



THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

MEETING OF MUNICIPAL COUNCIL AGENDA

MONDAY, JANUARY 16, 2012
COMMENCING AT 7:00 P.M.
IN LEAMINGTON COUNCIL CHAMBERS

SPECIAL CLOSED MEETING OF COUNCIL AT 6:45 P.M.

*In the Ante Room
to consider one (1) Confidential Item*

SPECIAL CLOSED MEETING OF COUNCIL

*Immediately following Council Agenda
In the Ante Room
to consider one (1) Confidential Item*

(A) CALL TO ORDER:

(B) PRAYER:

(C) DISCLOSURES OF PECUNIARY INTEREST:

(D) ADOPTION OF COUNCIL MINUTES:

1. Minutes of the Council Meeting held January 9, 2012
Pages 3-8
2. Minutes of the Special Closed Meeting of Council held January 9, 2012
Page 9

(E) BUSINESS ARISING OUT OF THE MINUTES:

(F) PUBLIC MEETINGS/COURT OF REVISION:

(G) REPORTS OF STAFF & DELEGATIONS:

1. Essex Region Conservation Authority - 2012 Draft Budget
Pages 10-26
 - Richard Wyma, General Manager/Secretary-Treasurer
2. PLA 01/12: Zoning By-law Amendment ZBA# 50 (Seil) - Proposed Agricultural Residential Zoning
841 & 911 Mersea Road 4 dated December 28, 2011
Pages 27-31

3. PLA 02/12: Zoning By-law Amendment ZBA # 51 (Wilkinson) - Proposed Agricultural Residential Zoning 1601 Mersea Road 6 dated December 28, 2011
Pages 32-36

(H) **MATTERS FOR APPROVAL:**

(I) **OTHER MATTERS FOR CONSIDERATION:**

(J) **CONSIDERATION OF BY-LAWS:**

By-law 188-12, being a by-law to provide for an interim tax levy and to provide for the payment of taxes.

By-law 189-12, being a by-law to confirm the proceedings of the Council of the Municipality of Leamington at its meeting held January 16, 2012.

(K) **NOTICES OF MOTION:**

(L) **OPEN SESSION - Council - Administration**

(M) **NEW BUSINESS:**

(N) **ANNOUNCEMENT OF UPCOMING MEETINGS/EVENTS:**

TUESDAY, JANUARY 17, 2012

Leamington Economic Development Committee - 6:00 p.m. - West Committee Room (# 112)

WEDNESDAY, JANUARY 18, 2012

Union Water - 9:00 a.m. - Kingsville Council Chambers
Erie Quest Committee - 5:00 p.m. - Leamington Kinsmen Recreation Complex
Essex County Council - 7:00 p.m. - County Council Chambers

THURSDAY, JANUARY 19, 2012

Essex Region Conservation Authority Board - 7:00 p.m. - County Council Chambers

MONDAY, JANUARY 23, 2012

Leamington Council - 7:00 p.m. - Council Chambers

(O) **STATEMENT OF MEMBERS:** non-debatable

(P) **ADJOURNMENT:**

THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

MINUTES - COUNCIL MEETING

HELD MONDAY, JANUARY 9, 2012 - COMMENCING AT 7:00 P.M.
IN LEAMINGTON COUNCIL CHAMBERS

MEMBERS PRESENT: Mayor Paterson
Deputy Mayor Wright
Councillors: Atkin, Chopchik, Jacobs, MacDonald, Verbeke

STAFF PRESENT: Bill Marck, Chief Administrative Officer
Brian Sweet, Director of Corporate Services
Cheryl Horrobin, Director of Finance and Business Services
Tracey Pillon-Abbs, Director of Development Services
Robert Sharon, Director of Community Services
Mary Ann Manley, Corporate Assistant

DISCLOSURES OF PECUNIARY INTEREST: None

ADOPTION OF COUNCIL MINUTES:

No. C-01-12

Moved by: Deputy Mayor Wright Seconded by: Councillor Jacobs

That the Minutes of the Council Meeting (including minutes of the Draft Plan of Subdivision D'Amore and Draft Plan of Subdivision Santos) held December 19, 2011 be adopted.

"CARRIED"

BUSINESS ARISING OUT OF THE MINUTES: None

PUBLIC MEETINGS/COURT OF REVISION: None.

REPORTS OF STAFF & DELEGATIONS:

DEVELOPMENT SERVICES - Report DEV 06/11: 2012 Leamington Accessibility Plan dated December 13, 2011

Tracey Pillon-Abbs, Director of Development Services, presented her report to Council on the adoption of the 2012 Leamington Accessibility Plan identifying some of the 2011 projects which enhanced Leamington's accessibility.

Council questioned whether the truncated domes on the corners of Johnson and Talbot Streets have been successful. Ted Wigfield, Committee Vice Chair for the Leamington Accessibility Advisory Committee (LAAC) responded that the truncated domes have been well received.

Mr. Wigfield also noted LAAC would like the trails paved to remove concerns for wheelchair access.

No. C-02-12

Moved by: Councillor Chopchik Seconded by: Councillor Verbeke

That the 2012 Leamington Accessibility Plan be adopted. (DEV 06/11).

"CARRIED"

COMMUNITY SERVICES - Report DCS 10/11: East Marsh Dyke dated December 28, 2011

Robert Sharon, Director of Community Services provided an overview of the history of the East Marsh Dyke area and reviewed the questions and answers contained in his report.

Mr. Sharon explained that the engineer's report was authorized by council under the Drainage Act and the report will be prepared in accordance with the rules and principles established by the Drainage Act. ERCA is involved in the project as a full partner in order to qualify for Water and Erosion Control Infrastructure (WECI) funding policy. This engineer's report is not an ERCA initiative but ERCA is a partner in the project. Mr. Sharon confirmed he will be the lead municipal representative on the project, will attend all meetings and will provide updates to Council at appropriate times.

Council questioned how this engineer's report differed from the 2008 study. Mr. Sharon explained that this is a drainage engineer's report under the Drainage Act and further explained this report will be a valuable tool when lobbying for funds from upper levels of government. This report is more detailed than previous reports and will, among other things, describe specifically the work to be done, estimate costs of the project and provide an assessment schedule which describes how the costs will be allotted to each property owner.

Mr. Sharon explained previous drainage reports did not assess the uplands into the drain because the Hillman Marsh is the legal outlet for the uplands, therefore the uplands do not derive any drainage benefit from dyke.

Council questioned whether ERCA wanted the barrier beach to naturally disappear? Mr. Sharon said he could not speak on behalf of ERCA but noted ERCA would incur significant costs to protect the beach as recommended in previous reports and ERCA presently is not planning to undertake any such action.

Mr. Marck advised Council the Engineer's Report will be designed as if the barrier beach is not there.

John Landschoot, 2035 Mersea B, Commissioner for East Marsh Drainage Scheme addressed Council with his concerns. Mr. Landschoot felt if ERCA would protect the barrier beach this would reduce the water levels of the drainage scheme and reduce the cost of repairing the dyke. ERCA's refusal to protect the barrier beach will result in the loss of Hillman Marsh. Mr. Landschoot wondered if it is sensible to piecemeal the project or do the work required all at once.

Mr. Landschoot suggested Council use previous projects as precedents to obtain funding from upper levels of government such as the Big Creek and Thames River armour stone projects which were not assessed to the abutting property owners. Mr. Landschoot also felt the real problem started with the Wheatley Harbour and suggested sand nourishment could mitigate some of the problems.

Mr. Landschoot advised Council of a statement made by Richard Wyma, General Manager of ERCA stating their key objective is to connect Hillman Marsh and Point Pelee National Park.

Council responded to Mr. Landschoot's concern noting the project was too expensive to complete all at once therefore it would be completed in phases.

Council directed staff to forward correspondence to ERCA regarding Mr. Wyma's statement of ERCA's key objective.

Mr. Sharon noted that many of the projects occurring during the 1970s to the 1990s were funded by upper levels through AGRA (Agriculture and Rural Affairs).

Tom Platsko, 1238 Road C, addressed Council voiced his concerns regarding the project costs and how it will be funded. Mr. Platsko felt the money spent on studies could be better used by maintaining the drains. Mr. Platsko stated the farm lands are a valuable asset to the area beyond the actual land value.

Ray Marentette, 15 Marentette Beach, Representative of East Mersea Ratepayers' Association distributed to Council a Press Release from Ducks Unlimited and an article from the Chatham Daily News titled "Land the new "black gold." Mr. Marentette requested Council to direct Mr. Sharon to ensure the studies are not duplicated by other reports. Mr. Marentette stated there was a benefit to ERCA and Point Pelee National Park to have the dykes maintained and the Ratepayers Association will look strongly at supporting this issue in a political way. He concurred with Council there is a long way to go to work on Provincial Policy Statements regarding this area.

No. C-03-12

Moved by: Councillor Jacobs Seconded by: Councillor Verbeke

That Council receive the information regarding the East Marsh Dyke. (DCS 10-11)

"CARRIED"

PLANNING SERVICES - Report PLA 59/11: Development Charges (2009) Request for Update dated December 6, 2011

Tracey Pillon-Abbs, Director of Development Services provided Council with an update on the 2009 Development Charges (DC) for the Municipality of Leamington.

