variance.

- ii) Email dated April 20, 2021 from the Windsor Police Department stating that: *The Windsor Police Service has no concerns or objections with the proposed application to permit an increase in the maximum allowable height of an accessory structure for a 3-car garage with secondary suite above. The applicant is simply reminded they should ensure police response, particularly in an emergency situation, is properly maintained for this new structure and most notably to the second storey residential unit.*

- iii) Email dated April 15, 2021 from the Engineering and Public Works Department

stating:

While EPW does not have any specific issues with the new garage, the application highlights the issue of an increase in hard surface lot coverage. When considering all hard surfaces, the percentage of grassed, or vegetated area on the lot, is approximately 56%. The remaining 44% drains directly to the storm sewer through downspout connections, or overland sheet flow. The cumulative effects of increased runoff resulting from lots that have been developed in excess of the allowable design tolerances can have detrimental consequences on existing storm water management (SWM) facilities and storm sewer infrastructure.

- iv) Email dated April 14, 2021 from the Fire Department stating, *proposed accessory building to meet the 1.5 metre setback from all sides as the proposed use is residential occupancy.*
- v) Email dated April 19, 2021 from the Building division stating:
 - *Proper drainage required along existing driveway and property line. Accommodations to be made to maintain own water drainage from driveway.*
 - *Rear yard drainage to be installed at rear of property*
 - *No floor plans attached (4 entry doors into building) Where are they leading to?*
 - *Existing shed to be removed.*
 - *All permits required for new construction*
- vi) Planning Report dated April 20, 2021 from Amy Farkas, Dillon Consulting Limited, on behalf of Frank Garardo, Manager of Planning Services.

Committee Discussion:

The Chair introduced the application and asked if there were any members of the public present for this application. There were none. The Planner, Frank Garardo read the purpose of the application. Marcella Dufour presented the concept of the application. Discussion ensued regarding the proposed two storey building height and how it is not consistent with the character of the neighbourhood given all houses on Holiday Court are one and one and a half storey homes.

The following resolution was put forth:

That application A/16/21 be approved.

Moved by: Terris Buchanan
 Seconded by: Don Shaw

-denied-

	Yes/Concur	No/Not Concur
Terris Buchanan	X	
Anthony Campigotto		X
Josh Mailloux		Absent
Donald Shaw (VC)		X
David Cozens (CH)		X

Reasons of Committee – The Committee, having considered the evidence presented, and having reviewed the plans and correspondence on file, determined that the variance request was not minor in nature, would impact the character of the neighbourhood, and was not in keeping with the intent of the Zoning By-law.

7. **Next Meeting** to be May 18, 2021.

8. Adjournment

The meeting was adjourned at 8:54 a.m.

Chairman- Dave Cozens

Secretary- Frank Garardo

DRAFT



**TOWN OF AMHERSTBURG
DRAINAGE BOARD
Tuesday, April 6, 2021
6:00 PM
ELECTRONIC PARTICIPATION**

MINUTES

PRESENT

Bob Bezaire, Chair
Allan Major, Vice-Chair
Brad Laramie
Bob Pillon
Anthony Campigotto
Shane McVitty, Drainage Superintendent &
Engineering Coordinator
Nicole Humber, Recording Secretary
Kevin Fox, Policy and Committee Coordinator

ABSENT

CALL TO ORDER

The Chair called the meeting to order at 6:01 p.m.

ROLL CALL

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

There were none.

4. MINUTES OF PREVIOUS MEETING

Bob Pillon moved, Allan Major seconded;

That:

The minutes of the previous meeting BE ADOPTED:

1. Drainage Board Meeting Minutes – March 2, 2021

	Yes/Concur	No/Not Concur
Bob Pillon	X	
Allan Major – Vice Chair	X	
Brad Laramie	X	
Anthony Campigotto	X	
Bob Bezaire - Chair	X	

Motion Carried

5. OPEN COURT OF REVISION

The Chair opened the Court at 6:02 p.m.

5.1 Appeals – Improvements to the Charles Shepley Drain

Board Chair Bob Bezaire explained that under the provisions of the Drainage Act, drainage projects involving more than one municipality require a member of the non-initiating municipality to sit on the Court of Revision. Mr. Bezaire further explained that Mr. Kirk Carter will be representing the Town of Essex on the Court of Revision. It is also stipulated that the Chair of the Court of Revision must also sit on the Court. Mr. Bezaire invited one member of the Amherstburg Drainage Board to volunteer to fill the remaining seat on the Court of Revision. Board Member Bob Pillon volunteered to sit on the Court of Revision.

The members of this Court of Revision are Kirk Carter, Town of Essex, Board Member Bob Pillon, and Board Chair Bob Bezaire both from the Amherstburg Drainage Board.

Board Chair Bob Bezaire provided the Board Members with a brief overview of the procedures of the Court of Revision. Board Chair Bob Bezaire added that the Town had received two written appeals, and the appeals would be addressed separately.

Michael Gerrits, P.Eng from R. Dobbin Engineering Inc. provided a quick overview of the project, and added that he would respond to each of the appeals following presentation from the appellants.

Board Chair Bob Bezaire invited Michelle Ferriss to address her appeal.

- **Appellant # 1 – Rodney & Michelle Ferriss**

Mrs. Ferriss advised the members of the Court that she was appealing charges on the maintenance schedule, as she feels that her assessment is too high in comparison to other non-agricultural parcels.

Mr. Gerrits advised that Mr. & Mrs. Ferriss' submitted their appeal to the Court of Revision under section 76 (4) of the Drainage Act; My/our land has been assessed too high on the Schedule of Maintenance Section 2, not the rest of the report.

Mr. Gerrits stated that the Ferriss property is at the top end of the drain and do not have a direct connection to the drain. They receive an outlet assessment for their surface water. Mr. Gerrits added that the Ferriss' are responsible for the water generated on their lands as it travels down stream to the drain's outlet at the Long Marsh Drain.

Mr. Gerrits explained that when the Ferriss' appeal was received he looked into their concern and found an error in his calculation. As such, Mr. Gerrits is recommending revisions to the Ferriss' assessment to better reflect the outlet assessment on the Schedule of Maintenance. Mr. Gerrits advised that by doing so, there would be four other landowners that would be affected by this change.

Mr. & Mrs. Ferriss indicated they have done some research and noticed the drain does not touch their property. Mrs. Ferriss explained that there is a property across the road from theirs that drains through a culvert under the road and into the Charles Shepley Drain. This triangular piece of land was not shown on any

of the assessment schedules for the Charles Shepley Drain. Mrs. Ferriss questioned if there should be possibly more properties assessed.

Court Member Bob Pillon asked Mr. Gerrits if he was aware of a catchbasin on County of Essex property located south of the Ferriss' property. Mr. Ferriss clarified the location of the catchbasin.

A discussion ensued regarding the drain location and Mr. Gerrits' survey.

Board Member Brad Laramie asked if he could speak.

Shane McVitty advised that because Mr. Laramie was not on the Court of Revision for this project, he could not speak to the issue.

Mr. McVitty explained to the Court Members that Mr. Gerrits has indicated that assessment adjustments are required and suggested that they be addressed at a 2nd sitting of the Court of Revision. Mr. McVitty further explained that the Court of Revision cannot make assessment changes that will affect any property if the owners of said properties are not present at the meeting. He added that all affected landowners will be notified of any assessment changes and will be provided an opportunity to attend and speak at the 2nd Sitting of the Court of Revision. Mr. McVitty stated that the engineer can then further investigate the Ferriss' watershed concerns and report back at the 2nd sitting of the Court.

Court of Revision member Bob Bezaire asked the Ferriss' if this was satisfactory to them.

The Ferriss' replied it was satisfactory.

- **Appellant # 2 – Joe Grondin on behalf of Grondin Farms Ltd.**

Mr. Grondin explained that his appeal was regarding Culvert #8 on the Charles Shepley Branch Drain. Mr. Grondin stated that he does not believe that he should be assessed for this culvert. Mr. Grondin read aloud to the Court a letter that he submitted with his appeal to the Court Members.

Mr. Grondin stated that the Bonnifield farm is draining through Culvert #8, but questioned why they are not assessed for outlet through the culvert. Mr. Grondin further stated that the crossing was installed illegally in the past, and feels that he should not have to pay for it.

Mr. Grondin added that he has researched and spoke to OMAFRA and has found that assessments for new culverts have always been 100% assessed to

the benefitting landowner. Mr. Grondin noted that he does not understand Mr. Gerrits' assessment calculation or rationale.

Mr. Gerrits indicated that he contacted the benefitting landowner, Bonnefield farms, to discuss Culvert #8 and that landowner is requesting the culvert remain. He added that the culvert has been there for many years and they wish to continue to use it.

Mr. Gerrits explained that he has determined that Culvert #8 should be considered as a primary access culvert even though it does not abut a road allowance. Mr. Gerrits further explained that he contacted OMAFRA in the past regarding grant information. Mr. Gerrits stated that grant information is determined by OMAFRA's ADIP (Agricultural Drainage Infrastructure Program) and, based on their policies, this property would not be eligible for grant. However the landowner could appeal to OMAFRA should he be unsatisfied with the grant decision.

Mr. Gerrits added that he has put a lot of thought into his assessment of this particular crossing, and feels it is a fair assessment to the Grondin lands. Mr. Gerrits stated that the Bonnifield lands require the crossing due to water flowing from Mr. Grondin's property down the side of the Bonnifield lands. He indicated that if the water from Mr. Grondin's property did not flow in this way, then the Bonnifield's would be able to simply drive across to their other property and the crossing would not be needed.

Court Chair Bob Bezaire asked if the other Court Members had any questions.

Court Member Bob Pillon stated that he agrees with Mr. Grondin's concerns. He added that the Engineer's report twice states that Parcel Number 8 does not have an access, which would make the current culvert illegal as it has not been previously documented. Mr. Pillon added that in the report it was also noted that the existing culvert to be removed was private and is to be replaced with a new culvert.

A discussion ensued regarding Culvert #8 and Mr. Grondin's concerns.

Mr. Bezaire invited Court Member Kirk Carter to speak or anyone else in the audience to speak.

There was none.

Court Member Bob Bezaire asked for clarification from Shane regarding how to proceed with regard to the second sitting of the Court of Revision.

Shane McVitty indicated that it was ultimately up to the Court Members to decide how to proceed. However, he noted that in order to deal with Mr. & Mrs. Ferriss' appeal, another sitting of the Court will be required. Mr. McVitty advised that those affected landowners need to be informed of the changes and given a chance to appeal should they wish to do so.

Bob Pillon expressed his concerns that the engineer has admitted that he understands Mr. Grondin's concerns relating to the assessment of Culvert #8. He also pointed out that the engineer has noted that this culvert is only a convenience for the Bonnefield lands, and is not entirely sure if the culvert assessment will be grantable. Mr. Pillon pointed out that Mr. Grondin has researched the grant, and has determined that the culvert won't be grantable. Mr. Pillon believes that the replacement culvert is new, and therefore there should not be any charge to Mr. Grondin.

Kirk Carter asked to speak. Mr. Carter indicated that he supports the engineer's assessment of Culvert #8. He indicated that there is an element of interpretation about the grant availability and the status of the access as primary, but feels that the engineer has the right to make these interpretations. He added that the issue seems simple, but has somehow become very complicated due to wording and interpretation.

Kirk Carter moved; Bob Bezaire seconded

That:

- 1. The appeals submitted written or verbally to the Court of Revision for the Improvements to the Charles Shepley Drain BE RECEIVED; and**
- 2. The appeal from Joe Grondin relating to the assessment of Culvert #8 be denied and the assessment as presented by R. Dobbin Engineering Inc. BE ACCEPTED.**

	Yes/Concur	No/Not Concur
Bob Pillon		X
Kirk Carter	X	
Bob Bezaire - Chair	X	

Motion Carried

Kirk Carter moved; Bob Pillon seconded,

That:

The Drainage Board DIRECT the Engineer to complete a reassessment of the Improvements to the Charles Shepley Drain and complete any necessary adjustments to the Assessment Schedules based on the appeal from Mr. & Mrs. Shepley; and

Administration BE DIRECTED to schedule a second sitting of the Court of Revision for the Improvements to the Charles Shepley Drain.

	Yes/Concur	No/Not Concur
Bob Pillon	X	
Kirk Carter	X	
Bob Bezaire - Chair	X	

Motion Carried

6. CLOSE COURT OF REVISION

Bob Pillon moved, Kirk Carter seconded;

That:

1. The Court of Revision be ADJOURNED.

	Yes/Concur	No/Not Concur
Bob Pillon	X	
Kirk Carter	X	
Bob Bezaire - Chair	X	

Motion Carried

The Court of Revision was closed at 7:01 p.m.

7. NEW BUSINESS

7.1 Morgan Drain South Branch – Engineering Appointment

Shane McVitty advised the Board that the Town has received a request from a landowner wishing to complete a residential development on a property that is adjacent to the Morgan Drain. He added that, in order for them to carry forward with this development, adjustments to the Morgan Drain will need to be reviewed. Mr. McVitty added that the main branch of the Morgan Drain abuts the northern end of the development, and that the Morgan Drain South Branch, which bisects a portion of the lands being proposed for development, will require realignment or a drain enclosure.

Allan Major moved, Anthony Campigotto seconded;

That:

- 1. The report from the Drainage Superintendent and Engineering Coordinator dated March 23, 2021, regarding the Morgan Drain and South Branch – Engineering Appointment BE RECEIVED;**
- 2. The Drainage Board recommend that Council ACCEPT the request from 1583953 Ontario Inc. per Section 78 of the Drainage Act; and,**
- 3. The Drainage Board recommend that the appointment of the firm of R. Dobbin Engineering Inc. to complete the necessary report for the repair and improvement to the Morgan Drain and South Branch BE APPROVED by Council.**

	Yes/Concur	No/Not Concur
Bob Pillon	X	
Allan Major – Vice Chair	X	
Brad Laramie	X	
Anthony Campigotto	X	
Bob Bezaire - Chair	X	

Motion Carried

7.2 Various Drainage Apportionments

Shane McVitty advised that this report deals with three drainage apportionments that are required due to land severances. Mr. McVitty stated that the drainage apportionments have all been prepared by the Municipality, and added that all of the affected landowners agreed to the apportionments.

Anthony Campigotto moved, Allan Major seconded;

That:

- 1. The report from the Drainage Superintendent and Engineering Coordinator dated March 22, 2021, regarding Various Drainage Apportionments BE RECEIVED;**
- 2. The drainage apportionments BE APPROVED as listed:**
 - **Consent B/30/19 - Drainage Apportionments for the Jeths Drain – 128 Texas Road.**
 - **Consent B/8-9/20 – Drainage Apportionments for the Dufour Drain and Sucker Creek Drain – 8121 Middle Sideroad**
 - **Consent B/25/20 – Drainage Apportionments for the Mitchell Drain – 7273 County Road 50; and**
- 3. Administration BRING FORWARD the Drainage Board’s recommendation to approve the drainage apportionments at a future Regular Council Meeting.**

	Yes/Concur	No/Not Concur
Bob Pillon	X	
Allan Major – Vice Chair	X	
Brad Laramie	X	
Anthony Campigotto	X	
Bob Bezaire - Chair	X	

Motion Carried

8. NEXT MEETING DATE

Tuesday, May 4, 2021 @ 6:00 p.m.

10. ADJOURNMENT

Bob Pillon moved, Allan Major seconded;

That:

That the meeting of the Drainage Board BE ADJOURNED at 7:10 p.m.

	Yes/Concur	No/Not Concur
Bob Pillon	X	
Allan Major – Vice Chair	X	
Brad Laramie	X	
Anthony Campigotto	X	
Bob Bezaire - Chair	X	

Motion Carried

Chair – Bob Bezaire

Staff Liaison – Shane McVitty



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF ENGINEERING AND PUBLIC WORKS

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Author's Name: Shane McVitty	Report Date: March 23, 2021
Author's Phone: 519 736-3664 ext. 2318	Date to Drainage Board: April 6, 2021
Author's E-mail: smcvitty@amherstburg.ca	Resolution #: N/A

To: Members of the Drainage Board

Subject: Morgan Drain and South Branch – Engineering Appointment

1. **RECOMMENDATION:**

It is recommended that:

1. The report from the Drainage Superintendent and Engineering Coordinator dated March 23, 2021, regarding the Morgan Drain and South Branch – Engineering Appointment **BE RECEIVED**;
2. The Drainage Board recommend that Council **ACCEPT** the request from 1583953 Ontario Inc. per Section 78 of the Drainage Act;
3. The Drainage Board recommend that the appointment of the firm of R. Dobbin Engineering Inc. to complete the necessary report for the repair and improvement to the Morgan Drain and South Branch **BE APPROVED** by Council; and,

2. **BACKGROUND:**

On February 9th, 2021, the owner of the company known as 1583953 Ontario Inc. submitted a request for the repair and improvement to the Morgan Drain and the South Branch of the Morgan Drain.

3. DISCUSSION:

The Morgan Drain is a mostly open drain located to the north of Texas Road, between Knob Hill Drive and the eastern limits of the Kingsbridge Subdivision. The drain runs behind the rear yards of the residential parcels along Higgins Crescent and White Crescent before turning northerly past the eastern Kingsbridge stormwater management pond. From there the drain proceeds in an easterly direction before reaching its outlet at the Long Marsh Drain.

The Southern Branch of the Morgan Drain extends from Texas Road in a northerly direction until it intersects with the Main Drain. It is an open drain that bisects the farm property owned by the individual that has requested that the drain be improved.

Over the years, the Morgan Drain has been improved under a number of engineering reports. The Main Drain was improved under a report by E.O. LaFontaine, P.Eng., dated December 13, 1993. Under this report, the open section of the drain from Knob Hill to Essex Terminal Railway was deepened and improved. This was done prior to most of the development of the Kingsbridge Subdivision; at the time, the areas immediately north and south of the Main Drain were still largely agricultural. Since that time, the development of Kingsbridge has proliferated and residential lots now back onto the Main Drain from Higgins Crescent and White Crescent.

Under a report by Ed Dries, P.Eng., dated October 28, 2011, the Morgan Drain and the South Branch of the Morgan Drain was improved all the way to the outlet at the Long Marsh Drain. The railway crossing culvert beneath the Essex Terminal Railway was replaced, as well as the crossing beneath the Concession Road 2 N (County Road 5). No work was completed on the Main Drain to the west of the South Branch (ie. between the South Branch and Knob Hill). A 2017 engineering report by H.P. Pearson, P.Eng., and subsequent connection report by D.R. McCready, P.Eng., dated May 26, 2020, both served to update the schedules of assessment for the Morgan Drain.

Although there have been other reports that have been completed on the Morgan Drain and it's branches, the 1993 LaFontaine report and the 2011 Dries report represent the two that are most relevant to the improvements being recently requested. Under these reports, the watershed of the affected sections of the drain is generally defined by the lands bordered by Knob Hill to the west, County Road 5 to the east, Texas Road to the south, and Higgins Crescent / White Crescent to the north.

Recently, a residential development of approximately 5.30 hectare (13.1 acres) within the Morgan Drain watershed has been proposed by a private developer. The new development proposes the construction of an 45 lot residential subdivision. As part of the development, stormwater management will be in place to control quality and release of stormwater into the Morgan Drain. To this effect, a stormwater management study and report is being completed by the developer. Said study proposes the construction of a stormwater management pond, overland flow routing, and quality control devices to meet prevalent protection levels stipulated by the Ministry of the Environment, Conservation and Parks, the Essex Region Conservation Authority, and the Town of Amherstburg.

Through site investigations of the Morgan Drain, and in consultation with the developer and their engineering consultants, it has been determined that the new development will likely impact both the Main Drain and the South Branch. The proposed arrangement and new lot layout poses challenges for future works of maintenance on the Morgan Drain by substituting agricultural lands with residential lands that would otherwise be used to access the drain during maintenance activities. The proposed lot and roadway layout is planned to be located directly overtop of the entire South Branch and portions of the Main Drain. Further, recent site investigations have shown that the drain is in need of repair. Thick brush, large trees, and numerous blockages were noted along the length of the open drain where it passes by the proposed development lands. Prior to moving forward with the residential development, these issues must be addressed and will be evaluated by the appointed drainage engineer.

Through consultation with the developer of the proposed new subdivision, administration has indicated that the Morgan Drain cannot be used for outlet purposes unless the drain is improved according to Section 78 of the Drainage Act. In addition to any recommended improvements or drainage alterations, this will ensure that any future works of maintenance is fairly and accurately assessed to the lands and roads that use the drain.

A motion was passed at the April 27, 2020 Council Meeting to authorize administration to utilize a roster for drainage services under the Drainage Act. Among others, R. Dobbin Engineering Inc. was selected to be included as part of this roster and is thereby eligible to prepare a drainage report pursuant to Section's 78 of the Drainage Act for the Repair and Improvement to the Morgan Drain and South Branch.

4. RISK ANALYSIS:

Prior to moving forward with the development of the subject Texas Road lands, improvements are needed to the Morgan Drain. In addition, suitable provisions for future works of maintenance must be defined. As part of its evaluation of the proposed subdivision, Engineering and Public Works requires that a drainage report pursuant to Section 78 of the Drainage Act for improvements to the Morgan Drain be completed prior to development. Through this report, the functionality of the drain will undoubtedly be improved which will help to safeguard the new development from flooding due to a poorly functioning drainage outlet. Denying the necessary appointment of an engineer to complete the drainage report could jeopardize the development and put the Town at risk of litigation from the developer.

5. FINANCIAL MATTERS:

The assessment of the costs associated with the preparation of the engineering report will be outlined within the engineer's drainage report for the Morgan Drain and South Branch.

Costs associated with the preparation of drainage reports are primarily assessed to property owners. Assessments to the Town may also occur, depending on the nature of the drainage project. An allowance is included in the annual Budget under the Public Works budget centre for the Town's share of costs for maintenance or construction works under the Drainage Act. Should there be any assessments against the Town of

Amherstburg relating to this project, they will be included under future Public Works budget centre as a Municipal Drain Expense.

6. **CONSULTATIONS:**

N/A

7. **CONCLUSION:**

Administration is recommending that the appointment of the firm of R. Dobbin Engineering Inc. for the repair and improvement to the Morgan Drain and South Branch be brought to the next Regular Council meeting for Council's consideration pursuant to the provisions of the Drainage Act.



Shane McVitty
**Drainage Superintendent and
Engineering Coordinator**

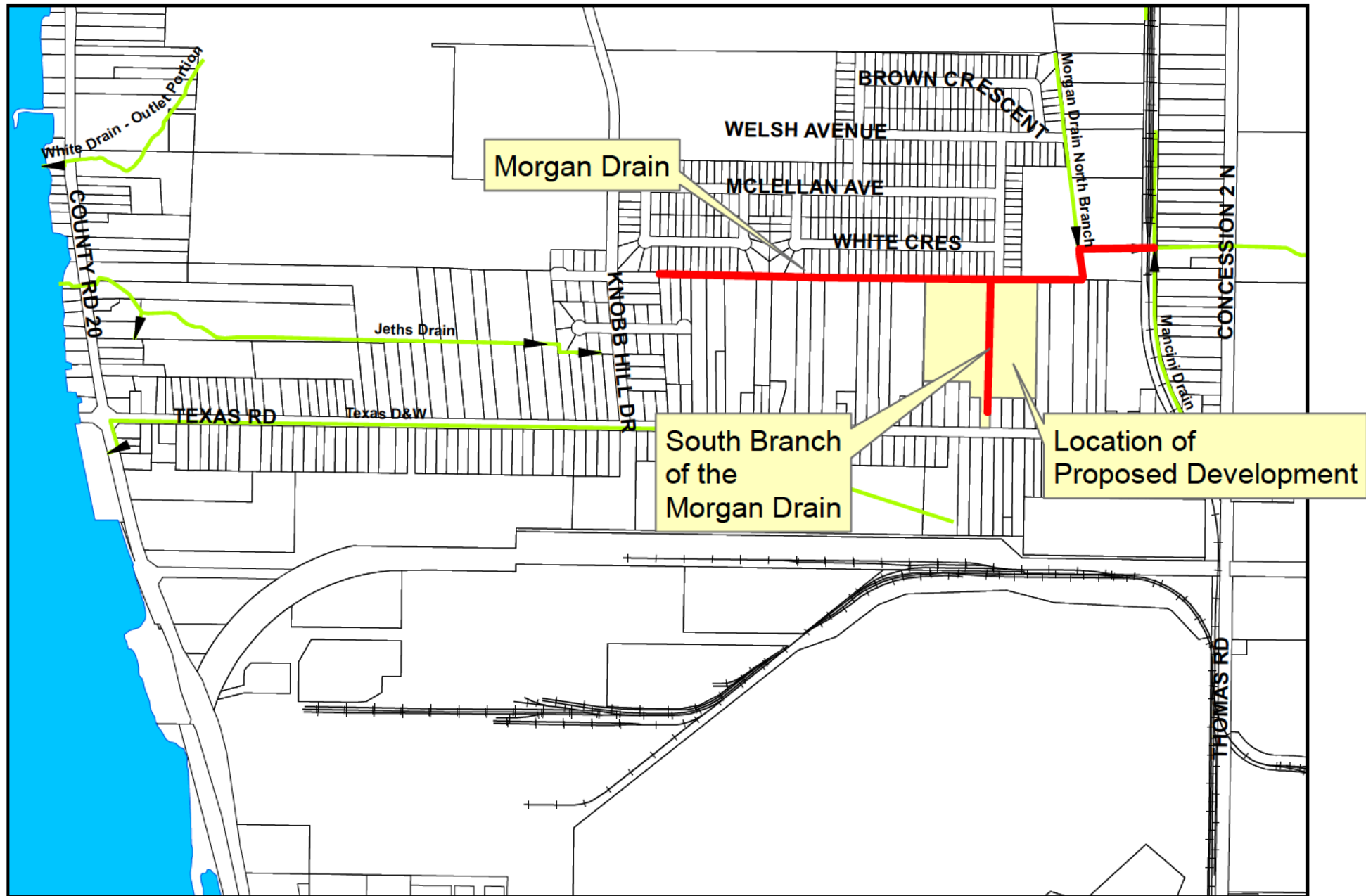
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Attachment(s):

- Request for Improvement submitted by 1583953 Ontario Inc.
- Map of Morgan Drain and South Branch



Morgan Drain and South Branch Overall Location Map





The Corporation of The Town of Amherstburg

REPAIR/IMPROVEMENT of a MUNICIPAL DRAIN (Section 65, 76 and 78 Drainage Act)

FROM: 1583953 Ontario Inc.

DRAIN: Morgan Drain South Branch

I/We are the owner of the following land(s): [REDACTED]

Roll Number(s): [REDACTED]

And I/We request the following work on the above drain:

- a) Subsequent Connections (Section 65(1))
- b) New Schedule of Assessment (Section 76)
- c) Improvements upon Examination and Report of Engineer (Section 78)
- d) New Access Bridge (Section 78)

Residential Bridge Agricultural Bridge

Relocation of the Morgan Drain South Branch to the south and east property limits and fill in existing drain.

I request that if necessary, an Engineer be appointed and that he will determine a time and place at which he will attend an on-site meeting and examine the drainage area with all assessed ratepayers to be invited.

In signing this form, the owner is advised that they may be charged for work performed by the appointed Engineer should the works not proceed as requested.

Dated this 9 day of Feb, 2021.

[Signature]
Signature of Owner

Signature of Owner

Telephone Number

Telephone Number



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF ENGINEERING AND PUBLIC WORKS

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Table with 2 columns: Author's Name, Report Date, Author's Phone, Date to Drainage Board, Author's E-mail, Resolution #.