In response to a question from Council, Ms. Horrobin explained that the East Side Arterial Road was included in the DC by-law's schedule of projects and even though funding from senior levels of government was received to help pay for one phase of the road, there were several phases to the East Side Arterial Road and despite receiving funding for one of the phases there were still costs to be borne by the DC rates including land acquisitions. As well, at the time of setting the DC rates, there were assumptions made about receiving senior government grants for the project.

Council asked when the reports listed in Ms. Pillon-Abbs report as outstanding would be paid. Ms. Horrobin did not have the information, however noted Leamington has not been experiencing the growth it anticipated and therefore has not been able to meet its previous DC rate commitments.

Ms. Horrobin further explained to Council some of the projects which have already been completed i.e. Pollution Control Plant, Seacliff Park and MCR trail were included in the anticipated growth and will have to be funded somehow.

Council questioned whether the Municipality had to impose DC charges. Ms. Pillon-Abbs responded that the Development Charges Act does not require a Municipality to pass a development charges by-law but if such a by-law is passed then it has to comply with the provisions of the Act. She also stated that imposing development charges is an effective way to have new development pay for municipal costs that are the result of new growth.

No. C-04-12

Moved by: Councillor Verbeke Seconded by: Councillor Jacobs

That Council receive report PLA59/11 re: 2009 Development Charges Background Study;

And that the Development Charges for single and semi-detached dwellings remain the same in 2012 as in 2011.

"CARRIED"

MATTERS FOR APPROVAL:

No. C-05-12

Moved by: Councillor Verbeke Seconded by: Councillor MacDonald

That the minutes of the Economic Development Committee meeting held December 13, 2011 be adopted.

"CARRIED"

OPEN SESSION - COUNCIL - ADMINISTRATION:

Deputy Mayor Wright requested discussion take place next Council meeting on why the deadline for Council delegations is Thursday at noon when the Council minutes are posted on Friday.

Councillor MacDonald asked Mr. Sharon if staff could check street lights for outages. She noted lights out on Ellison Avenue between Sherk and Gary Street. There are also lights out by the Tim Horton's. Councillor MacDonald noted the corner of Pulford is very dark and needs a streetlight. Councillor Atkin also noted street lights out on Lutsch Avenue.

Mr. Sharon responded a street light assessment was completed by Essex Power and identified areas that were deficient. Mr. Sharon will look into the outages.

Mr. Marck stated Council had mandated \$25,000 each year for rural and urban street lighting.

NEW BUSINESS: None.

STATEMENT OF MEMBERS:

Councillor Verbeke noted the absence of CTV 34 television cameras had no affect upon the length of the Council meeting.

Deputy Mayor Wright stated the Windsor Essex County Environment Committee was hosting Elizabeth May who would be speaking on "Canada's role in addressing the climate crisis and why Kyoto matters" on Saturday, January 28, 2012 at the Dr. David Suzuki Public School at 10:00 a.m.

ADJOURNMENT:

No. C-08-12

Moved by: Councillor Verbeke Seconded by: Councillor Jacobs

That the meeting adjourn at 9:48 p.m.

"CARRIED"

John Paterson, Mayor

Brian Sweet, Clerk

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THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

MINUTES - SPECIAL CLOSED MEETING OF COUNCIL

HELD MONDAY, JANUARY 9, 2012 - COMMENCING AT 5:00 P.M.
IN THE ANTE ROOM

MEMBERS PRESENT: Mayor Paterson
Deputy Mayor Wright
Councillors: Atkin, Chopchik, MacDonald, Jacobs, Verbeke

STAFF PRESENT: Bill Marck, Chief Administrative Officer
Cheryl Horrobin, Director of Finance and Business Services
Tracey Pillon-Abbs, Director of Development Services
Robert Sharon, Director of Community Services
Peter Mullins, Manager of Accounting Services

DISCLOSURES OF PECUNIARY INTEREST: None.

No. S-01-12

Moved by: Councillor Jacobs Seconded by: Councillor Atkin

That Council move into closed session pursuant to Subsection 239 (3.1) of the Municipal Act, 2001 to educate Council Members on Budget Preparation and Financial Statements

"CARRIED"

Peter Mullins, Manager of Accounting Services, used the previously approved 2010 municipal financial statements to explain how to read and understand these documents.

Cheryl Horrobin, Director of Finance and Business Services reviewed the administrative process used to prepare the draft municipal budget each year.

No. S-02-12

Moved by: Councillor Veberke Seconded by: Councillor Chris

That the Committee move into public session at 6:49 p.m.

"CARRIED"

No. S-03-11

Moved by: Councillor Chopchik Seconded by: Councillor Verbeke

That the meeting adjourn at 6:50 p.m.

"CARRIED"

John Paterson, Mayor

Brian Sweet, Clerk

FROM: Richard Wyma, General Manager/Secretary-Treasurer
Tim Byrne, Coordinator of Flood & Erosion Control
Jeremy Wychreschuk, Director of Watershed Engineering
Matthew Child, Director of Watershed Restoration
Shelley McMullen, Director of Financial Services
Kevin Money, Director of Conservation Areas
Danielle Breault Stuebing, Director of Communications & Education
Stan Taylor, Director of Source Water Protection

SUBJECT: Presentation of ERCA's 2012 Draft Budget

DATE: December 1, 2011

ACTION SPECIFIC: • ERCA's budget is prepared in keeping with all actions in the Strategic Plan

PURPOSE

To present the Essex Region Conservation Authority's (ERCA) proposed 2012 Budget Estimates for review and input from the ERCA Board of Directors in order to forward to member municipalities for consideration prior to final approval.

REPORT SUMMARY

- ERCA continues to face budget pressures in 2012 and beyond related to historic and chronic underfunding of levy contributions, decades of special project funding subsidizing core programs, capital infrastructure long past useful lifespan combined with a lack of capital and operational reserves, and declines in special project funding, user fees and lease revenues.
- Preliminary 2012 budget estimates, based on status quo, require a minimum budget increase of \$208,000 above 2011, which would necessarily be derived through levy contributions. This includes fixed increases in grid and benefits, required maintenance for Holiday Beach Conservation Area, loss of Job Creation Partnership programs which had helped offset capital costs previously, loss of Eco Action Grants, and returns from voluntary and other staff leaves in 2011.
- ERCA Administration is completing Program Reviews of several of its departments and programs and once complete, will work with ERCA Personnel Committee in making recommendations to the ERCA Board. After years of zero and negative increases, all efficiencies have been identified and implemented. Any further reductions in budgets will mean reductions in staffing and the elimination of programs and services.
- Based on 2010 statistics compiled by Conservation Ontario, ERCA is the 10th largest Conservation Authority in Ontario in terms of budget and program delivery. However we rank 32 out of 36 Conservation Authorities in terms of municipal funding levels for operations.

BUDGET HIGHLIGHTS

ERCA's Proposed 2012 Budget reflects the approved 2011-2016 Strategic Plan and our vision of a sustainable environment with healthy watersheds highlighted by clean creeks, rivers, and Great Lakes, thriving natural areas, productive agricultural lands, and vibrant places. The proposed budget estimates include, among other actions:

- the completion of Source Protection Plan to protect sources of drinking water
- monitoring of groundwater and surface water quality, including near-shore Great Lakes waters
- increased focus on priority water quality issues such as blue green-algae monitoring, and development of a microbial track-down study for beaches (e.g. Holiday Beach, Sand Point Beach)
- completion of a new Watershed Report Card, as part of a Conservation Ontario Province-wide initiative
- Restoration of at least 180 acres of land, and planting at least 170,000 trees throughout the region towards our goal of 12% natural area coverage;
- Complete over 25 community-based Friends of Watersheds projects involving more than 1,000 volunteers
- Implement at least 50 water quality enhancement projects, and finalize and initiate implementation of ERCA's Septic System Management Strategy
- Complete at least one large shoreline restoration project
- Complete a region-wide Natural Heritage Strategy based on ERCA's 2002 Biodiversity Conservation Strategy
- Complete and begin implementation of ERCA's Land Securement Strategy
- Strengthened 'one window services' to facilitate review of permit applications, drainage reviews, and responses to legal requests and inquiries from landowners; and input to municipal Official Plans and related planning documents, and providing advice and guidance to member municipalities for over 500 Planning Act applications including consents, rezoning requests, minor variances, official plan amendments, environmental assessments, and environmental impact assessments.
- Completion of WECl projects including as the Grand Marais Drain EA, Little River Sheet Steel Wall Study, Detroit River Shoreline Assessment Study, East Marsh Dyke Study, and Reaume Park Shorewall Repairs
- Education of nearly 10,000 students in our Conservation Areas; and the implementation of our new Youth Engagement Strategy to connect youth with natural and cultural heritage.
- Complete Management Plans for Holiday Beach Conservation Area, and Conservation Areas in the Cedar Creek and Canard River Watersheds in keeping with the Conservation Lands Management Framework, which was developed to guide the development, operation and management of ERCA's system of Conservation Areas, Greenways and Trails, and other conservation lands in keeping with ecological sensitivity, best practices, partner requirements and visitor demands and expectations; and the continued operation of ERCA's 20 Conservation Areas



- Continue the development of the Essex to Amherstburg Greenway in partnership with municipalities, senior levels of government and other partners
- Continue to build our communications program, including enhancing our social media presence and policies, expanding our Workshop Series, and update ERCA's website to comply with the AODA standards
- Complete Program Reviews to ensure programs are strategic and effective and respond to changing demands and opportunities
- Advance ERCA's policies and procedures related to human resources, payroll, health and safety, professional development and planning services
- Investigate and research the feasibility of cloud applications for corporate services including but not limited to accounting, payroll, network support and various office software applications as cost effective alternatives.