To: Members of the Drainage Board

Subject: Various Drainage Apportionments

1. RECOMMENDATION:

It is recommended that:

- 1. The report from the Drainage Superintendent and Engineering Coordinator dated March 22, 2021, regarding Various Drainage Apportionments BE RECEIVED;
2. The drainage apportionments BE APPROVED as listed:
- Consent B/30/19 - Drainage Apportionments for the Jeths Drain - 128 Texas Road.
- Consent B/8-9/20 - Drainage Apportionments for the Dufour Drain and Sucker Creek Drain - 8121 Middle Sideroad
- Consent B/25/20 - Drainage Apportionments for the Mitchell Drain - 7273 County Road 50
3. Administration BRING FORWARD the Drainage Board's recommendation to approve the drainage apportionments at a future Regular Council Meeting

2. BACKGROUND:

Under the provisions of the Drainage Act, when lands that are assessed for drainage are subsequently divided by a change of ownership of any part, the Municipality must take steps to apportion the assessments to reflect the division of the lands. Over the course of a year, the Municipality will receive a number of severance applications that require apportionments of existing drainage assessments. This report deals with three (3)

drainage apportionments, each of which are associated with separate, individual severance consents, that have been completed by the Town Engineering and Public Works Department.

3. **DISCUSSION:**

Section 65 of the Drainage Act discusses the obligation of a Municipality to apportion existing drainage assessments when lands are subsequently sub-divided. Section 65(2) provides a Municipality with the necessary provisions to complete assessment apportionments when landowners of the subdivided lands agree on the shares of the assessments. Specifically, the procedures by which landowner agreement apportionments are to be administered are outlined under Section 65(2) of the Act, which stipulates that:

Agreement on share of assessment

65. (2) If the owners of the subdivided land mutually agree on the share of the drainage assessment that each should pay, they may enter into a written agreement and file it with the clerk of the local municipality and, if the agreement is approved by the council by resolution, no engineer need be instructed under subsection (1). 2010, c. 16, Sched. 1, s. 2 (26).

Section 65(1) of the Drainage Act provides the Municipality with the option of instructing an engineer to complete the drainage apportionments:

Subsequent subdivision of land

65. (1) If, after the final revision of an engineer's assessment of land for a drainage works, the land is divided by a change in ownership of any part, the clerk of the local municipality in which the land is situate shall instruct an engineer in writing to apportion the assessment among the parts into which the land was divided, taking into account the part of the land affected by the drainage works. 2010, c. 16, Sched. 1, s. 2 (26).

An engineer was not instructed under Section 65(1) of the Act. In the case of the land divisions and severances being considered under this report, apportionments were completed by the Drainage Superintendent. Assessment schedules for drains that were affected by each land severance were analysed by the Drainage Superintendent and an appropriate apportionment of the assessments were completed. Specifically, assessments for the retained parcels and the severed parcels were divided to accurately reflect the change in the land boundaries and ownership. Once completed, all affected landowners were contacted and provided a letter that described the apportionments. If the landowners were in agreement with the apportionments, an “*Agreement between Property Owners for Drain Apportionments due to Land Severance or Sale*” was signed by the affected property owners in accordance with Section 65(2) of the Act. In the case of the following severances, agreement letters were signed by all affected property owners and are attached:

- **Consent B/30/19** - Drainage Apportionments for the Jeths Drain – 128 Texas Road.
- **Consent B/8-9/20** – Drainage Apportionments for the Dufour Drain and Sucker Creek Drain – 8121 Middle Sideroad
- **Consent B/25/20** – Drainage Apportionments for the Mitchell Drain – 7273 County Road 50

Apportionment agreements, once accepted by the Drainage Board and approved by Council through resolution, will be reflected in the assessments of all future works of maintenance on any of the affected drains listed in the subject Consents.

4. RISK ANALYSIS:

Under the provisions of the Drainage Act, when lands that are assessed for drainage are subsequently divided by a change of ownership of any part, it is the Municipality's obligation to take steps to apportion the assessments to reflect the division of the lands. Failing to do so could lead to unfair assessments of drain maintenance costs that do not accurately reflect the prevalent ownership and subdivisions of lands within drainage watersheds. This could lead to conflicts between the Municipality and landowners over drainage assessments and the possible denial of agricultural grants from the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA).

5. FINANCIAL MATTERS:

An administration fee of \$500.00 is charged by the Planning Department to an owner of a land that wishes to sever a portion of his or her lands.

6. CONSULTATIONS:

N/A

7. **CONCLUSION:**

Administration is recommending that the drainage apportionments be approved as listed and that said apportionments be approved by Council resolution:

- **Consent B/30/19** - Drainage Apportionments for the Jeths Drain – 128 Texas Road.
- **Consent B/8-9/20** – Drainage Apportionments for the Dufour Drain and Sucker Creek Drain – 8121 Middle Sideroad
- **Consent B/25/20** – Drainage Apportionments for the Mitchell Drain – 7273 County Road 50



Shane McVitty
Drainage Superintendent and Engineering Coordinator
sm

Attachment(s):

- **Consent B/30/19** – Letter and Agreement between Property Owners for Drain Apportionments due to Land Severance or Sale
- **Consent B/8-9/20** – Letter and Agreement between Property Owners for Drain Apportionments due to Land Severance or Sale
- **Consent B/25/20** – Letter and Agreement between Property Owners for Drain Apportionments due to Land Severance or Sale



The Corporation of The Town of Amherstburg

January 10, 2020

RE: Section 65 Drainage Apportionment – Consent B30//19

Dear Homeowner:

This letter is to advise you of changes to the drainage assessment for your property for the parcel located at [REDACTED] Plan 13, Part Lots 10, in the former Geographic Township of Anderdon. This is in relation to the Application for Consent B/30/19, which proposes to sever a 0.494 acre (0.201 hectare) parcel of land from the existing parcel having Roll No. [REDACTED]. The retained 0.497 acre (0.201 hectare) parcel shall remain as residential lands and will retain Roll No. [REDACTED]. The severed parcel shall merge with existing agricultural lands having Roll No. [REDACTED]. The attached plan depicts the boundaries of the affected parcels.

The re-apportionment of the drainage assessments for the lands described above proposed under this letter is in accordance with Section 65(2) of the "Drainage Act, R.S.O. 1990, Chapter D.17, as amended in 2010."

Administration for the Town of Amherstburg has performed all of the necessary investigations to complete the re-apportionments of drainage assessments for the subject lands. Said lands are located in the watersheds of the following municipal drains constructed by bylaw under the Drainage Act:

1. **Jeths Drain** – Report by C.G.R. Armstrong, P.Eng., dated July 16th, 1958, by-law 1440.

If you are in agreement with the new breakdown of your property listed in the attached chart(s), please have all registered owners of your property sign the attached form and return to the Public Works Department at 512 Sandwich St South. Under Section 65(2) of the Drainage Act, if the agreement is approved by Council by resolution, no engineer will need to be instructed to complete a re-apportionment.

Should you have any questions or require further clarification, please feel free to contact myself at (519) 736-3664 ext 2318.

Sincerely,

Shane McVitty, P.Eng.
Drainage Superintendent and Engineering Coordinator
Attach.

Administration has created the following new breakdown for the affected properties:

1. Jeths Drain

<u>Jeths Drain</u>							
Existing Assessment – C.G.R. Armstrong, P.Eng., July 16, 1958							
Conc. or Plan	Lot	Affected Area (HA)	Roll No.	Owner	Benefit Assessment	Outlet Assessment	TOTAL
13	10	0.607	█	A Vandenharn	\$ 40.00	\$ 18.00	\$ 58.00
13	12&13	3.237	█	R. Sauro	\$ 80.00	\$ 80.00	\$160.00

<u>Jeths Drain</u>							
Reapportionment – Application for Consent B/30/19							
Conc. or Plan	Lot	Affected Area(HA)	Roll No.	Owner	Benefit Assessment	Outlet Assessment	TOTAL
13	10	0.201	██████	M. Conte	\$ 10.00	\$ 4.50	\$ 14.50
13	10,12&13	1.944	██████	1109152 Ont. Ltd.	\$ 49.00	\$ 43.50	\$ 92.50

CORPORATION OF THE TOWN OF AMHERSTBURG

**Agreement between Property Owners for Drain Apportionment
due to Land Severance or Sale**

JETHS DRAIN

Agreement between Maria Incoronata Conte, Angela Calamita and Filomena Greco and 1109152 Ontario Limited for cost apportionment due to severance or sale of land in the Jeths Drain drainage watershed or system.

I, (we) agree to the drainage apportionment as listed below that the Town of Amherstburg has calculated for our property, and hereby petition the Council of the Town of Amherstburg to fix these new apportionments by resolution.

Jeths Drain							
Reapportionment – Application for Consent B/30/19							
Conc. or Plan	Lot	Affected Area(HA)	Roll No.	Owner	Benefit Assessment	Outlet Assessment	TOTAL
13	10	0.201	██████████	M. Conte	\$ 10.00	\$ 4.50	\$ 14.50
13	10,12&13	1.944	██████████	1109152 Ont. Ltd.	\$ 49.00	\$ 43.50	\$ 92.50

Maria Incoranata Conte
Retained Property Owner 1 (printed)

Jan. 16, 2020
Date

Maria Incoronata Conte
Retained Property Owner 1 (signature)

Angela Calamita
Retained Property Owner 2 (printed)

Jan. 16 2020
Date

Angela Calamita
Retained Property Owner 2 (signature)