BACKGROUND

The Essex Region Conservation Authority is aware of the pressures that municipalities face, in terms of limiting tax increases while at the same time providing service to residents and seeking new investment and growth. These sometimes competing demands challenge municipalities and organizations to find a balance between providing services and resources for residents, and meeting expectations of new investment.

In keeping with budget presentations and financial statements presented to ERCA Board of Directors, as in past years, ERCA continues to face ongoing serious budget pressures in 2012 and beyond. ERCA Administration has taken steps to respond to budget pressures, however it is expected that, unaddressed, and without relief from budget pressures, these challenges will continue to grow and require action by ERCA.

Ongoing Budget Pressures

- **Levy Funding.** The ERCA's Board of Directors, made up of representatives from each of our nine member municipalities, has the authority to determine levy and apportion the total benefit to the participating municipalities, based on Current Value Assessments as determined by MPAC.

Between 2007 and 2010, ERCA's municipal levy increased only \$37,000, which, with CVA increases considered, actually represented a decrease of \$0.05/household. Four years with negative to minimal increases in levy taxed ERCA's capacity and infrastructure such that continuation of past funding levels will result in impacts on program delivery and capacity.

The 2011 increase of \$100,529 partially covered fixed costs increases related to salaries and collective agreement increases; but it was not adequate in terms of buffering the Authority against the unpredictable situations that resulted in negative financial consequences in 2011, as will be identified below (e.g. emergency infrastructure repairs and associated loss of revenues, lack of reserves, loss of anticipated special project funding). Despite an additional \$45,000 in savings realized from unfilled vacant positions and leave without pay options from staff, it is expected that the net debt position/operating deficit will increase again.

- **Special Projects Subsidizing Core Programs.** ERCA has a strong and demonstrated history of working with municipalities to find an appropriate balance between services and value. As evidence of this commitment, based on 2010 statistics compiled by Conservation Ontario, despite being the 10th largest Conservation Authority in Ontario based on program delivery and overall revenues, only 18.12% of our operations budget is levy-based, far below average municipal levy contributions to Conservation Authorities across Ontario in 2010 and not reflective of our program delivery. This clearly demonstrates ERCA's ability to generate funding for project needs in our region and in our municipalities, and is no different than it has been for many years.

However, it also means special funding has been largely required to subsidize core programs, which are funded through levy in other Authorities. This leaves ERCA exposed when special funding is not available or is not secured because our priorities do not match funding program priorities; and ultimately, the permanent staff complement must still be paid to complete core functions. Similarly, making application and success in receiving special project funding does distract staff from delivering on core responsibilities. Budgets that rely on special funding sources or projects that do not always materialize are a contributing factor to ERCA's increasing net debt and increasing operating fund deficit since 2007.

Attempts have been made to include special projects only where they are recurring from previous year(s), or where this is a low level of risk, and where it is reasonable to expect approval; however even this fiscally conservative approach does not completely eliminate risk of losses. This will be especially true in 2012 when funding from several special projects such as Source Water is uncertain.

- Water Quality Monitoring. Since 2007, ERCA has secured more than \$4.5 million in Provincial Funding towards Drinking Water Source Protection Program (over \$2 million for staff/operating costs, and over \$2 million for Consultant's studies). This Ministry of Environment Program has also largely subsidized ERCA's water quality monitoring program in recent years. Changes in the Source Water Protection Program are expected in August 2012, and though the extent of these changes are not yet known, it is expected that ERCA, and other Conservation Authorities, will again have to assume greater costs for its water quality program, as was the case prior to introduction of Source Water Program. Absence of water quality capacity, which is delivered for approximately \$100,000, reduces our ability to provide expertise, on behalf of municipalities, on issues such as Blue Green Algae, Microbial trackdown (e.g. Holiday Beach, Sandpoint Beach), and other water quality issues that affect the region. ERCA's various water quality services and projects were further described in Report BD 34/11 (November 2011).
- Friends of Watersheds. In 2011, ERCA was not approved for its Federal EcoAction grant, and a contribution from Point Pelee National Park, which it has for the past 7 years, provided \$30,000 annually towards delivery of ERCA's Friends of Watershed Program. Though ERCA Administration is resubmitting a different approach for 2012 and beyond, it is clear that even those recurring programs are not safe from funding uncertainty.

Efforts are being made to identify and secure new grant opportunities to offset lost grants in 2012; however there are no assurances that these opportunities will be secured for 2012.

- **Administrative Costs.** In 2012, ERCA faces \$85,000 in unexpected increase in annual discretionary health care costs which are expected to continue through 2012, fixed-cost increases in benefits, and



ongoing deferral of hardware and software upgrades that would provide administrative efficiencies. Additionally, ERCA's Collective Agreement expires at end December 2011. ERCA Administration will make an effort to maintain or reduce salaries and benefits, however, it is expected there will be some pressures on ERCA's 2012 and future budgets.

- **Amortization of Assets/Lack of Reserves.** In keeping with the requirements of the Public Sector Accounting Board (BD39/10), our financial statements must now include a provision for amortization of assets in lieu of specific capital replacements. Although this potentially creates additional funding pressures of \$232,000 in 2012, our preliminary budget only includes a modest amount of \$70,000 for specific equipment replacement. The total of \$232,000 is an accounting number and is an annual charge that is based on the historical cost of capital infrastructure, but the actual replacement cost of fully amortized assets exceeds \$1.4 million. Without reserves and without adequate funding for asset replacement in the operating budget, there is always a risk that assets will have to be removed/closed or replaced on an emergency basis. The Authority estimated annual requirement for capital replacement was \$2.5 - \$3 million in report BD 40/10, which is significantly larger than the amount that has been included in ERCA's budgets.

As a public sector agency with "at-risk" revenues and deteriorating assets, reserves are a necessary mechanism to insulate against unforeseen occurrences, temporary contractions in revenues, and unforeseen issues such as repairs to infrastructure due to natural occurrences or deterioration. For example, in 2011 ERCA had two structural insurance claims which included deductibles totalling \$5,000 which, in absence of reserves, were un-funded. ERCA's operating deficit will increase because the funds to cover these deductibles are not in place. Based on responsible agency budget practices, operating reserves for this agency could be as much as \$500,000. Similarly, ERCA's capital reserves could exceed \$3 million if replacements are fully funded, in keeping with a Capital Plan.

In the past, ERCA was able to benefit from special provincial and federal funding programs, and Job Creation Partnership Programs (JCP) to improve infrastructure, which alone has led to millions for development. Most, if not all of our Conservation Areas in existence today were built using provincial or federal funds that are no longer accessible for continued funding towards capital maintenance and replacement works. The Conservation Authority has been using the Job Creation Program as a capital facilities development fund over the past 20 plus years, while our municipal counterparts have been building internal capacity to build and sustain their infrastructure. Unfortunately, these funding programs no longer provide the capital investment they once did.

As a result, continued deterioration of facilities will require emergency funding, and would result in an increase to the net debt/operating deficit. For example, in 2011, culvert failure at Holiday Beach Conservation Area required investment of \$10,000 in repairs, and estimated loss of revenue of more than \$12,000 due to park closure. Similarly, closure of the Hillman Marsh Conservation Area classroom due to mould and structural issues with the Hillman Marsh House, was replaced with a portable donated by LaSalle Stompers, but still required more than \$12,500 to relocate, properly situate and moderately renovate. If these works were not completed, Holiday Beach Conservation Area, our most popular Conservation Area, would have remained closed, and ERCA's education program could not be delivered at Hillman Marsh.

- **Declines in certain user fees and lease revenues.** In previous years, revenues generated from oil and gas leases and fees-for-service were used to help offset operational costs. These lease agreements have now ended, and there has been a decline in certain fee-for-service programs (e.g. Memorial Forest tree planting supported by participating Funeral Homes) which has resulted in increased levy requirements in some areas.
- **Net Debt.** In 2010, ERCA's net debt grew as a result of several factors: increased legal expenses, General Manager transition (i.e. funding overlap of General Manager position), vehicle and equipment replacement costs; cost sharing and costs associated with emergency infrastructure repairs in Conservation Areas. This was exacerbated by the various pressures identified above. This is expected to grow again in 2011 as a result in loss of some anticipated revenues, a 57% increase in discretionary health benefits tied to new drug claims beyond what was predicted and what had been historically experienced. As a small group, we are subject to extreme fluctuations as most of the premium is based on the experience rated benefits, not the pooled benefits. The net debt was further impacted by unfunded emergency infrastructure repairs (and associated loss of revenue) at Holiday Beach Conservation Area, and other sites as noted above; and unfunded increases to staff at John R. Park Homestead.

2012 Budget Considerations

ERCA's Directors were asked to identify 'status-quo' budgets, based on existing programs and staffing. This resulted in a preliminary estimate a need of more than \$200k additional funding. Additional funds were needed to maintain 2011 service levels in light of declining Source Water Protection 'subsidies', fewer WECI funds, return of staff from approved leaves, OMERS increases and appropriate levels of support for Conservation Areas, which in previous years has had other program revenues support underfunding.

2012 preliminary budgets do not include any increases in staff salaries (statutory increases only), recognizing that the existing Collective Agreement expires in December 2011. As well, it also does not account for unforeseen budget impacts, emergency repairs, or otherwise; and does not provide for any capital reserves or operational reserves and does not address the operating deficit, both of which are proposed for consideration in the development of a new Five Year Business Plan (Report BD48/11).

Directors advised that they could not achieve a zero increase target without reducing staff FTEs. In previous years, despite reductions in ERCA's levy, the Board of Directors required that there be no impacts to existing programs and staff levels. As a result, staffing and associated program support is currently at a minimal level, and any changes would require the elimination of programs and associated staff levels.

Recognizing municipal budget pressures in 2012 and stated zero-based increases in some municipalities, this presents significant challenges to ERCA. In its 2012 preliminary budgets, ERCA Administration has already taken several steps in the following areas to improve its situation, without impacting on program delivery:

- **Conservation Area Management.** ERCA's Conservation Lands Management Framework (Report BD 28/11) creates a system of 'classes' for Conservation properties and, through individual management plans developed in collaboration with a Conservation Areas Advisory Committee, will identify appropriate levels of facilities and infrastructure considering park purposes, natural heritage, visitor use, and management of individual conservation areas and other ERCA lands.



For example, classifications of Conservation Areas will reduce infrastructure demands on newly acquired Conservation Areas such as Cedar Creek, and Sydney Mitchell Woods, which will be classified as Natural Heritage Protection, and not requiring infrastructure. Individual management plans will also identify opportunities for strategic investment in conservation areas to identify and develop new events and programs; and lead to increased revenues from visitation and use of our sites.

- **Alternative Funding.** Report (BD 11/11) explored opportunities to fund the replacement of ERCA's facilities today and into the future, which requires consideration of alternative revenue generation, and the establishment of reserves. In keeping with Report BD 11/10, ERCA has followed up on identified revenue generating alternatives in its Conservation Areas:
 - **Tax Relief.** In 2011, ERCA was partially successful in its application for tax relief under the Conservation Land Tax Incentive Program for ERCA's Greenways, recognizing they provide habitat for species at risk and are not purely recreational. Approximately half of ERCA's greenway lands were accepted, which resulted in savings up approximately \$15,000. ERCA Administration continues to make all efforts to take advantage of provincial tax relief programs, such as Managed Forest, Conservation Lands, however, as was noted in Report (BD 53/10), in 2010 alone, ERCA Operations returned \$63,586 of General levy back to municipalities in the form of taxes. In other Authorities (e.g. Toronto Region CA), taxes on lands that are ineligible for tax relief are funded by municipalities through special levy.
 - **Solar Micro-fit Projects.** The majority of ERCA's lands are designated either natural or recreational through municipal Official Plans and could provide a land base for solar installations, in areas that do not negatively impact our environment. ERCA Administration has made initial application for consideration of over 40 potential sites along the Greenway and at Conservation Areas which could be suitable for small solar arrays. ERCA has been notified that it is not eligible for the MicroFIT program, though there appears to be some inconsistencies in application of eligibility requirements. ERCA Administration is working with the Solar industry locally to encourage changes to eligibility requirements (see Report BD 45/11). If successful, MicroFIT opportunities will be confirmed through site management planning to ensure no negative impact to Conservation Areas. *No solar arrays will be placed on natural or cultural heritage lands, or other sensitive lands.*
 - **FIT Programs.** ERCA Administration continues to have discussions with local Solar industry related to FIT opportunities at Holiday Beach Conservation Area. Other Conservation Authorities in Ontario lease lands to industry for solar farm installations as a means of revenue generation, and ERCA will report further to the Board on opportunities locally in 2012. *No solar arrays will be placed on natural or cultural heritage lands, or other sensitive lands.*
 - **Hunting.** Following further consultation with various hunt clubs across Windsor and Essex County and ERCA's Biologist ERCA Administration did open up several areas for deer hunting in winter 2010. This resulted in \$6,500 for conservation areas in 2011.
 - **Forest Management.** ERCA Administration will review forest management opportunities where they provide a clear biological benefit as part of Conservation Area Management Plans and provide recommendations for consideration by the Board as part of Conservation Area Management Plan approvals.

- **Administrative** – In 2011, several members of the management team took leave without pay, reduced work weeks which provided some budget relief. Additionally, professional development was largely eliminated, travel was reduced and hardware/software needs were deferred again. These restraints have been extended to 2012, in addition to reviewing or delaying replacement of staff and contract renewals for cost containment.

Draft 2012 Budget

ERCA's approved 2011-2016 Strategic Plan identify the actions ERCA will take towards our vision of a sustainable environment with healthy watersheds highlighted by clean creeks, rivers, and Great Lakes, thriving natural areas, productive agricultural lands, and vibrant places. The Strategic Plan was used to shape priorities, processes and our proposed Budgets and Resource Allocations, and will be used again as a basis for reporting back to the Authority Board and community at the end of 2012.

In addition, in keeping with previous submissions, budget estimates were prepared based on the following principles; and in partial response to the budget pressures identified above:

- **Programs and budgets are defensible and supported and offer excellent value for investment.** Each department's programs and budgets were prepared based on maintaining the current level of service to residents and communities. The 2012 Draft budget was reviewed internally to ensure programs reflect accurate and reasonable costs, and to ensure levy is restricted to only what is necessary.
- **Programs must be sustainable.** Program budgets and associated fees must provide for adequate cost recovery, asset replacement, administrative support, and contingencies.
- **Opportunities for diversified funding are maximized to minimize impact on levy.** ERCA has, historically, shown a significant return on investment through leveraging funds in support of municipal and landowner projects, in keeping with regional priorities. Similarly, acquisition funds are also leveraged with other partners to minimize ERCA's contributions towards property acquisition.
- **Partnership opportunities will be expanded and/or explored as part of delivery of all programs.** Partnerships with all levels of government, non-government organizations, and private corporations and landowners are a cornerstone for conservation and stewardship.
- **Regional programs benefit all residents and municipalities.** The ERCA has been recognized as a model for regional collaboration, and it is acknowledged that ERCA's programs provide benefits to the region and all municipalities and residents. The 2012 Draft Budget recognizes that Conservation Areas are a regional resource and does reallocate some levy resources to provide basic maintenance and services at Conservation Areas.
- **Maintain capacity and expertise.** The ERCA is recognized for its technical, scientific, and program expertise. In previous years, despite reductions in ERCA's levy, the Board of Directors required that there be no impacts to existing programs and staff levels. As a result, staffing and associated program support is currently at a minimal level. The Draft 2012 budget maintains current staffing and program levels, but any changes or reductions would require the elimination of programs and associated staff levels.



The proposed financial estimates for 2012 total \$8,117,452 and include a levy requirement from member Municipalities of \$ 2,690,209. This includes \$825,000 for acquisition of significant natural areas in Essex Region through Clean Water~Green Spaces, and \$1,865,209 directed to operations (including \$225,000 for restoration from Clean Water~Green Spaces). This represents a proposed levy increase of \$208,258 from 2011, or \$1.07/household based on Current Value Assessment, as determined by the Municipal Property Assessment Corporation (see attached). This proposed increase is also only \$1.10/household more than in 2006.

This increase of \$208,258 includes the following:

- Unexpected, but fixed increase in discretionary health care costs, OMERS rate increases, and pay grid increases (\$35,380)
- Return of staff from voluntary or other leaves in 2011 (\$45,000)
- Required maintenance and repairs to Holiday Beach Conservation Area including sewer systems upgrades and relocation of hydro (\$40,000), loss of JCP programs in support of Conservation Areas (\$16,422), and responding to increased costs and stable revenues at John R. Park Homestead Conservation Area (\$6,100)
- Shifting core staff to core services budget (\$45,650) from special projects to ensure core services fully funded and supported
- Required changes to website in response to Accessibility legislation (\$5,341)
- Loss of Eco Action grant program (\$14,365) for 'Friends of Watershed' program

ERCA Administration appreciates challenges municipal partners face in effort to reduce tax increases. As noted, continuation of current levels or reductions in levy contributions will have considerable impact on programs and capacity. These challenges may result in reductions in staff complements. Through years of zero or negative levy increases, ERCA's programs are, by necessity, managed very efficiently and effectively. However, as noted, ERCA cannot continue to absorb budget shortfalls without continuing to increase its net debt. Efforts to change programs to create reductions cannot be done without changes in our operations, including staffing for programs and seasonal or permanent closures of conservation areas.