Filomena Greco
~~Severed~~ Property Owner 3 (printed)
Retained

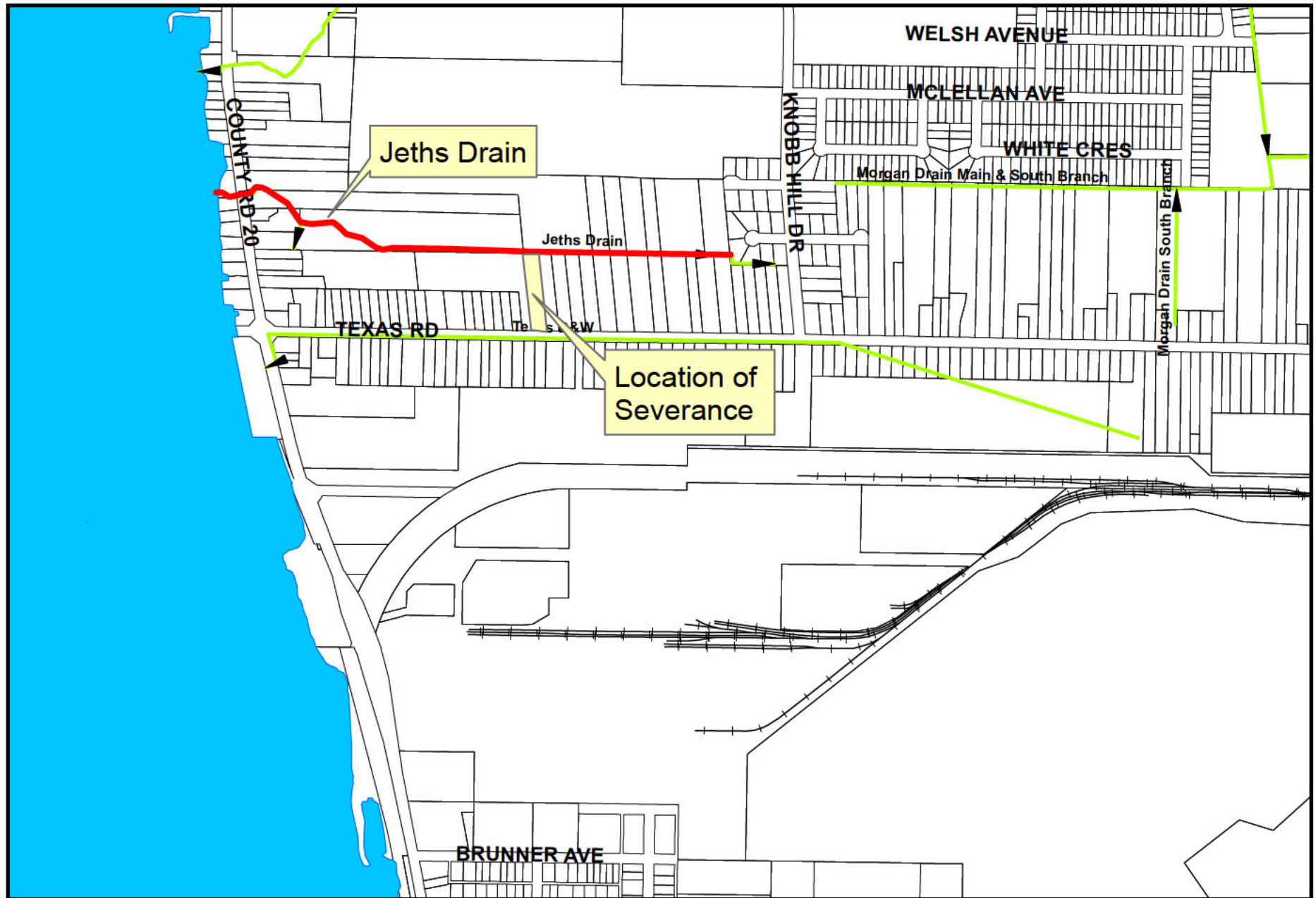
Jan. 15 2020
Date

Filomena Greco
~~Severed~~ Property Owner 3 (signature)
Retained

1109152 Ontario Limited
Severed Property Owner X (printed)

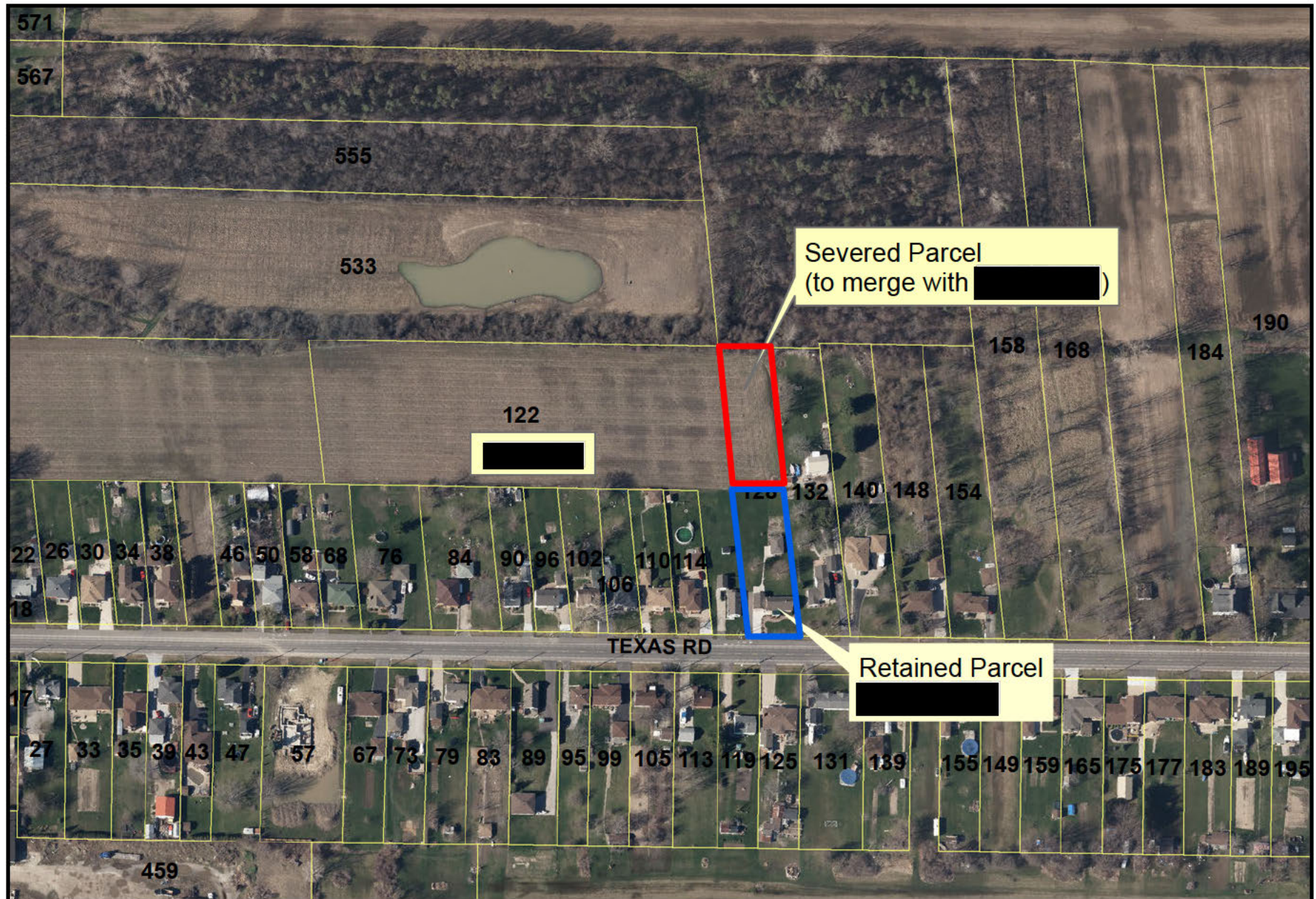
Jan. 16 2020
Date

[Signature]
Severed Property Owner X (signature)





**Section 65 Drainage Apportionment
Consent B/30/19 - Conte C/O N. Bolger**





The Corporation of The Town of Amherstburg

January 15, 2021

RE: Section 65 Drainage Apportionment – Consent B/8/20 and B/9/20

Dear Homeowner:

This letter is to advise you of changes to the drainage assessment for the parcels located at [REDACTED] and the parcel known as the [REDACTED], both being located in Part Lot 6, Concession 8, in the former Geographic Township of Anderdon. This is in relation to the Application for Consent B/8/20 and B/9/20, which proposes to sever and exchange of lands having areas of 0.087 acres (0.035 hectare) between the residential land parcel having Roll No. [REDACTED] [REDACTED] and recreational lands owned by the Essex Region Conservation Authority having Roll No. [REDACTED]. The attached plan depicts the boundaries of the affected parcels.

The re-apportionment of the drainage assessments for the lands described above proposed under this letter is in accordance with Section 65(2) of the "Drainage Act, R.S.O. 1990, Chapter D.17, as amended in 2010."

Administration for the Town of Amherstburg has performed all of the necessary investigations to complete the re-apportionments of drainage assessments for the subject lands. Said lands are located in the watersheds of the following municipal drains constructed by bylaw under the Drainage Act:

1. **Dufour Drain** – Report by T. Oliver, P.Eng., dated Oct. 4, 2016 (Revised by Order of Tribunal), by-law 2015-93.
2. **Sucker Creek Drain** – Report by G. Rood, P.Eng., dated March 19, 2018, by-law 1734

If you are in agreement with the new breakdown of your property listed in the attached chart(s), please have all registered owners of your property sign the attached form and return to the Public Works Department at 512 Sandwich St South. Under Section 65(2) of the Drainage Act, if the agreement is approved by Council by resolution, no engineer will need to be instructed to complete a re-apportionment.

Should you have any questions or require further clarification, please feel free to contact myself at (519) 736-3664 ext 2318.

Sincerely,

Shane McVitty, P.Eng.
Drainage Superintendent and Engineering Coordinator
Attach.

Administration has created the following new breakdown for the affected properties:

1. DUFOUR DRAIN

Dufour Drain – Maintenance Schedule “E-1”							
Existing Assessment – T. Oliver, P.Eng., dated Oct. 4, 2016 (Revised by Order of Tribunal)							
Conc.	Lot	Affected Area (HA)	Roll No.	Owner	Benefit Assessment	Outlet Assessment	TOTAL
8	PT Lot 6	0.26	██████████	G. Gerard	\$ 6.00	\$ 38.00	\$ 44.00
8	PT Lot 6	0.72	██████████	ERCA	\$ 10.00	\$ 63.00	\$ 73.00

Dufour Drain – Maintenance Schedule “E-1”							
Reapportionment – Application for Consent B/8/20 and B/9/20							
Conc.	Lot	Affected Area (HA)	Roll No.	Owner	Benefit Assessment	Outlet Assessment	TOTAL
8	PT Lot 6	0.26	██████████	B&C Beaton	\$ 5.70	\$ 36.00	\$ 41.70
8	PT Lot 6	0.72	██████████	ERCA	\$ 10.30	\$ 65.00	\$ 75.30

Dufour Drain – Maintenance Schedule “E-4”							
Existing Assessment – T. Oliver, P.Eng., dated Oct. 4, 2016 (Revised by Order of Tribunal)							
Conc.	Lot	Affected Area (HA)	Roll No.	Owner	Benefit Assessment	Outlet Assessment	TOTAL
8	PT Lot 6	0.26	██████████	G. Gerard	\$ 0.00	\$ 7.00	\$ 7.00
8	PT Lot 6	0.72	██████████	ERCA	\$ 0.00	\$ 11.00	\$ 11.00

Dufour Drain – Maintenance Schedule “E-4”							
Reapportionment – Application for Consent B/8/20 and B/9/20							
Conc.	Lot	Affected Area (HA)	Roll No.	Owner	Benefit Assessment	Outlet Assessment	TOTAL
8	PT Lot 6	0.26	██████████	B&C Beaton	\$ 0.00	\$ 6.60	\$ 6.60
8	PT Lot 6	0.72	██████████	ERCA	\$ 0.00	\$ 11.40	\$ 11.40

2. SUCKER CREEK DRAIN

<u>Sucker Creek Drain</u>							
Existing Assessment – Report by G. Rood, P.Eng., dated March 19, 2018							
Conc.	Lot	Affected Area (HA)	Roll No.	Owner	Benefit Assessment	Outlet Assessment	TOTAL
8	PT Lot 6	0.26	██████████	B&C Beaton	\$ 25.00	\$ 6.00	\$ 31.00
8	PT Lot 6	0.924	██████████	ERCA	\$ 18.00	\$ 47.00	\$ 65.00

<u>Sucker Creek Drain</u>							
Reapportionment – Application for Consent B/8/20 and B/9/20							
Conc.	Lot	Affected Area (HA)	Roll No.	Owner	Benefit Assessment	Outlet Assessment	TOTAL
8	PT Lot 6	0.26	██████████	B&C Beaton	\$ 22.30	\$ 7.00	\$ 29.30
8	PT Lot 6	0.924	██████████	ERCA	\$ 20.70	\$ 46.00	\$ 66.70

CORPORATION OF THE TOWN OF AMHERSTBURG

**Agreement between Property Owners for Drain Apportionment
due to Land Severance or Sale**

DUFOUR DRAIN – MAINTENANCE SCHEDULE “E-1”


Agreement between BRIAN JOSEPH BEATON ^{BRIAN JOSEPH BEATON} and CHRISTINE GABRIELLA BEATON ^{CHRISTINE GABRIELLA BEATON} and ERCA for cost apportionment due to severance or sale of land in the Dufour Drain – Maintenance Schedule “E-1” drainage watershed or system.

I, (we) agree to the drainage apportionment as listed below that the Town of Amherstburg has calculated for our property, and hereby petition the Council of the Town of Amherstburg to fix these new apportionments by resolution.

Dufour Drain – Maintenance Schedule “E-1”							
Reapportionment – Application for Consent B/8/20 and B/9/20							
Conc.	Lot	Affected Area (HA)	Roll No.	Owner	Benefit Assessment	Outlet Assessment	TOTAL
8	PT Lot 6	0.26	██████████	B&C Beaton	\$ 5.70	\$ 36.00	\$ 41.70
8	PT Lot 6	0.72	██████████	ERCA	\$ 10.30	\$ 65.00	\$ 75.30


BRIAN JOSEPH BEATON
Property Owner 1 (printed)

FEBRUARY 1, 2021
Date


Property Owner 1 (signature)

Tim Byrne
Property Owner 2 (printed)

January 28, 2021
Date


Property Owner 2 (signature)

CHRISTINE GABRIELLA BEATON FEBRUARY 1, 2021
Property Owner 1 (printed) Date


Property Owner 1 (signature)

Property Owner 2 (printed)

Date

Property Owner 2 (signature)

CORPORATION OF THE TOWN OF AMHERSTBURG

**Agreement between Property Owners for Drain Apportionment
due to Land Severance or Sale**

DUFOUR DRAIN – MAINTENANCE SCHEDULE “E-4”

*BRIAN JOSEPH BEATON
CHRISTINE GABRIELLA BEATON*

Agreement between BEATON and ERCA for cost apportionment due to severance or sale of land in the Dufour Drain – Maintenance Schedule “E-4” drainage watershed or system.

I, (we) agree to the drainage apportionment as listed below that the Town of Amherstburg has calculated for our property, and hereby petition the Council of the Town of Amherstburg to fix these new apportionments by resolution.

Dufour Drain – Maintenance Schedule “E-4”							
Reapportionment – Application for Consent B/8/20 and B/9/20							
Conc.	Lot	Affected Area (HA)	Roll No.	Owner	Benefit Assessment	Outlet Assessment	TOTAL
8	PT Lot 6	0.26	██████████	B&C Beaton	\$ 0.00	\$ 6.60	\$ 6.60
8	PT Lot 6	0.72	██████████	ERCA	\$ 0.00	\$ 11.40	\$ 11.40

BRIAN JOSEPH BEATON
Property Owner 1 (printed)

FEBRUARY 1, 2021
Date

Brian Beaton
Property Owner 1 (signature)

Tim Byrne
Property Owner 2 (printed)

January 28, 2021
Date

Tim Byrne
Property Owner 2 (signature)

CHRISTINE GABRIELLA BEATON
Property Owner 1 (printed)

FEBRUARY 1, 2021
Date

C. Beaton
Property Owner 1 (signature)

Property Owner 2 (printed)

Date

Property Owner 2 (signature)

CORPORATION OF THE TOWN OF AMHERSTBURG

**Agreement between Property Owners for Drain Apportionment
due to Land Severance or Sale**

SUCKER CREEK DRAIN


Agreement between BRIAN JOSEPH BEATON
CHRISTINE GABRIELLA BEATON and ERCA for cost apportionment due to
severance or sale of land in the Sucker Creek Drain drainage watershed or system.

I, (we) agree to the drainage apportionment as listed below that the Town of Amherstburg has calculated for our property, and hereby petition the Council of the Town of Amherstburg to fix these new apportionments by resolution.

Sucker Creek Drain							
Reapportionment – Application for Consent B/8/20 and B/9/20							
Conc.	Lot	Affected Area (HA)	Roll No.	Owner	Benefit Assessment	Outlet Assessment	TOTAL
8	PT Lot 6	0.26	██████████	B&C Beaton	\$ 22.30	\$ 7.00	\$ 29.30
8	PT Lot 6	0.924	██████████	ERCA	\$ 20.70	\$ 46.00	\$ 66.70


BRIAN JOSEPH BEATON
Property Owner 1 (printed)

FEBRUARY 1 2021
Date


Property Owner 1 (signature)

Tim Byrne
Property Owner 2 (printed)

January 28, 2021
Date


Property Owner 2 (signature)

CHRISTINE GABRIELLA BEATON
Property Owner 1 (printed)

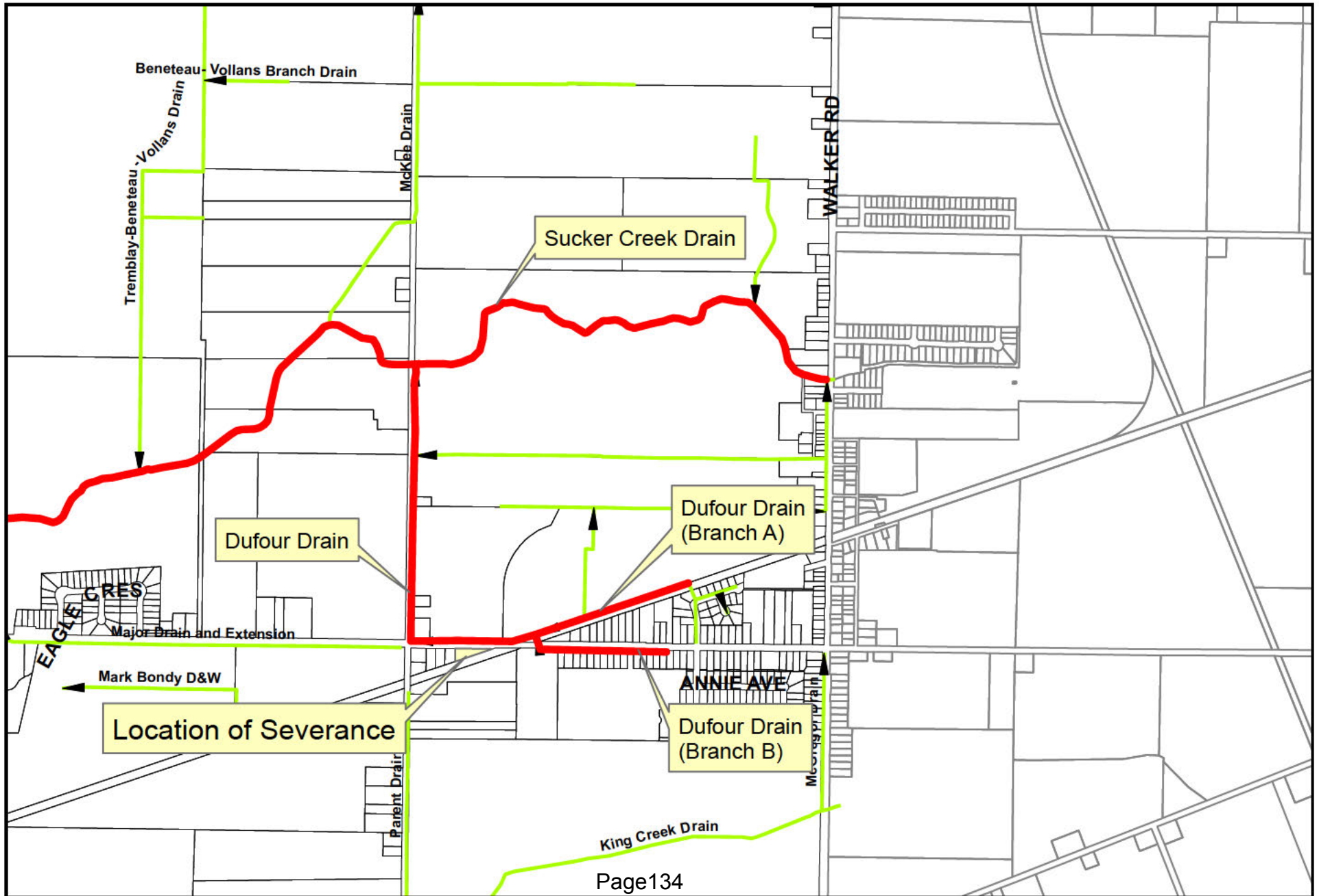
FEBRUARY 1 2021
Date


Property Owner 1 (signature)

Property Owner 2 (printed)

Date

Property Owner 2 (signature)





**Section 65 Drainage Apportionment
Consent B/8/20 & B/9/20 - 8121 Middle Sideroad**





The Corporation of The Town of Amherstburg

January 11, 2021

RE: Section 65 Drainage Apportionment – Consent B/25/20

Dear Homeowner:

This letter is to advise you of changes to the drainage assessment for your property for the parcel located at 7273 County Road 50, Pt. Lot 60, Conc. 7, and the parcel located [REDACTED], Pt. Lot 60, Conc. 7, in the former Geographic Township of Malden. This is in relation to the Application for Consent B/25/20, which proposes to sever a 0.279 acre (0.113 hectare) parcel of land from [REDACTED] for the purposes of a lot addition to merge with the neighbouring parcel at [REDACTED] (Roll No. [REDACTED]). The attached plan depicts the boundaries of the affected parcels.

The re-apportionment of the drainage assessments for the lands described above proposed under this letter is in accordance with Section 65(2) of the "Drainage Act, R.S.O. 1990, Chapter D.17, as amended in 2010."

Administration for the Town of Amherstburg has performed all of the necessary investigations to complete the re-apportionments of drainage assessments for the subject lands. Said lands are located in the watersheds of the following municipal drains constructed by bylaw under the Drainage Act:

1. **Mitchell Drain** – Report by L. Zarlenga, P.Eng., dated May 9, 1997, by-law 97-13.

If you are in agreement with the new breakdown of your property listed in the attached chart(s), please have all registered owners of your property sign the attached form and return to the Public Works Department at 512 Sandwich St South. Under Section 65(2) of the Drainage Act, if the agreement is approved by Council by resolution, no engineer will need to be instructed to complete a re-apportionment.

Should you have any questions or require further clarification, please feel free to contact myself at (519) 736-3664 ext 2318.

Sincerely,

Shane McVitty, P.Eng.
Drainage Superintendent and Engineering Coordinator
Attach.

Administration has created the following new breakdown for the affected properties:

1. Mitchell Drain

Mitchell Drain							
Existing Assessment – L. Zarlenga, P.Eng., May 9, 1997							
Conc.	Lot	Affected Area (HA)	Roll No.	Owner	Benefit Assessment	Outlet Assessment	TOTAL
7	PT Lot 60	0.465	██████████	E& S Pearman	\$ 1,915.00	\$ 1,012.00	\$ 2,927.00
7	PT Lot 60	0.526	██████████	W Marontate	\$ 1,693.00	\$ 894.00	\$ 2,612.00

Mitchell Drain							
Reapportionment – Application for Consent B/25/20							
Conc.	Lot	Affected Area (HA)	Roll No.	Owner	Benefit Assessment	Outlet Assessment	TOTAL
7	PT Lot 60	0.505	██████████	M&T Philips	\$ 1,983.00	\$ 1,047.00	\$ 3,030.00
7	PT Lot 60	0.414	██████████	B Clements	\$ 1,625.00	\$ 859.00	\$ 2,484.00

CORPORATION OF THE TOWN OF AMHERSTBURG

**Agreement between Property Owners for Drain Apportionment
due to Land Severance or Sale**

MITCHELL DRAIN

Agreement between Blair Clements and Michael + Tracy Phillips for cost apportionment due to severance or sale of land in the Mitchell Drain drainage watershed or system.

I, (we) agree to the drainage apportionment as listed below that the Town of Amherstburg has calculated for our property, and hereby petition the Council of the Town of Amherstburg to fix these new apportionments by resolution.

<u>Mitchell Drain</u>							
Reapportionment – Application for Consent B/25/20							
Conc.	Lot	Affected Area (HA)	Roll No.	Owner	Benefit Assessment	Outlet Assessment	TOTAL
7	PT Lot 60	0.505	██████████	M&T Philips	\$ 1,983.00	\$ 1,047.00	\$ 3,030.00
7	PT Lot 60	0.414	██████████	B Clements	\$ 1,625.00	\$ 859.00	\$ 2,484.00

Blair Clements
Retained Property Owner 1 (printed)

Feb 5/2021
Date

[Signature]
Retained Property Owner 1 (signature)

Retained Property Owner 2 (printed)

Date

Retained Property Owner 2 (signature)

MICHAEL PHILLIPS
Severed Property Owner 1 (printed)

Feb 5/2021
Date

Michael Phillips
Severed Property Owner 1 (signature)

Tracy Phillips
Severed Property Owner 2 (printed)

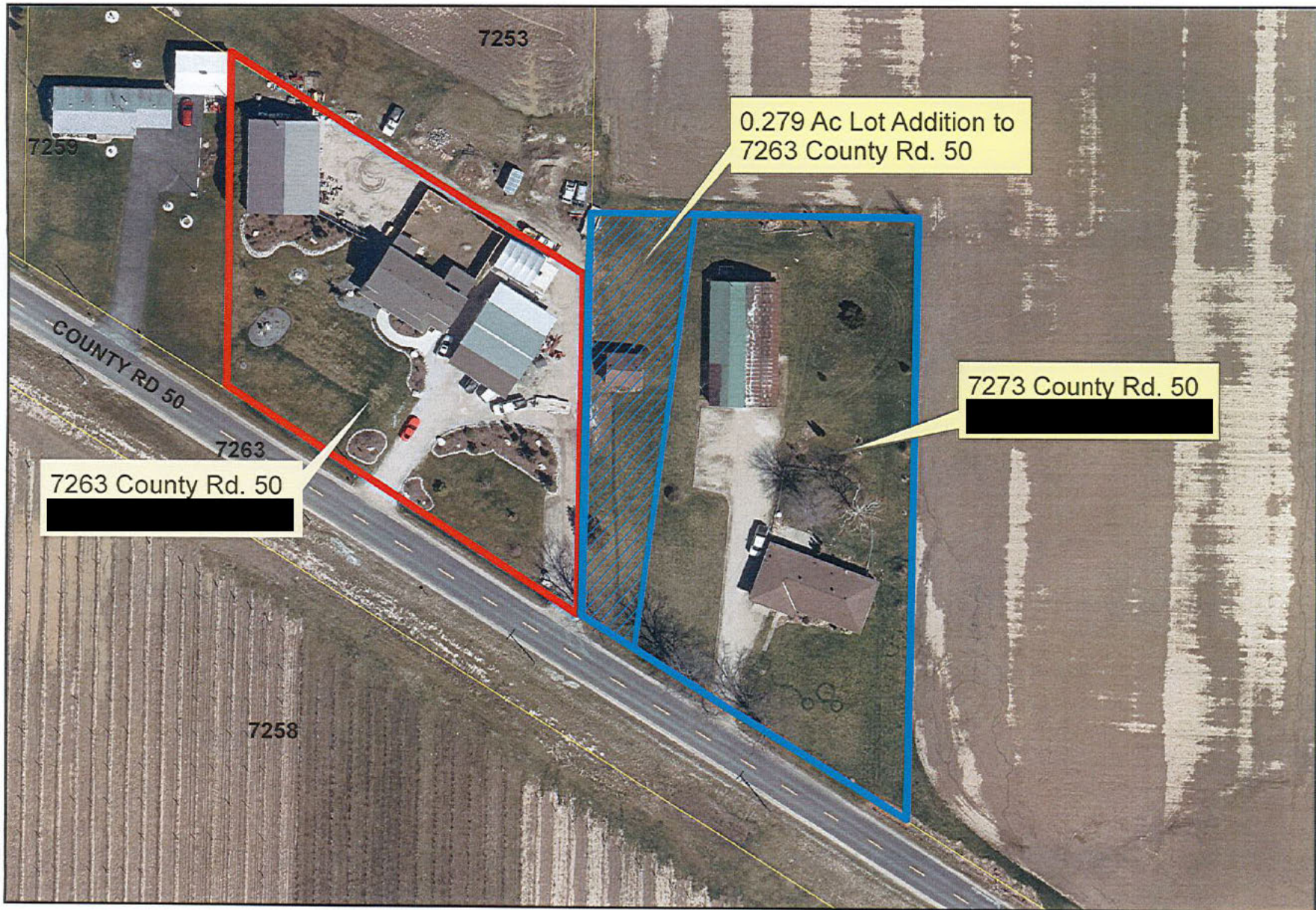
Feb 5/2021
Date

Tracy Phillips
Severed Property Owner 2 (signature)





**Section 65 Drainage Apportionment
Consent B/25/20 - 7263 County Road 50**



Agenda Item	Assigned To	Comment	Description	Date
NEW BUSINESS	Anne Rota, Heidi Baillargeon	Tourism administration in 2020 introduced a new festival (TRUE Festival) as supported by the Canadian Experience grant. Additionally the Department has been task with investigating creating green festivals to which preparation is underway for participation in the Great Global Cleanup - Detroit River. The impact of these events will be included, along with an assessment of other events in the pending report. Consultation with the TWEPI to help frame to elements of an economic impact statement requires further action. Information will follow as it becomes available on post pandemic festivals/events.	Resolution # 20190909-447 Simone/Meloche That: Administration BE DIRECTED to prepare a report exploring the economics, rationale and feasibility of introducing other festivals and events within the Town of Amherstburg for Council consideration in the 2020 Operating Budget; Administration BE DIRECTED to look at all possible venues within the Town of Amherstburg to hold events/festivals.	09-Sep-19
NEW BUSINESS	Antonietta Giofu, Frank Garardo	Administration compiling information and working with solicitor. Anticipated report in first quarter 2021.	Resolution # 20191015-497 Prue/Simone That Administration BE DIRECTED to bring back a report regarding the finalization of the development of the north end of Boblo Island with the intent to enforce the by-law and development agreement relating to roads, sidewalks, curbs, and lighting, and to outline all municipal costs, if any.	15-Oct-19
Request for the Town of Amherstburg to Take Part in 'Green' Initiatives - Paul Hertel	Eric Chamberlain, Antonietta Giofu, Anne Rota, Frank Garardo, Heidi Baillargeon	Committee liaison has been appointed. Terms of Reference approved w/amendments on May 25, 2020. Committee member recruitment to begin June 10th. Parks and Tourism administration is organizing participation in the Great Global Cleanup - Detroit River event for April 25th, 2020 as a leading green festival initiative with the goal to build on the Detroit River Canadian Cleanup events and the 50th anniversary of Earth Day. These green festival initiatives will be re-scheduled during appropriate pandemic stages. Amherstburg supported the Lake Erie Challenge held August 21 and event of the Freshwater Alliance. Ongoing investigation into "green initiatives" for festival and events. good time to research during COVID while festivals are restricted at this time Green Fleet report to Council 2nd quarter 2021	Resolution # 20191028-507 Prue/Courtney That: The delegation BE RECEIVED and Mr. Hertel's report BE SENT to the Manager of Planning Services for inclusion at the November 12, 2019 Official Plan meeting; A green review BE DEVELOPED on Town fleet; Green festivals BE INVESTIGATED; Green builds BE INVESTIGATED on all new housing and building developments, and existing commercial, industrial and residential assessed property; and, Administration BE DIRECTED to bring back a report on the feasibility of a Committee on the Environment inclusive of Terms of Reference.	28-Oct-19
Opposing SunParlour R/C Flyers Noise Exemption Request Tom and Mary Bateman	Nicole Rubli	Public consultation required. Anticipate report to Council late Q3 early Q4	Resolution # 20200113-004 Prue/Simone That Administration BE DIRECTED to bring back a report with an amendment to Section 3 of Noise By-law 2001-43.	13-Jan-20
Live Music on Legion Patio from May to October - Laurie Cavanaugh, President, Royal Canadian Legion, Fort Malden Branch 157	Nicole Rubli	Public consultation required. Anticipate report to Council late Q3 early Q4	Resolution # 20200113-006 McArthur/Prue That Administration BE DIRECTED to amend Noise By-law 2001-43 to allow commercial properties with patios to request seasonal exemptions to allow for outdoor music and to allow a reading of 70 decibels from the source of where music is produced.	13-Jan-20
NEW BUSINESS	Antonietta Giofu,, Eric Chamberlain	This will be addressed in a report to Council regarding an amendment to the Traffic Bylaw - report anticipated in 1st quarter 2021.	Resolution # 20200210-061 Simone/McArthur That Administration BE DIRECTED to look into prohibiting on-street parking during heavy snowfalls to assist snowploughs when clearing snow.	10-Feb-20
Economic Development Advisory Committee Minutes - 2020 02 06	John Miceli	Administration coordinating discussion with property owners	Resolution # 20200224-078 Simone/Meloche That: 1. The Town of Amherstburg APPROACH the property owner to investigate the opportunities to create a Master Plan for the former Honeywell site to determine its highest and best use; 2. The Town of Amherstburg BRING a report to explore the possibilities of obtaining waterfront properties as they become available in accordance with the Town's Official Plan; and, 3. The Transportation Study BE REFERRED to the Economic Development Advisory Committee before being presented to Council	24-Feb-20
NEW BUSINESS	Nicole Rubli, John Miceli	Consultation coordination underway	Resolution # 20200224-080 Prue/Meloche That Administration BE DIRECTED to meet with businesses in the downtown core to assist them with locations for staff parking and to look into the feasibility of staff permit parking, including overnight parking, and to educate businesses and the community on downtown parking.	24-Feb-20