Responding to any reductions from the Draft budget will require a more thorough review of programs. ERCA has initiated and will complete program reviews for Engineering/Planning Services, Restoration, Conservation Areas, and Conservation Education Programs to attempt to identify further efficiencies, and opportunities. The outcome of these Program Reviews, taken together, should consider core services and options for existing programs, and potential options for Department restructuring to ensure municipal funding is appropriately and efficiently directed to watershed programs and services. ERCA Administration will work with the Personnel Committee in identifying and recommending changes with least impact on services and program delivery to the ERCA Board for approvals. However, ramifications of reductions to programs and staff, and ERCA's image are significant, and contrary to our 2011-2014 Strategic Plan, which was created with input from all stakeholders and endorsed by the ERCA Board of Directors.

RECOMMENDATION

THAT the proposed 2012 ERCA Budget Estimates be approved by ERCA Board of Directors for review and input from member municipalities; and further,

THAT copy of the proposed 2012 ERCA Budget Estimates be forwarded to member Municipal Councils for consideration and input as part of the process of formal approval of the Draft 2012 Budget Estimates by ERCA Board of Directors; and further,

THAT ERCA continue to implement alternative revenue generating streams; and further

THAT ERCA Administration complete Program Reviews and work with the Personnel Committee on recommendations for consideration by ERCA Board of Directors.



Richard Wyma, CSLA,
General Manager/Secretary-Treasurer



Tim Byrne, CET,
Coordinator of Flood & Erosion Control



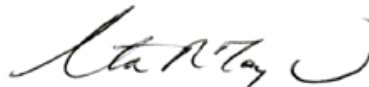
Matthew Child, MCIP,
Director of Watershed Restoration



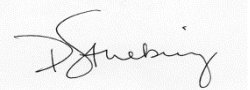
Shelley McMullen,
Director of Financial Services



Kevin Money,
Director of Conservation Areas



Stan Taylor, P. Eng.,
Director of Source Water Protection



Danielle Steubing,
Director of Communications and Education



Jeremy Wychreschuk, P. Eng.,
Director of Watershed Engineering

ESSEX REGION CONSERVATION AUTHORITY

2012 BUDGET OVERVIEW - DRAFT FOR DISCUSSION

| | 2010 AUDITED | 2011 BUDGET | 2011 GENERAL LEVY | FUNDING SOURCES | | | | | | | | BUDGET SHORTFALL |
|--|-----------------|----------------|-------------------------|-----------------|-----------------|----------------|-----------------------|---------|------------|-------|---------|---------------------|
| | | | | 2012 BUDGET | GENERAL LEVY | CW--GS LEVY | NON-LEVY MUNICIPAL | FEDERAL | PROVINCIAL | OTHER | IN-KIND | |

CONNECT

ACQUISITION AND RELATED SPECIAL PROJECTS

Land Acquisition

| | | | | | | | | | | | | | |
|---------------------------|----------------|----------------|---|----------------|----|----------------|----|----|----|----|----|----------------|---|
| Property | 804,391 | 744,000 | | 736,000 | | | | | | | | | |
| RelatEd Acquisition Costs | 10,609 | 27,000 | | 39,500 | | | | | | | | | |
| | 815,000 | 771,000 | - | 775,500 | - | 775,500 | | | | | | 775,500 | - |
| | | | | | 0% | 100% | 0% | 0% | 0% | 0% | 0% | 0% | |

Land Securement/Strategic Planning

| | | | | | | | | | | | | | |
|-------|---|--------|---|-------|----|-------|----|----|----|----|----|-------|---|
| Wages | - | 9,000 | | 5,500 | | | | | | | | | |
| Other | - | 25,000 | | 2,000 | | | | | | | | | |
| | - | 34,000 | - | 7,500 | - | 7,500 | | | | | | 7,500 | - |
| | | | | | 0% | 100% | 0% | 0% | 0% | 0% | 0% | 0% | |

CONSERVATION AREAS

Operations and Program Development

| | | | | | | | | | | | | | |
|-------|---------|---------|---------|---------|---------|----|----|--------|----|---------|----|---------|---|
| Wages | 253,190 | 275,778 | | 257,050 | | | | | | | | | |
| Other | 249,174 | 225,150 | | 222,600 | | | | | | | | | |
| | 502,365 | 500,928 | 304,903 | 479,650 | 326,925 | | | 52,200 | | 100,525 | | 479,650 | - |
| | | | | | 68% | 0% | 0% | 11% | 0% | 21% | 0% | | |

Holiday Beach

| | | | | | | | | | | | | | |
|--------------------------------|---------|---------|--------|---------|--------|----|----|----|----|---------|----|---------|---|
| Wages | 123,461 | 125,750 | | 90,750 | | | | | | | | | |
| Vehicle/Equipment/ERCA Charges | 21,564 | 21,000 | | 24,000 | | | | | | | | | |
| Other | 85,363 | 91,500 | | 91,300 | | | | | | | | | |
| | 230,388 | 238,250 | 23,200 | 206,050 | 60,350 | | | - | | 145,700 | | 206,050 | - |
| | | | | | 29% | 0% | 0% | 0% | 0% | 71% | 0% | | |

John R. Park Homestead

| | | | | | | | | | | | | | |
|-------|---------|---------|--------|---------|---------|----|----|----|--------|--------|----|---------|---|
| Wages | 146,409 | 159,100 | | 177,500 | | | | | | | | | |
| Other | 51,555 | 38,350 | | 47,300 | | | | | | | | | |
| | 197,963 | 197,450 | 96,900 | 224,800 | 103,000 | | | - | 27,000 | 94,800 | | 224,800 | - |
| | | | | | 46% | 0% | 0% | 0% | 12% | 42% | 0% | | |

Conservation Land Management

| | | | | | | | | | | | | | |
|-------|---|--------|---|--------|----|--------|----|----|----|----|----|--------|---|
| Wages | - | 15,400 | | 37,000 | | | | | | | | | |
| Other | - | 4,600 | | 5,000 | | | | | | | | | |
| | - | 20,000 | - | 42,000 | - | 42,000 | | | | | | 42,000 | - |
| | | | | | 0% | 100% | 0% | 0% | 0% | 0% | 0% | 0% | |

CAPITAL PLANNING

Capital Maintenance/Improvements

| | | | | | | | | | | | | | |
|-------|---------|-------|--------|---|---|--|--|---|---|---|--|---|---|
| Wages | 40,971 | - | | - | | | | | | | | | |
| Other | 331,520 | 8,000 | | - | | | | | | | | | |
| | 372,492 | 8,000 | 13,000 | - | - | | | - | - | - | | - | - |

| | 2010 AUDITED | 2011 BUDGET | 2011 GENERAL LEVY | FUNDING SOURCES | | | | | | | | TOTAL | BUDGET SHORTFALL |
|---|-----------------|----------------|-------------------------|-----------------|-----------------|----------------|-----------------------|---------|------------|---------|---------|-----------|---------------------|
| | | | | 2012 BUDGET | GENERAL LEVY | CW--GS LEVY | NON-LEVY MUNICIPAL | FEDERAL | PROVINCIAL | OTHER | IN-KIND | | |
| Infrastructure Amortization | | | | | | | | | | | | | |
| Amortization | 173,545 | 156,000 | | 167,500 | | - | - | - | - | - | - | - | (167,500) |
| Short Term/Special Projects | | | | | | | | | | | | | |
| Wages | 288 | 11,800 | | 30,000 | | | | | | | | | |
| Other | - | 10,600 | | 3,000 | | | | | | | | | |
| | 288 | 22,400 | 22,400 | 33,000 | 33,000 | | | | | | | 33,000 | - |
| | | | | | 100% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | |
| WATERSHED RESTORATION | | | | | | | | | | | | | |
| Management, Operations and Program Development | | | | | | | | | | | | | |
| Wages | 56,141 | 76,100 | | 71,000 | | | | | | | | | |
| Other | 28,932 | 33,550 | | 30,650 | | | | | | | | | |
| | 85,072 | 109,650 | 109,650 | 101,650 | 101,650 | | | - | | | | 101,650 | - |
| | | | | | 100% | 0% | 0% | 0% | 0% | 0% | 0% | 0% | |
| Tree Planting and Restoration Projects | | | | | | | | | | | | | |
| Wages | 307,749 | 301,200 | | 304,250 | | | | | | | | | |
| Other | 779,104 | 792,800 | | 787,900 | | | | | | | | | |
| | 1,086,852 | 1,094,000 | - | 1,092,150 | - | 120,000 | | 155,000 | 125,000 | 354,650 | 337,500 | 1,092,150 | - |
| | | | | | 0% | 11% | 0% | 14% | 11% | 32% | 31% | | |
| Community Initiatives (Friends of Watershed/Demo Farm) | | | | | | | | | | | | | |
| Wages | 89,406 | 92,780 | | 88,200 | | | | | | | | | |
| Other | 125,892 | 117,900 | | 99,620 | | | | | | | | | |
| | 215,297 | 210,680 | 80,080 | 187,820 | 94,445 | | | 20,975 | - | 19,400 | 53,000 | 187,820 | - |
| | | | | | 50% | 0% | 0% | 11% | 0% | 10% | 28% | | |
| Long Term Initiatives and Projects (Detroit River Cleanup) | | | | | | | | | | | | | |
| Wages | 99,145 | 95,250 | | 101,000 | | | | | | | | | |
| Other | 62,855 | 71,250 | | 42,200 | | | | | | | | | |
| | 162,000 | 166,500 | - | 143,200 | - | | | 70,000 | 70,000 | 3,200 | | 143,200 | - |
| | | | | | 0% | 0% | 0% | 49% | 49% | 2% | 0% | | |
| Short Term Restoration Projects and Studies (Shoreline Restoration, CNHS, Big Creek) | | | | | | | | | | | | | |
| Wages | 112,376 | 53,400 | | 45,400 | | | | | | | | | |
| Other | 270,326 | 1,273,000 | | 470,950 | | | | | | | | | |
| | 382,702 | 1,326,400 | - | 516,350 | - | - | 90,000 | 260,000 | 55,000 | 111,350 | - | 516,350 | - |
| | | | | | 0% | 0% | 17% | 50% | 11% | 22% | 0% | | |