Agenda Item	Assigned To	Comment	Description	Date
NEW BUSINESS	Angelo Avolio, Nicole Rubli	Administration will investigate peer equivalents	Resolution # 20200309-096 Prue/Courtney That: 1. Administration BE DIRECTED to bring back a report on vacant building registries and to investigate the City of Hamiltons by-law with respect to vacant buildings for discussion; and, 2. Administration BE DIRECTED to bring back a report on an Agent of Change by-law for discussion.	09-Mar-20
Amherstburg Accessibility Advisory Committee Minutes - February 27, 2020	Nicole Rubli	Administration exploring options	Resolution # 20200309-094 Meloche/Simone That Licensing and By-law Enforcement INVESTIGATE a means of providing incentives, regulation, or, a combination of both, to achieve a higher proportion of accessible on-demand taxis in the Town of Amherstburg.	09-Mar-20
At-large vs. Ward System Elections	Paula Parker	report anticipated in May 2021	Resolution # 20200622-182 Simone/Prue That the Clerk BE DIRECTED to bring an additional option forward to Council with respect to an At-large vs. Ward System Election.	22-Jun-20
NEW BUSINESS	Antonietta Giofu	Anticipate report to Council in Q2	Resolution # 20200810-241 Prue/Simone That Administration BE DIRECTED to bring back a report on what the Town can do to eliminate the delivery of gravel on the waterfront at the end of Texas Road.	10-Aug-20
NEW BUSINESS	Todd Hewitt, Antonietta Giofu	In progress - working with ERCA on design.	Resolution # 20200810-244 McArthur/Simone That Administration BE DIRECTED to erect a 'Welcome to Amherstburg' sign at the Greenway trail at Walker Road.	10-Aug-20
Mandatory Downspout Disconnection By-law	Antonietta Giofu, Dan Beaulieu	Administration working with EWSWA. Anticipate report for Q2.	Resolution # 20200914-267 Courtney/McArthur That Administration BE DIRECTED to look into the feasibility of a rain barrel program to offer residents at a discounted cost.	14-Sep-20
NEW BUSINESS	Nicole Rubli	Administration will bring back a report with options.	Resolution #20200914-292 Courtney/Prue That Administration BE DIRECTED to bring back a report regarding regulating Air B&B's.	14-Sep-20
NEW BUSINESS	Nicole Rubli, Antonietta Giofu	Report to Council anticipated in 2021	Resolution # 20200914-293 Prue/Simone That Administration BE DIRECTED to look into an idling by-law specifically on Boblo Island at the ferry loading area and that a report be brought back to Council.	14-Sep-20
Amherstburg Street Pass Program Proposal - Lauri Brouyette	John Miceli	Update on BIA - initial November meeting re-scheduled to 2021	Resolution # 20200928-298 Prue/Simone That: The delegation BE RECEIVED; and, Administration BE DIRECTED to bring back a report regarding the possibility of starting a BIA; and, Legal advice BE SOUGHT with respect to the proposed Street Pass Program and the risks associated with the use of Town resources and logo.	28-Sep-20
NEW BUSINESS	Frank Garardo		Resolution # 20200928-309 Prue/Simone That Administration BE DIRECTED to bring a report back regarding the feasibility of a public art dedication fund as a provision in future development agreements.	28-Sep-20
Crossing Guard Program - Yvette Erickson	Antonietta Giofu	Speed limit signs on Simcoe have been changed to 40km. #3 of the recommendation will be addressed with a report to Council regarding an amendment to the Traffic Bylaw - report anticipated in 2nd quarter 2021.	Resolution # 20201013-317 Prue/McArthur That: The delegations in Items # 4.3 and # 4.4 BE RECEIVED; Administration BE DIRECTED to correspond with all school boards to ascertain the current number of additional walking students; Administration BE DIRECTED to bring back a report on reducing the street speed limit to 40km in the downtown core and on residential streets; and, The speed limit on Simcoe Street from Pacific Avenue to Victoria Street BE REDUCED from 50km to 40km.	13-Oct-20
Easement Documentation and By-law 2020-059 - Nicole Keogh and Mary Canton, Amherst Point Association	Nicole Rubli	Options will be brought back for consideration.	Resolution # 20201109-358 Prue/Meloche That Administration BE DIRECTED to prepare a report to determine costs and impacts for all Town encroachments and that the report be brought back to Council for consideration.	09-Nov-20

Agenda Item	Assigned To	Comment	Description	Date
2021 BUDGET DELIBERATIONS	Heidi Baillargeon	The Windsor Essex County Catholic School Board and the public proponents of the project have been notified of the Town of Amherstburg's commitment to fund restoration of the existing courts up to \$20K. Administration has indicated to both parties are willingness to meet and develop a Joint Use Agreement.	Resolution # 20201117-408 McArthur/Renaud That Parks-3, Joint Use Agreements Tennis Courts at Villinova HS, BE APPROVED from reserves contingent on partnership negotiations and Administration BE DIRECTED to report back on the negotiations.	17-Nov-20
NEW BUSINESS	Rick Daly, Heidi Baillargeon	Administration is consulting with peer municipalities and will bring back a full report once all items are actioned.	Resolution # 20201123-442 Simone/Meloche That Administration BE DIRECTED to bring a report back reviewing the Town's recreation user fees and program levels with surrounding municipalities and further to explore opportunities to improve programming and reduce excess capacity as recommended by the Service Delivery Review.	23-Nov-20
UNFINISHED BUSINESS	Heidi Baillargeon	Public consultation documents are complete with notification going out to adjacent residents and the broader community the week of Jan 25th, 2021.	Resolution # 20201214-480 Courtney/McArthur That: Administration BE DIRECTED to come back to the 2021 Budget with all costs associated with a new skate park; The Libro Centre, 320 Richmond (former St. Bernard's School), Jack Purdie Park, and the north end of Centennial Park BE CONSIDERED as the locations for the new skate park; and, The public BE CONSULTED on the 4 locations being considered.	14-Dec-20
NEW BUSINESS	Antonietta Giofu	Report anticipated in 2nd quarter 2021.	Resolution # 20201214-484 McArthur/Courtney That Administration BE DIRECTED to amend the Traffic By-law to include Pacific Avenue to Fryer Street in the Community Safety Zone.	14-Dec-20
Pending Playground Equipment Removal from Wigle and Briar Ridge Parks	Heidi Baillargeon		Resolution 20210208-031 Prue/McArthur That Administration BE DIRECTED to immediately begin public consultation on Briar Ridge and Jack Purdie parks for playground equipment to be funded from the Reserve Fund General.	08-Feb-21
Proactive Committee Oversight	Paula Parker	report will brought forward as directed in 2022	Resolution # 20210222-053 Prue/Simone That: The report regarding Proactive Committee Oversight BE RECEIVED; and, Administration BE DIRECTED to prepare a report regarding the establishment of a striking committee prior to the end of the current term of Council so that it can be considered at the first meeting of the new term of Council.	22-Feb-21
Off-Road Vehicle Use on Amherstburg Roadways	Nicole Rubli	Will coordinate a meeting with the Essex County ATV Club	Resolution # 20210308-070 McArthur/Simone That Administration BE DIRECTED to consult with the applicants as to the feasibility and desire to allow off-road vehicles on Amherstburg roads knowing that they won't be able to access County roads.	08-Mar-21
NEW BUSINESS	Antonietta Giofu, Eric Chamberlain		Resolution # 20210308-077 Prue/Meloche That Administration BE DIRECTED to look into the feasibility of a 3-way stop at Ramsay Street and Gore Street due to possible sight line concerns.	08-Mar-21
Request for Street Named after Grandfather - Denise Spearing	Frank Garardo		Resolution # 20210322-085 Prue/Simone That: The delegation BE RECEIVED; and, Harry V. Spearing's name BE ADDED to the street naming list and be properly vetted through the Marsh Historical Collection and the Heritage Committee, if necessary, and a report be brought back to Council.	22-Mar-21

Agenda Item	Assigned To	Comment	Description	Date
Request for Fence Variance - Scott Renaud and Lynn Nadeau	John Miceli	Mediation underway	<p>Resolution # 20210322-086 Prue/Simone That: The Chief Administrative Officer BE DIRECTED to meet with the parties to the fence variance request to broker a deal and mediate a settlement; and, The current application BE TABLED until a settlement is reached.</p>	22-Mar-21
NEW BUSINESS	Frank Garardo		<p>Resolution # 20210322-099 Renaud/Prue That Administration BE DIRECTED to explore long term Town volunteers who can potentially be added to the street naming list after being vetted through the Marsh Collection Society and the Heritage Committee, if necessary; and, A report be brought back with the list of names.</p>	22-Mar-21

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2019 – 095

By-law to provide for the John Parks No. 1 Drain Improvements based on the Drainage Report by R. Dobbin Engineering Inc.

WHEREAS a request for repair and improvement of the on the John Parks No. 1 Drain was received under section 78 of the Drainage Act;

WHEREAS Council of the Corporation of the Town of Amherstburg felt it necessary to appoint an engineer for the purpose of preparation of an engineer's report for the John Parks No.1 Drain Improvements under section 78 of the Drainage Act;

WHEREAS Council of the Corporation of the Town of Amherstburg has authorized Mike Gerrits, P. Eng., to prepare a report and said engineer's report dated October 18, 2019, can be referenced as Schedule A, as attached hereto;

WHEREAS \$145,260.00 is the amount to be contributed by the Town of Amherstburg for the drainage works;

AND WHEREAS the report was considered by the Amherstburg Drainage Board at the meeting held on Tuesday, November 5th, 2019.

AND WHEREAS the schedule of assessment as presented by R. Dobbin Engineering Inc. was further revised for the Court of Revision held on December 2, 2019, and can be referenced as Schedule B, as attached hereto;

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg hereby enacts as follows:

1. AUTHORIZATION

The attached report is adopted and the drainage works is authorized and shall be completed as specified in the report

2. BORROWING

The Corporation of the Town of Amherstburg may borrow on the credit of the Corporation the amount of \$145,260.00 being the amount necessary for the improvements of the drainage works.

This project being the John Parks No.1 Drain Improvements.

3. DEBENTURE(S)

The Corporation may issue debenture(s) for the amount borrowed less the total amount of:

- (a) Grants received under section 85 of the Drainage Act;
- (b) Monies paid as allowances;
- (c) Commuted payments made in respect of lands and roads assessed with the municipality;
- (d) Money paid under subsection 61(3) of the Drainage Act; and
- (e) Money assessed in and payable by another municipality.

4. PAYMENT

Such debenture(s) shall be made payable within 5 years from the date of the debenture(s) shall bear interest at a rate not higher than 1% more than the municipal lending rates as posted by The Town of Amherstburg's Bank's Prime Lending Rate on the date of sale of such debenture(s).

- (1) A special equal annual rate sufficient to redeem the principal and interest on the debenture(s) shall be levied upon the lands and roads as shown in the schedule and shall be collected in the same manner and at the same as other taxes are collected in each year for 5 years after the passing of this by-law.
- (2) For paying the amount \$1,668.00 being the amount assessed upon the lands and roads belonging to or controlled by the municipality a special rate sufficient to pay the amount assessed plus interest thereon shall be levied upon the whole rateable property in the Town of Amherstburg in each year for 5 years after the passing of this by-law to be collected in the same manner and at the same time as other taxes collected.
- (3) All assessments of \$1000.00 or less are payable in the first year in which the assessments are imposed.

5. SCHEDULE OF ASSESSMENTS OF LANDS AND ROADS

Property Description				Estimated Assessment as per Report	Estimated Grants 33 1/3%	Annual Debenture Payment Amount
Lot or Part Lot No.	Concession	Geographic Township	Parcel Roll No.			
Pt. Lot 11	1	Malden	600-07201	\$3,590.00	\$0.00	808.11
Pt. Lot 11	1	Malden	600-07200	\$50,155.00	\$0.00	11,289.92
Pt. Lot 11	1	Malden	600-07100	\$16,047.00	\$0.00	3,612.19
Pt. Lot 11	1	Malden	600-06400	\$1,269.00	\$0.00	285.65
Pt. Lot 9	1	Malden	600-04200	\$1,275.00	\$0.00	287.00
Pt. Lot 11	1	Malden	600-06300	\$3,413.00	\$1,137.67	512.18
Pt. Lot 10&11	1	Malden	600-05600	\$3,113.00	\$1,037.00	467.31
Pt. Lot 10	1	Malden	600-04610	\$2,828.00	\$942.67	424.39
Pt. Lot 9	1	Malden	600-04000	\$5,500.00	\$1,833.33	825.37
Pt. Lot 8	1	Malden	600-02900	\$6,551.00	\$2,183.67	983.09
Pt. Lot 7	1	Malden	600-02300	\$7,827.00	\$2,609.00	1174.57
Total				\$101,568.00	\$9,743.34	\$20,669.78

Read a first and second time and provisionally adopted this 12th day of November, 2019.

MAYOR – ALDO DICARLO

CLERK – PAULA PARKER

Read a third time and finally passed this ___ day of _____, 2019.

MAYOR – ALDO DICARLO

CLERK – PAULA PARKER

November 7, 2019

The Mayor and Council
Town of Amherstburg
271 Sandwich Street South
Amherstburg, Ontario
N9V 2A5

Gentlemen and Mesdames:

**Re: John Parks No. 1 Drain Improvements
(Recommendations for the December 2, 2019 Court of Revision)**

Please find attached the following information for consideration at the December 2, 2019 Court of Revision for the above noted drain. R. Dobbin Engineering Inc. reviewed the survey data for the M. & M. Pillon and J. & L. Goodchild properties and have concluded the survey catchment area was correct. However, after discussions with J. Goodchild and downstream agricultural Landowner it became apparent that significant tile drainage improvements to the Goodchild property were completed to direct subsurface water away from the lot and as such the equivalent ha for the property has been adjusted accordingly and are attached to this letter.

The revisions include the following:

- Schedule of Assessment
- Schedule of Maintenance No. 1

All other information included in the October 18, 2019 drain report remain unchanged. If you have any questions about the revisions please contact me.

Yours truly,



Michael Gerrits, P. Eng.
R. Dobbin Engineering Inc.



John Parks Drain No. 1
Town of Amherstburg
October 18, 2019

SCHEDULE OF ASSESSMENT

Recommended for Consideration at the December 2, 2019 Court of Revision

Conc.	Lot or Part	Affected Hect.	Roll No.	Owner	Special Benefit	Benefit	Outlet	Total
3. Municipal Lands								
	County Road 20 (Front Street)	0.14		County of Essex	5,827	15,413	246	21,487
	Watermian			Town of Amherstburg	1,668	-	-	1,668
					<u>7,495</u>	<u>15,413</u>	<u>246</u>	<u>23,155</u>
				Total Special Benefit	7,495			
				Total Benefit	15,413			
				Total Outlet			246	
				Total - Municipal Lands	<u>7,495</u>	<u>15,413</u>	<u>246</u>	<u>23,155</u>
4. Privately-Owned Non-Agricultural Lands								
1	Pt. Lot 12	0.01	600-07500	E. & P. Reaume	-	-	7	7
	Pt. Lot 12	0.02	600-07400	2627884 Ontario Inc.	-	-	15	15
	Pt. Lots 11 & 12	0.18	600-07300	2627884 Ontario Inc.	-	-	134	134
	Pt. Lot 11	-	600-07250	2627884 Ontario Inc.	-	-	-	-
	Pt. Lot 11	0.14	600-07201	2627884 Ontario Inc.	-	3,590	104	3,694
	Pt. Lot 11	0.14	600-07200	F. & G. Storino	41,818	8,197	141	50,156
	Pt. Lot 11	0.73	600-07100	F. & G. Storino	15,312	-	738	16,050
	Pt. Lot 11	0.62	600-07000	T. & G. Gillen	-	-	654	654
	Pt. Lot 11	0.16	600-06900	R. & C. Scott	-	-	230	230
	Pt. Lot 11	0.24	600-06800	M. Soullier	-	-	345	345
	Pt. Lot 11	0.12	600-06700	E. & E. Mooney	-	-	172	172
	Pt. Lot 11	0.14	600-06600	J. Neufeld	-	-	201	201
	Pt. Lot 11	0.05	600-06501	G. Michael & J. McLam	-	-	72	72
	Pt. Lot 11	0.03	600-06500	R. Leblanc	-	-	43	43
	Pt. Lot 11	1.19	600-06400	B. & S. Sutts	-	-	1,274	1,274
	Pt. Lot 10	0.11	600-06100	B. Wilder & J. Kotsis-Wilder	-	-	164	164

Conc.	Lot or Part	Affected Hect.	Roll No.	Owner	Special Benefit	Benefit	Outlet	Total
	Pt. Lot 10	0.15	600-06000	G. & A. Esposito	-	-	223	223
	Pt. Lot 10	0.10	600-05900	R. & S. Metcalfe	-	-	149	149
	Pt. Lot 10	0.16	600-05800	W. & S. Gibb	-	-	238	238
	Pt. Lot 10	0.36	600-05700	S. Bemyk	-	-	517	517
	Pt. Lot 10	0.20	600-05500	J. Brown	-	-	287	287
	Pt. Lot 10	0.15	600-05400	R. & C. Pouget	-	-	223	223
	Pt. Lot 10	0.05	600-05300	W. Pare	-	-	74	74
	Pt. Lot 10	0.04	600-05200	J. & M. Crump	-	-	60	60
	Pt. Lot 10	0.13	600-05100	N. Gyorgy	-	-	194	194
	Pt. Lot 10	0.22	600-05000	R. Giegerich	-	-	328	328
	Pt. Lot 10	0.23	600-04900	D. & R. Delbert	-	-	343	343
	Pt. Lot 10	0.54	600-04800	H. & R. Brough	-	-	776	776
	Pt. Lot 10	0.47	600-04620	M. & D. Gobbato & T. Berlasty	-	-	676	676
	Pt. Lot 10	0.80	600-04400	R. Levack & L. Bastien	-	-	1,150	1,150
	Pt. Lot 9	0.18	600-04300	Coulson Design-Build Inc.	-	-	274	274
	Pt. Lot 9	0.76	600-04200	J. & L Neufeld	-	-	1,280	1,280
	Pt. Lot 9	0.13	600-04100	J. & L Neufeld	-	-	198	198
	Pt. Lot 9	0.15	600-03900	C. Billingsley	-	-	228	228
	Pt. Lot 9	0.10	600-03800	S. & T. Waters	-	-	152	152
	Pt. Lot 9	0.12	600-03700	L. Dipierdomenico	-	-	183	183
	Pt. Lot 9	0.13	600-03600	R. Pare	-	-	198	198
	Pt. Lot 9	0.10	600-03500	J. Rice and C. Armstrong-Rice	-	-	152	152
	Pt. Lot 9	0.21	600-03400	S. & A. Colasanti	-	-	319	319
	Pt. Lot 8	0.11	600-03300	R. & D. Rivard	-	-	178	178
	Pt. Lot 8	0.16	600-03200	G. & A Balogh	-	-	259	259
	Pt. Lot 8	0.25	600-03100	J. Lovell	-	-	405	405
	Pt. Lot 8	0.12	600-03000	H. & M. Walschots	-	-	194	194
	Pt. Lot 8	0.24	600-02965	L. & N. Bieszk	-	-	389	389
	Pt. Lot 8	0.23	600-02955	A. & G. Pizzuto	-	-	373	373
	Pt. Lot 8	0.21	600-02945	R. & K. Spry	-	-	340	340
	Pt. Lot 8	0.17	600-02935	S. & A. Bazinski	-	-	275	275
	Pt. Lot 8	0.17	600-02925	M. Gobbato	-	-	275	275
	Pt. Lot 8	0.19	600-02916	J. Hodges & L. Lawrence	-	-	308	308
	Pt. Lot 8	0.19	600-02912	R. & C. Ball	-	-	308	308

Conc.	Lot or Part	Affected Hect.	Roll No.	Owner	Special Benefit	Benefit	Outlet	Total
	Pt. Lot 7	0.10	600-02800	D. & D. McWhinnie	-	-	162	162
	Pt. Lot 7	0.07	600-02700	G. & M. Mailloux	-	-	105	105
	Pt. Lot 7	0.14	600-02500	M. Mailloux	-	-	227	227
	Pt. Lot 7	0.12	600-02400	J. Hunt	-	-	194	194
	Pt. Lot 7	0.14	600-02301	J. & R. Thrasher	-	-	227	227
	Pt. Lot 7	*0.20	600-02200	J. & L. Goodchild	-	-	162	162
	Pt. Lot 7	0.18	600-02100	M. & M. Pillon	-	-	292	292
* Denotes Surface Water Only					57,129	11,787	17,190	86,107
Total Special Benefit					57,129			
Total Benefit					11,787			
Total Outlet					17,190			
Total - Privately-Owned Non-Agricultural Lands					86,107			
5. Privately-Owned Agricultural Lands								
1	Pt. Lot 11	3.8	600-06300	G. & R. Vandenbrink	-	750	2,672	3,422
	Pt. Lots 10 & 11	3.3	600-05600	S. & R. Gyori	-	750	2,372	3,122
	Pt. Lot 10	2.8	600-04610	S. Gyori & T. Rex	-	750	2,085	2,835
	Pt. Lot 9	6.4	600-04000	S. Gyori & T. Rex	-	750	4,767	5,517
	Pt. Lot 8	7.4	600-02900	S. Gyori & T. Rex	-	750	5,821	6,571
	Pt. Lot 7	9.4	600-02300	T.(Jr.) & T.(Sr.) Grace/M. Buchanan	-	-	7,860	7,860
					-	3,750	25,577	29,327
Total Special Benefit					-			
Total Benefit					3,750			
Total Outlet					25,577			
Total - Privately-Owned Agricultural Lands					29,327			

Conc.	Lot or Part	Affected Hect.	Roll No.	Owner	Special Benefit	Benefit	Outlet	Total
6. Special Non-Prorateable Assessments								
	Gas			Union Gas	1,668	-	-	1,668
	Telephone			Bell Telephone	1,668	-	-	1,668
	Fiber Optic Cable			Cogeco	1,668	-	-	1,668
	Hydro			Hydro One	1,668	-	-	1,668
					<u>6,672</u>	-	-	<u>6,672</u>
				Total Special Benefit	6,672			
				Total Benefit	-			
				Total Outlet	-			
				Total - Special Non-Prorateable Assessments	<u>6,672</u>			
				Total - Municipal Lands	23,155			
				Total - Privately-Owned Non-Agricultural Lands	86,107			
				Total - Privately-Owned Agricultural Lands	29,327			
				Total - Special Non-Prorateable Assessments	<u>6,672</u>			
				Total Assessment	<u>\$145,260</u>			

John Parks Drain No. 1
Town of Amherstburg
October 18, 2019

SCHEDULE OF MAINTENANCE NO. 1

Recommended for Consideration at the December 2, 2019 Court of Revision

For maintaining the open section of the John Parks Drain between Station 0+132 and Station 1+317

Conc.	Lot or Part	Affected Hect.	Roll No.	Owner	Benefit	Outlet	Total	Equivalent Ha.
4. Privately-Owned Non-Agricultural Lands								
	Pt. Lot 11	0.62	600-07000	T. & G. Gillen	558	-	558	0.9
	Pt. Lot 11	0.16	600-06900	R. & C. Scott	-	8	8	0.3
	Pt. Lot 11	0.24	600-06800	M. Soullier	-	12	12	0.5
	Pt. Lot 11	0.12	600-06700	E. & E. Mooney	-	6	6	0.2
	Pt. Lot 11	0.14	600-06600	J. Neufeld	-	7	7	0.3
	Pt. Lot 11	0.05	600-06501	G. Michael & J. McLam	-	2	2	0.1
	Pt. Lot 11	0.03	600-06500	R. Leblanc	-	1	1	0.1
	Pt. Lot 11	1.19	600-06400	B. & S. Sutts	612	13	625	1.8
	Pt. Lot 10	0.11	600-06100	B. Wilder & J. Kotsis-Wilder	-	18	18	0.2
	Pt. Lot 10	0.15	600-06000	G. & A. Esposito	-	25	25	0.3
	Pt. Lot 10	0.10	600-05900	R. & S. Metcalfe	-	17	17	0.2
	Pt. Lot 10	0.16	600-05800	W. & S. Gibb	-	27	27	0.3
	Pt. Lot 10	0.36	600-05700	S. Bernyk	229	18	246	0.7
	Pt. Lot 10	0.20	600-05500	J. Brown	229	10	238	0.4
	Pt. Lot 10	0.15	600-05400	R. & C. Pouget	-	25	25	0.3
	Pt. Lot 10	0.05	600-05300	W. Pare	-	8	8	0.1
	Pt. Lot 10	0.04	600-05200	J. & M. Crump	-	7	7	0.1
	Pt. Lot 10	0.13	600-05100	N. Gyorgy	-	22	22	0.3
	Pt. Lot 10	0.22	600-05000	R. Giegerich	-	37	37	0.4
	Pt. Lot 10	0.23	600-04900	D. & R. Delbert	-	38	38	0.5
	Pt. Lot 10	0.54	600-04800	H. & R. Brough	229	26	255	1.1
	Pt. Lot 10	0.47	600-04620	M. & D. Gobbato & T. Berlasty	229	23	251	0.9