| | 2010 AUDITED | 2011 BUDGET | 2011 GENERAL LEVY | 2012 BUDGET | FUNDING SOURCES | | | | | | | TOTAL | BUDGET SHORTFALL |
|--|-----------------|----------------|-------------------------|----------------|-----------------|----------------|-----------------------|---------|------------|-------|---------|-------|---------------------|
| | | | | | GENERAL LEVY | CW--GS LEVY | NON-LEVY MUNICIPAL | FEDERAL | PROVINCIAL | OTHER | IN-KIND | | |

ENGAGE

COMMUNICATION, EDUCATION AND EVENTS

-

General Communications, Program Awareness and Publications

| | | | | | | | | | | | | | |
|-------|---------|---------|---------|---------|---------|----|----|----|-------|-------|----|---------|---|
| Wages | 104,613 | 109,331 | | 143,582 | | | | | | | | | |
| Other | 26,686 | 46,950 | | 28,450 | | | | | | | | | |
| | 131,299 | 156,281 | 115,653 | 172,032 | 163,744 | | | | 5,628 | 2,660 | | 172,032 | - |
| | | | | | 95% | 0% | 0% | 0% | 3% | 2% | 0% | | |

Student Education Program

| | | | | | | | | | | | | | |
|-------|--------|--------|--------|--------|--------|----|----|----|----|--------|----|--------|---|
| Wages | 64,100 | 64,000 | | 63,000 | | | | | | | | | |
| Other | 6,213 | 5,250 | | 7,400 | | | | | | | | | |
| | 70,313 | 69,250 | 28,500 | 70,400 | 30,400 | | | | | 40,000 | | 70,400 | - |
| | | | | | 43% | 0% | 0% | 0% | 0% | 57% | 0% | | |

Special Events (Earth Day, etc.)

| | | | | | | | | | | | | | |
|-------|-------|--------|---|--------|----|----|----|----|----|--------|----|--------|---|
| Wages | 2,616 | 2,700 | | 800 | | | | | | | | | |
| Other | 6,636 | 16,300 | | 9,200 | | | | | | | | | |
| | 9,252 | 19,000 | - | 10,000 | - | | | | | 10,000 | | 10,000 | - |
| | | | | | 0% | 0% | 0% | 0% | 0% | 100% | 0% | | |

CORPORATE SERVICES

-

Administration, Finance and IT

-

| | | | | | | | | | | | | | |
|------------------|---------|---------|---------|---------|---------|--------|----|----|--------|---------|----|---------|---|
| Wages | 455,636 | 456,300 | | 477,980 | | | | | | | | | |
| ERCF Support | 28,736 | 22,500 | | 26,500 | | | | | | | | | |
| Member Expenses | 57,335 | 61,500 | | 59,500 | | | | | | | | | |
| Audit/Legal | 38,319 | 16,000 | | 14,500 | | | | | | | | | |
| Office Related | 172,714 | 140,500 | | 151,450 | | | | | | | | | |
| Retiree Benefits | 8,180 | 9,000 | | 12,000 | | | | | | | | | |
| | 760,920 | 705,800 | 243,259 | 741,930 | 278,639 | 25,000 | | | 27,541 | 410,750 | | 741,930 | - |
| | | | | | 38% | 3% | 0% | 0% | 4% | 55% | 0% | | |

Geographic Information Systems

| | | | | | | | | | | | | | |
|-------|--------|--------|--------|--------|--------|----|----|----|--------|----|----|--------|---|
| Wages | 34,784 | 31,000 | | 46,000 | | | | | | | | | |
| Other | 13,959 | 17,000 | | 10,000 | | | | | | | | | |
| | 48,743 | 48,000 | 24,000 | 56,000 | 32,000 | | | | 24,000 | - | | 56,000 | - |
| | | | | | 57% | 0% | 0% | 0% | 43% | 0% | 0% | | |

Vehicles, Equipment and Workshop

Vehicles

| | | | | | | | | | | | | | |
|---------------------|---------|---------|---|---------|----|----|----|----|--------|--------|----|---------|----------|
| Maintenance/Repairs | 18,736 | 18,000 | | 18,000 | | | | | | | | | |
| Fuel | 36,928 | 35,000 | | 35,000 | | | | | | | | | |
| Other | 57,722 | 51,700 | | 58,000 | | | | | | | | | |
| | 113,385 | 104,700 | - | 111,000 | - | | | | 16,500 | 84,000 | | 100,500 | (10,500) |
| | | | | | 0% | 0% | 0% | 0% | 16% | 84% | 0% | | |

Equipment

| | | | | | | | | | | | | | |
|---------------------|--------|--------|---|--------|----|----|----|----|-------|--------|----|--------|--------|
| Maintenance/Repairs | 19,255 | 19,000 | | 21,000 | | | | | | | | | |
| Fuel | 689 | 1,000 | | 5,000 | | | | | | | | | |
| Other | 34,191 | 24,000 | | 26,000 | | | | | | | | | |
| | 54,134 | 44,000 | - | 52,000 | - | | | | 2,500 | 65,000 | | 67,500 | 15,500 |
| | | | | | 0% | 0% | 0% | 0% | 4% | 96% | 0% | | |

| | 2010 AUDITED | 2011 BUDGET | 2011 GENERAL LEVY | 2012 BUDGET | FUNDING SOURCES | | | | | | TOTAL | BUDGET SHORTFALL | |
|-------------------------|-----------------|----------------|-------------------------|----------------|-----------------|----------------|-----------------------|---------|------------|--------|-------|---------------------|---------|
| | | | | | GENERAL LEVY | CW--GS LEVY | NON-LEVY MUNICIPAL | FEDERAL | PROVINCIAL | OTHER | | | IN-KIND |
| Workshop/Grounds | | | | | | | | | | | | | |
| Wages | 13,556 | 14,050 | | 16,650 | | | | | | | | | |
| Other | 37,439 | 28,950 | | 26,350 | | | | | | | | | |
| | 50,995 | 43,000 | 26,306 | 43,000 | 26,306 | | | | 2,244 | 14,450 | | 43,000 | - |
| | | | | | 61% | 0% | 0% | 0% | 5% | 34% | 0% | | |

COLLABORATE

DEVELOPMENT AND PLANNING SERVICES

General Inquiries

| | | | | | | | | | | | | | |
|-------|--------|--------|--------|--------|--------|----|----|----|----|----|----|--------|---|
| Wages | 59,194 | 36,500 | | 57,000 | | | | | | | | | |
| Other | 7,750 | 5,500 | | 7,000 | | | | | | | | | |
| | 66,944 | 42,000 | 42,000 | 64,000 | 64,000 | | | | | | | 64,000 | - |
| | | | | | 100% | 0% | 0% | 0% | 0% | 0% | 0% | | |

Regulations and Development Reviews

| | | | | | | | | | | | | | |
|-------|---------|---------|--------|---------|---------|----|----|----|-------|---------|----|---------|---|
| Wages | 225,395 | 221,900 | | 280,750 | | | | | | | | | |
| Other | 102,961 | 94,000 | | 83,000 | | | | | | | | | |
| | 328,356 | 315,900 | 55,875 | 363,750 | 106,225 | | | | 8,525 | 249,000 | | 363,750 | - |
| | | | | | 29% | 0% | 0% | 0% | 2% | 68% | 0% | | |

Flood and Erosion Control

| | | | | | | | | | | | | | |
|-------|---------|---------|--------|---------|--------|--|-------|--|--------|--|--|---------|---|
| Wages | 113,200 | 104,850 | | 110,500 | | | | | | | | | |
| Other | 44,669 | 68,400 | | 62,750 | | | | | | | | | |
| | 157,870 | 173,250 | 81,025 | 173,250 | 81,025 | | 5,600 | | 86,625 | | | 173,250 | - |

Planning Services

| | | | | | | | | | | | | | |
|-------|---------|---------|--------|---------|--------|--|--|--|--------|--------|--|---------|---|
| Wages | 136,092 | 114,500 | | 108,500 | | | | | | | | | |
| Other | 25,463 | 26,200 | | 22,000 | | | | | | | | | |
| | 161,554 | 140,700 | 81,000 | 130,500 | 51,800 | | | | 28,700 | 50,000 | | 130,500 | - |