Conc.	Lot or Part	Affected Hect.	Roll No.	Owner	Benefit	Outlet	Total	Equivalent Ha.
	Pt. Lot 10	0.80	600-04400	R. Levack & L. Bastien	229	39	268	1.6
	Pt. Lot 9	0.18	600-04300	Coulson Design-Build Inc.	-	32	32	0.4
	Pt. Lot 9	0.76	600-04200	J. & L Neufeld	594	28	622	1.1
	Pt. Lot 9	0.13	600-04100	J. & L Neufeld	-	23	23	0.3
	Pt. Lot 9	0.15	600-03900	C. Billingsley	-	26	26	0.3
	Pt. Lot 9	0.10	600-03800	S. & T. Waters	-	18	18	0.2
	Pt. Lot 9	0.12	600-03700	L. Dipierdomenico	-	21	21	0.2
	Pt. Lot 9	0.13	600-03600	R. Pare	-	23	23	0.3
	Pt. Lot 9	0.10	600-03500	J. Rice and C. Armstrong-Rice	-	18	18	0.2
	Pt. Lot 9	0.21	600-03400	S. & A. Colasanti	-	37	37	0.4
	Pt. Lot 8	0.11	600-03300	R. & D. Rivard	-	46	46	0.2
	Pt. Lot 8	0.16	600-03200	G. & A Balogh	-	66	66	0.3
	Pt. Lot 8	0.25	600-03100	J. Lovell	-	103	103	0.5
	Pt. Lot 8	0.12	600-03000	H. & M. Walschots	-	50	50	0.2
	Pt. Lot 8	0.24	600-02965	L. & N. Bieszk	-	99	99	0.5
	Pt. Lot 8	0.23	600-02955	A. & G. Pizzuto	-	95	95	0.5
	Pt. Lot 8	0.21	600-02945	R. & K. Spry	-	87	87	0.4
	Pt. Lot 8	0.17	600-02935	S. & A. Bazinski	-	70	70	0.3
	Pt. Lot 8	0.17	600-02925	M. Gobbato	-	70	70	0.3
	Pt. Lot 8	0.19	600-02916	J. Hodges & L. Lawrence	-	79	79	0.4
	Pt. Lot 8	0.19	600-02912	R. & C. Ball	-	79	79	0.4
	Pt. Lot 7	0.10	600-02800	D. & D. McWhinnie	-	159	159	0.2
	Pt. Lot 7	0.07	600-02700	G. & M. Mailloux	-	103	103	0.1
	Pt. Lot 7	0.14	600-02500	M. Mailloux	-	222	222	0.3
	Pt. Lot 7	0.12	600-02400	J. Hunt	-	190	190	0.2
	Pt. Lot 7	0.14	600-02301	J. & R. Thrasher	-	222	222	0.3
	Pt. Lot 7	*0.20	600-02200	J. & L. Goodchild	-	159	159	0.2
	Pt. Lot 7	0.18	600-02100	M. & M. Pillon	-	285	285	0.4
					<u>2,907</u>	<u>2,796</u>	<u>5,703</u>	
				Total Benefit	2,907			
				Total Outlet	<u>2,796</u>			
				Total - Privately-Owned Non-Agricultural Lands	<u>5,703</u>			

Conc.	Lot or Part	Affected Hect.	Roll No.	Owner	Benefit	Outlet	Total	Equivalent Ha.
5. Privately-Owned Agricultural Lands								
1	Pt. Lot 11	3.8	600-06300	G. & R. Vandenbrink	612	22	634	3.8
	Pt. Lots 10 & 11	3.3	600-05600	S. & R. Gyori	572	80	652	3.3
	Pt. Lot 10	2.8	600-04610	S. Gyori & T. Rex	572	68	640	2.8
	Pt. Lot 9	6.4	600-04000	S. Gyori & T. Rex	1,782	533	2,315	6.4
	Pt. Lot 8	7.4	600-02900	S. Gyori & T. Rex	2,700	1,088	3,788	7.4
	Pt. Lot 7	9.4	600-02300	T.(Jr.) & T.(Sr.) Grace/M. Buchanan	1,485	2,498	3,983	9.4
					<u>7,722</u>	<u>4,290</u>	<u>12,012</u>	
				Total Benefit	7,722			
				Total Outlet		4,290		
				Total - Privately-Owned Agricultural Lands			<u>12,012</u>	
				Total - Privately-Owned Non-Agricultural Lands	5,703			
				Total - Privately-Owned Agricultural Lands			<u>12,012</u>	
				Total Assessment	\$ 17,715			

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2020 – 062

**By-law to provide for the John Parks Drain No. 2 Improvements based on the
Drainage Report by R. Dobbin Engineering Inc.**

WHEREAS a request for improvement of the John Parks Drain No. 2 was received under Section 78 of the Drainage Act;

WHEREAS Council of the Corporation of the Town of Amherstburg appointed an engineer for the purpose of preparation of an engineer's report for the John Parks Drain No. 2 Improvements under Section 78 of the Drainage Act;

WHEREAS Council of the Corporation of the Town of Amherstburg has authorized Josh Warner, P. Eng., to prepare a report and said engineer's report dated September 30, 2020, can be referenced as Schedule A, as attached hereto;

WHEREAS \$195,182.00 is the estimated cost of repairing and improving the drainage works;

WHEREAS the report was considered by the Amherstburg Drainage Board at the meeting held on November 3, 2020;

AND WHEREAS the schedule of assessment as presented by R. Dobbin Engineering Inc. was further revised for the Court of Revision held on January 5, 2021, and can be referenced as Schedule B, as attached hereto;

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg hereby enacts as follows:

1. AUTHORIZATION

The attached report is adopted and the drainage works is authorized and shall be completed as specified in the report

2. BORROWING

The Corporation of the Town of Amherstburg may borrow on the credit of the Corporation the amount of \$195,182.00 being the amount necessary for the improvements of the drainage works.

3. DEBENTURE(S)

The Corporation may issue debenture(s) for the amount borrowed less the total amount of:

- (a) Grants received under section 85 of the Drainage Act;
- (b) Monies paid as allowances;
- (c) Commuted payments made in respect of lands and roads assessed with the municipality;
- (d) Money paid under subsection 61(3) of the Drainage Act; and
- (e) Money assessed in and payable by another municipality.

4. PAYMENT

Such debenture(s) shall be made payable within 5 years from the date of the debenture(s) and shall bear interest at a rate not higher than 1% more than the municipal lending rates as posted by The Town of Amherstburg's Bank's Prime Lending Rate on the date of sale of such debenture(s).

- (1) A special equal annual rate sufficient to redeem the principal and interest on

the debenture(s) shall be levied upon the lands and roads and shall be collected in the same manner and at the same as other taxes are collected in each year for 5 years after the passing of this by-law.

(2) All assessments of \$1000.00 or less are payable in the first year in which the assessments are imposed.

Read a first and second time and provisionally adopted this 9th day of November, 2020.

MAYOR – ALDO DICARLO

CLERK – PAULA PARKER

Read a third time and finally passed this ___ day of _____, 2020.

MAYOR – ALDO DICARLO

CLERK – PAULA PARKER

SCHEDULE OF ASSESSMENT
Recommended for the Court of Revision (January 2021)

Conc.	Lot or Part	Affected Acres	Affected Hect.	Parcel Number	Roll No.	Owner	Special Benefit	Benefit	Outlet	Total	Equivalent Ha.
3. Municipal Lands											
	County Road 20 (Front Road S)	1.24	0.50			County of Essex		\$ 18,262	\$ 2,419	\$ 20,681	0.45
								\$ 18,262	\$ 2,419	\$ 20,681	0.45
4. Privately Owned Non-Agricultural Lands											
1	Pt. Lot 12	1.04	0.42	26	600-08200	P. & E. Reaume		\$ -	\$ 768	\$ 768	0.13
	Pt. Lot 12	0.20	0.08	25	600-07600	2002081 Ontario Inc.		\$ -	\$ 219	\$ 219	0.04
	Pt. Lot 12	0.32	0.13	24	600-08000	D. & P. Coates		\$ -	\$ 238	\$ 238	0.04
	Pt. Lot 12	1.48	0.60	21	600-08210	D. & P. Coates		\$ -	\$ 1,097	\$ 1,097	0.18
	Pt. Lot 12	0.99	0.40	19	600-09200	M. Donaghue & P. Meloche		\$ -	\$ 731	\$ 731	0.12
	Pt. Lot 12	1.19	0.48	18	600-09400	J. & M. Herceg		\$ -	\$ 878	\$ 878	0.14
	Pt. Lot 12	0.40	0.16	17	600-08220	D. & P. Coates		\$ -	\$ 293	\$ 293	0.05
	Pt. Lot 12	1.41	0.57	16	600-09500	C. Sawatzky		\$ -	\$ 1,390	\$ 1,390	0.23
	Cntr Pt. Lot 12	0.69	0.28	23	600-08700	E., J. & J. Reaume		\$ -	\$ 512	\$ 512	0.08
	Pt. Lot 13	0.59	0.24	14	600-09600	S. Lang		\$ -	\$ 658	\$ 658	0.11
	Pt. Lot 13	0.99	0.40	13	600-09800	L. & N. Bieszk		\$ -	\$ 1,097	\$ 1,097	0.18
	Pt. Lot 13	1.14	0.46	12	600-09900	M. & V. Danese		\$ -	\$ 1,262	\$ 1,262	0.21
	Pt. Lot 13	0.94	0.38	11	600-10000	I. MacDonald		\$ -	\$ 1,042	\$ 1,042	0.17
	Pt. Lot 13	0.74	0.30	10	600-10100	C. Hadrian & R. Gambling		\$ -	\$ 823	\$ 823	0.14
	Pt. Lot 13	1.11	0.45	9	600-10200	E. Beneteau		\$ -	\$ 1,234	\$ 1,234	0.20
	Pt. Lot 13	0.89	0.36	8	600-10300	W. McFarlane		\$ -	\$ 987	\$ 987	0.16
	Pt. Lot 13	0.59	0.24	7	600-10400	W. Ladell		\$ -	\$ 658	\$ 658	0.11
	Pt. Lot 13	1.53	0.62	6	600-10500	L. & L. Thomas		\$ -	\$ 1,700	\$ 1,700	0.28
	Pt. Lot 13 & 14	0.84	0.34	5	600-10700	J. & N. Whyte	\$ 1,675	\$ 10,701	\$ 822	\$ 13,198	0.15
	Pt. Lot 14	0.30	0.12	3	600-10900	D. McKim		\$ -	\$ 329	\$ 329	0.05
	Pt. Lot 14	0.12	0.05	2	600-12600	J. Maxwell	\$ 2,457	\$ 21,391	\$ 121	\$ 23,969	0.02
	Pt. Lot 14			1	600-12500	D. Richard		\$ -	\$ -	\$ -	
							\$ 4,132	\$ 32,092	\$ 16,859	\$ 53,083	2.79

Conc.	Lot or Part	Affected Acres	Affected Hect.	Parcel Number	Roll No.	Owner	Special Benefit	Benefit	Outlet	Total	Equivalent Ha.	
5. Privately Owned Agricultural Lands (Eligible for Available Grants)												
1	Lot 9	12.73	5.15	30	600-04000	S. Gyori & T. Rex		\$ -	\$ 9,416	\$ 9,416	1.55	
	N 1/2 Lot 10	10.13	4.10	29	600-04610	S. Gyori & T. Rex		\$ -	\$ 7,496	\$ 7,496	1.23	
	S 1/2 Lot 10 & Pt. Lot 11	16.85	6.82	28	600-05600	S. & R. Gyori		\$ -	\$ 12,469	\$ 12,469	2.05	
	Pt. W 1/2 Lot 11	30.62	12.39	27	600-06300	G. & R. Vandenbrink		\$ -	\$ 22,653	\$ 22,653	3.72	
	Pt. W 1/2 Lot 12	28.12	11.38	22	600-08300	D. & P. Coates		\$ -	\$ 20,807	\$ 20,807	3.41	
	Pt. Lot 12	0.47	0.19	20	600-08800	D. & P. Coates		\$ -	\$ 347	\$ 347	0.06	
	Lot 13	30.00	12.14	15	600-13300	G. & R. Vandenbrink		\$ -	\$ 22,196	\$ 22,196	3.64	
	N 1/2 Lot 14	8.01	3.24	4	600-10800	P. Crump		\$ 10,702	\$ 5,225	\$ 15,927	0.97	
							-	10,702	100,609	111,311	16.62	
6. Special Non-Proratable Assessments (Non-Agricultural)												
	CATV (Bell)					Bell	\$ -	\$ 1,410	\$ -	\$ 1,410		
	CATV (Cogeco)					Cogeco	\$ -	\$ 1,410	\$ -	\$ 1,410		
	Watermain					Town of Amherstburg	\$ -	\$ 1,410	\$ -	\$ 1,410		
	Gas Line					Enbridge Gas	\$ 887	\$ 4,728	\$ -	\$ 5,615		
	Overhead Hydro					Hydro One	\$ 262	\$ -	\$ -	\$ 262		
							\$ 1,149	\$ 8,958	\$ -	\$ 10,107		
Total - Special Non-Proratable Assessments (Non-Agricultural)							\$	10,107				
Total - Municipal Lands							\$	20,681				
Total - Privately Owned Non-Agricultural Lands							\$	53,083				
Total - Privately Owned Agricultural Lands (Eligible for Available Grants)							\$	111,311				
Total Assessment							\$	195,182				

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2021-033

**By-law to Confirm the Proceedings of the Council
of the Corporation of the Town of Amherstburg**

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;

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;

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 Amherstburg at its meeting be confirmed and adopted by By-law; and,

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg hereby enacts as follows:

1. THAT the action(s) of the Council of the Corporation of the Town of Amherstburg in respect of all recommendations in reports and minutes of committees, all motions and resolutions and all actions passed and taken by the Council of the Corporation of the Town of Amherstburg, documents and transactions entered into during the May 10th, 2021, meetings 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 Amherstburg are hereby authorized and directed to do all things necessary to give effect to the action(s) of the Council of the Corporation of the Town of Amherstburg during the said meetings referred to in paragraph 1 of this By-law;
3. THAT the Mayor and Clerk are hereby authorized and directed to execute all documents necessary to the action 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 Amherstburg to all documents referred to in said paragraph 1.

Read a first, second and third time and finally passed this 10th day of May, 2021.

MAYOR – Aldo DiCarlo

CLERK – Paula Parker