Municipal Special Projects/Drainage

| | | | | | | | | | | | | | |
|-------|-------|--------|--------|--------|--------|--|--------|--|--|-------|--|--------|---|
| Wages | 7,748 | 47,900 | | 27,400 | | | | | | | | | |
| Other | 1,577 | 19,000 | | 56,000 | | | | | | | | | |
| | 9,325 | 66,900 | 16,900 | 83,400 | 19,400 | | 55,000 | | | 9,000 | | 83,400 | - |

WECI (WATER AND EROSION CONTROL INFRASTRUCTURE PROJECTS)

WECI Program

| | | | | | | | | | | | | | |
|--------------------------------|-----------|-----------|---|---------|---|--|---------|---------|---|---------|--|---------|---|
| Wages | 66,518 | 169,075 | | 54,200 | | | | | | | | | |
| Consulting/Outside Engineering | 602,096 | 468,900 | | 611,160 | | | | | | | | | |
| Construction | 954,048 | 2,075,000 | | 254,600 | | | | | | | | | |
| Travel/Vehicle/Administration | 23,377 | 83,600 | | 22,010 | | | | | | | | | |
| | 1,646,040 | 2,796,575 | - | 941,970 | - | | 465,660 | 364,580 | - | 111,730 | | 941,970 | - |

| | 2010 AUDITED | 2011 BUDGET | 2011 GENERAL LEVY | 2012 BUDGET | FUNDING SOURCES | | | | | | TOTAL | BUDGET SHORTFALL |
|--|-----------------|----------------|-------------------------|----------------|-----------------|----------------|-----------------------|---------|------------|-------|-------|---------------------|
| | | | | | GENERAL LEVY | CW--GS LEVY | NON-LEVY MUNICIPAL | FEDERAL | PROVINCIAL | OTHER | | |

DISCOVER

Source Water Protection (MNR/MOE Technical Studies/Special Projects Grants)

| | | | | | | | | | | | | | |
|-------|------------------|------------------|----------|-----------------------|----------|----------|----------|----------------|----------------|----------|----------------|----------|----------|
| Wages | 447,554 | 430,550 | | 389,800 | | | | | | | | | |
| Other | 690,674 | 637,500 | | 313,700 | | | | | | | | | |
| | <u>1,138,229</u> | <u>1,068,050</u> | <u>-</u> | <u>703,500</u> | <u>-</u> | <u>-</u> | <u>-</u> | <u>507,500</u> | <u>196,000</u> | <u>-</u> | <u>703,500</u> | <u>-</u> | <u>-</u> |

ERCA Water Quality Program and Projects

| | | | | | | | | | | | | | |
|-------|----------------|----------------|---------------|-----------------------|---------------|---------------|---------------|---------------|----------------|----------------|----------|----------|----------|
| Wages | 75,561 | 87,300 | | 87,640 | | | | | | | | | |
| Other | 294,057 | 330,000 | | 335,910 | | | | | | | | | |
| | <u>369,618</u> | <u>417,300</u> | <u>67,300</u> | <u>423,550</u> | <u>67,300</u> | <u>80,000</u> | <u>80,000</u> | <u>32,500</u> | <u>163,750</u> | <u>423,550</u> | <u>-</u> | <u>-</u> | <u>-</u> |

| | | | | | | | | | | | | | |
|---------------|---------------------|----------------------|---------------------|---------------------|---------------------|---------------------|-------------------|---------------------|-------------------|---------------------|-------------------|---------------------|---------------------|
| TOTALS | \$ 9,340,942 | \$ 11,065,964 | \$ 1,431,951 | \$ 8,117,452 | \$ 1,640,209 | \$ 1,050,000 | \$ 616,260 | \$ 1,002,755 | \$ 986,763 | \$ 2,104,715 | \$ 554,250 | \$ 7,954,952 | \$ (162,500) |
|---------------|---------------------|----------------------|---------------------|---------------------|---------------------|---------------------|-------------------|---------------------|-------------------|---------------------|-------------------|---------------------|---------------------|

RECONCILIATION TO CASH/NET DEBT POSITION (ADJUST FOR CASH ITEMS):

| | |
|--|-----------------|
| ADD: AMORTIZATION INCLUDED IN EXPENSES(infrastructure/vehicles/equipment) | 232,500 |
| SUBTRACT: PROVISION FOR EQUIPMENT REPLACEMENT | (70,000) |
| PROJECTED INCREASE IN OPERATING FUND DEFICIT | - |
| TRANSFERS TO/(FROM) RESERVES INCLUDED IN ABOVE | 28,000 |
| PROJECTED DECREASE/(INCREASE) IN NET DEBT POSITION \$ | 28,000 |

ESSEX REGION CONSERVATION AUTHORITY

DRAFT 2012 HOUSEHOLD ANALYSIS

| Home Value = \$200,000 | 2012 Draft | 2011 Approved | 2010 Approved | 2009 Approved | 2008 Approved | 2007 Approved | 2006 Approved |
|--|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| Traditional General Levy | \$ 1,640,209 | \$ 1,431,951 | \$ 1,331,422 | \$ 1,262,060 | \$ 1,262,060 | \$ 1,294,560 | \$ 1,232,914 |
| Essex Region CVA | \$ 37,310,562,508 | \$ 37,196,520,571 | \$ 36,859,592,659 | \$ 36,999,881,671 | \$ 36,610,738,314 | \$ 36,144,009,221 | \$ 34,271,438,508 |
| Tax Rate | 0.004396% | 0.003850% | 0.003612% | 0.003411% | 0.003447% | 0.003582% | 0.003597% |
| Household Tax Cost | \$ 8.79 | \$ 7.67 | \$ 7.22 | \$ 6.88 | \$ 6.89 | \$ 7.16 | \$ 7.19 |
| CW~GS Levy | \$ 1,050,000.00 | \$ 1,050,000.00 | \$ 1,050,000.00 | \$ 1,050,000.00 | \$ 1,050,000.00 | \$ 1,050,000.00 | \$ 1,050,000.00 |
| Essex Region CVA | \$ 37,310,562,508 | \$ 37,196,520,571 | \$ 36,859,592,659 | \$ 36,999,881,671 | \$ 36,610,738,314 | \$ 36,144,009,221 | \$ 34,271,438,508 |
| Tax Rate | 0.004396% | 0.003850% | 0.003612% | 0.003411% | 0.003447% | 0.003582% | 0.003597% |
| Household Tax Cost | \$ 5.63 | \$ 5.65 | \$ 5.70 | \$ 5.68 | \$ 5.74 | \$ 5.81 | \$ 6.13 |
| Total Household Cost / \$200,000 Assessed Value | \$ 14.42 | \$ 13.32 | \$ 12.92 | \$ 12.56 | \$ 12.63 | \$ 12.97 | \$ 13.32 |
| Total Levy | \$ 2,690,209 | \$ 2,481,951 | \$ 2,381,422 | \$ 2,312,060 | \$ 2,312,060 | \$ 2,344,560 | \$ 2,282,914 |
| <i>Difference</i> | \$ 208,258 | \$ 100,529 | \$ 69,362 | \$ - | -\$32,500.00 | \$ 61,646 | |

ESSEX REGION CONSERVATION AUTHORITY

DRAFT 2012 MUNICIPAL LEVY ALLOCATION

| MUNICIPALITY | CVA % | | GENERAL LEVY | | CW~GS LEVY | | TOTAL LEVY | | DIFFERENCE | IF FUNDED AT ... | |
|---------------------|-------------|-------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|----------------------|-------------------|------------------|
| | 2012 | 2011 | 2012 DRAFT | 2011 | 2012 DRAFT | 2011 | 2012 DRAFT | 2011 | | 50% | 25% |
| | | | | APPROVED | | APPROVED | DRAFT | APPROVED | \$ Difference | | |
| | | | \$ 1,640,209 | \$ 1,431,951 | \$ 1,050,000 | \$ 1,050,000 | \$ 2,690,209 | \$ 2,481,951 | | | |
| TOWN OF AMHERSTBURG | 5.7403% | 5.7006% | \$ 94,153 | \$ 81,630 | \$ 60,273 | \$ 59,856 | \$ 154,425 | \$ 141,486 | \$ 12,940 | \$ 6,470 | \$ 3,235 |
| TOWN OF ESSEX | 4.6409% | 4.6454% | \$ 76,121 | \$ 66,519 | \$ 48,730 | \$ 48,776 | \$ 124,851 | \$ 115,296 | \$ 9,555 | \$ 4,777 | \$ 2,389 |
| TOWN OF KINGSVILLE | 5.5800% | 5.5173% | \$ 91,524 | \$ 79,005 | \$ 58,590 | \$ 57,931 | \$ 150,114 | \$ 136,936 | \$ 13,178 | \$ 6,589 | \$ 3,294 |
| TOWN OF LAKESHORE | 8.4176% | 8.2541% | \$ 138,067 | \$ 118,195 | \$ 88,385 | \$ 86,668 | \$ 226,452 | \$ 204,863 | \$ 21,588 | \$ 10,794 | \$ 5,397 |
| TOWN OF LASALLE | 7.3625% | 7.3084% | \$ 120,760 | \$ 104,652 | \$ 77,306 | \$ 76,738 | \$ 198,067 | \$ 181,390 | \$ 16,676 | \$ 8,338 | \$ 4,169 |
| TOWN OF LEAMINGTON | 6.0946% | 6.0904% | \$ 99,963 | \$ 87,212 | \$ 63,993 | \$ 63,949 | \$ 163,956 | \$ 151,161 | \$ 12,795 | \$ 6,398 | \$ 3,199 |
| TOWNSHIP OF PELEE | 0.3411% | 0.3442% | \$ 5,595 | \$ 4,929 | \$ 3,582 | \$ 3,614 | \$ 9,177 | \$ 8,543 | \$ 634 | \$ 317 | \$ 159 |
| TOWN OF TECUMSEH | 8.4101% | 8.4835% | \$ 137,943 | \$ 121,479 | \$ 88,306 | \$ 89,076 | \$ 226,249 | \$ 210,556 | \$ 15,694 | \$ 7,847 | \$ 3,923 |
| CITY OF WINDSOR | 53.4129% | 53.6562% | \$ 876,083 | \$ 768,330 | \$ 560,835 | \$ 563,390 | \$ 1,436,918 | \$ 1,331,720 | \$ 105,198 | \$ 52,599 | \$ 26,300 |
| TOTALS | 100% | 100% | \$ 1,640,209 | \$ 1,431,951 | \$ 1,050,000 | \$ 1,050,000 | \$ 2,690,209 | \$ 2,481,951 | \$ 208,258 | \$ 104,129 | \$ 52,065 |

REPORT

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: DANIELLE TRUAX, MANAGER OF PLANNING SERVICES

DATE: DECEMBER 28, 2011

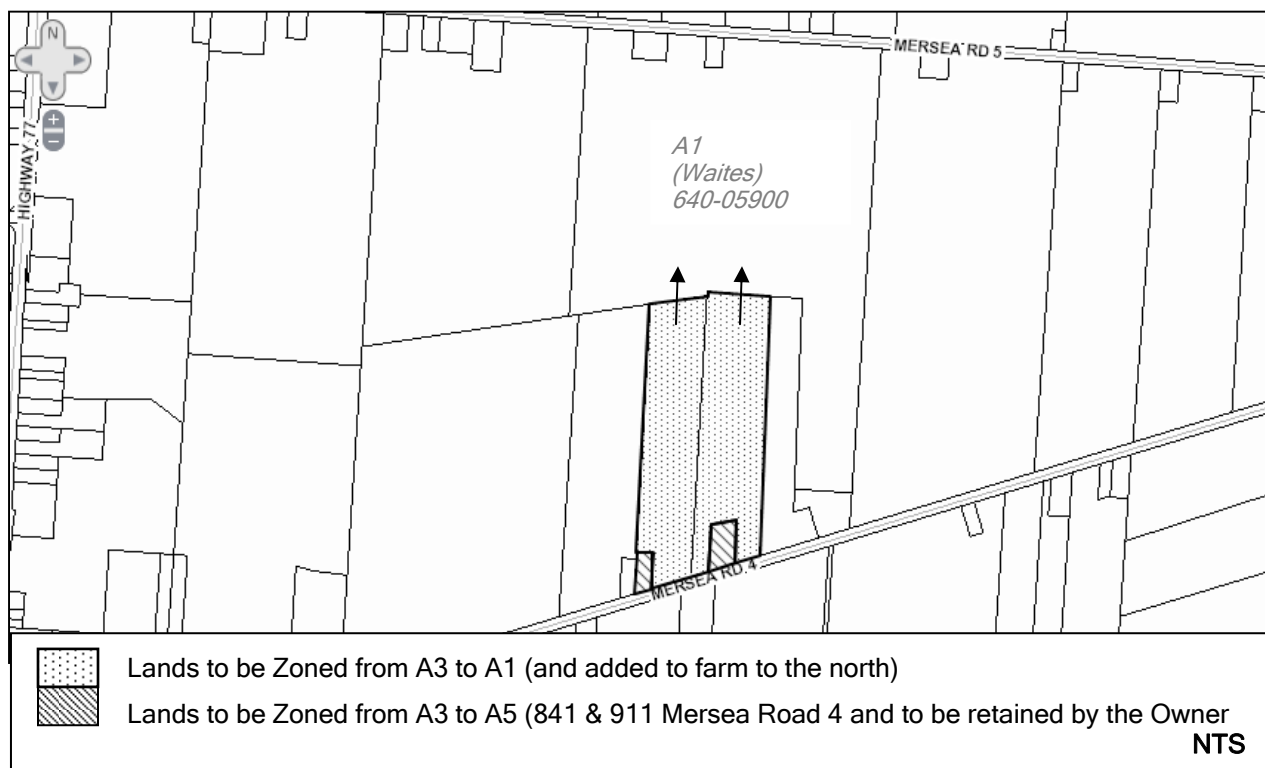
SUBJECT: ZONING BY-LAW AMENDMENT - ZBA# 50 (SEIL)
 PROPOSED AGRICULTURAL RESIDENTIAL ZONING
 841 MERSEA ROAD 4 (640-04800)
 & 911 MERSEA ROAD 4 (640-04900)

AIM:

To provide Council with information regarding an application to amend Zoning By-law #890-09 for properties located at 841 & 911 Mersea Road 4 and to request that the required Public Meeting be scheduled.

BACKGROUND:

Staff has received an application to amend the zoning for lands described as Part Lot 8, Concession 4 in the former Township of Mersea known municipally as 841 & 911 Mersea Road 4 (see inserted key map). The application has been submitted as a condition of approval for Consent Applications (B/29-30/11) which were given provisional consent by the Committee of Adjustment on November 29, 2011 for the addition of vacant farm lands to be added to the abutting farm to the north fronting on Mersea Road 5 owned by Waites.



B/29-30/11

The approval of Consent Applications B/29-30/11 added the balance of the vacant farm lands equal 10.17 hectares in area to the abutting vacant farm land to the immediate north (Waites). The existing residential dwellings fronting on Mersea Road 4 were left as two separate retained parcels. As a condition of consent, the retained residential lands must be rezoned from the Agricultural Hobby Farm Zone (A3) Zone to Agricultural Residential (A5) Zone to reflect the resulting residential use of the properties. Both residential lots comply with the lot area and frontage provisions of the A5 Zone.

The application will also rezone the balance of the vacant farm lands from Agricultural Hobby Farm (A3) Zone to Agricultural General (A1) Zone. Once merged with the abutting farm parcel to the north, the resulting parcel will be in excess of 38.45 hectares in area.

COMMENTS AND ANALYSIS:

Provincial Policy Statement (PPS):

Areas identified as *Prime Agricultural Areas*, as defined by the PPS, are to be protected for long-term use for agricultural purposes. Within the agricultural area permitted uses and activities include agricultural uses, secondary uses and agriculture-related uses.

Lot additions are permitted within the agricultural area in accordance with Section 2.3.4 of the PPS for legal or technical reasons or for minor lot line and boundary adjustments which do not result in the creation of a new lot. The subject lands have been given provisional consent to add the balance of the farm lands to the abutting farm to the north. No new residential building opportunities are created as a result of the consent applications.

The addition of the farm lands to the abutting farm lands to the north and the proposed zoning amendment application conforms to the direction of the PPS.

County of Essex Official Plan 2005 (OP):

The subject lands are designated within the Agricultural Area on Schedule "A" of the County OP. The land use goals contained within the County OP are to protect prime agricultural areas for agricultural purposes and to discourage the creation of lots outside of the settlement area, except as permitted by the local Official Plans. The lot addition and resulting residential lots are in accordance with the land division policies of the local Official Plan and conform to the direction of the County of Essex Land Use policies.

Leamington Official Plan, 2008 (OP):

The subject property is designated Agricultural on Schedule "A-3" of the Leamington OP. The goals of the Land Use and Land Division Policies in the OP are to preserve prime agricultural land for agricultural purposes and to restrict the type and amount of non-farm development. The addition of 10.17 hectares to the abutting farm is in compliance with the Land Division Policies of Section 5.4 of the Official Plan. The proposed amendment to the Zoning By-law establishes regulations which control the residential use and character of the retained lands at 841 & 911 Mersea Road 4. The amendment further recognizes the larger area of the merged vacant farm land to be appropriate for the type and size of agricultural uses common to the area. The proposed amendment complies with the direction of Section 7.2 of the Official Plan.

Leamington Zoning By-law #890-09:

The subject properties are currently zoned Agricultural Hobby Farm (A3) Zone on Map 29 of Zoning By-law #890-09.

To fulfill a condition of the provisional consent granted by the Committee of Adjustment to permit the lot line adjustment, the property owner has applied to rezone the retained lands to the Agricultural Residential Zone (A5).

Additionally, the amendment will also change the current zoning of the balance of the vacant farmland from the Agricultural Hobby Farm (A3) Zone to Agricultural General (A1) Zone, which will be the same zoning as the farm land they are being merged with (A1).

In consideration of the retained residential lots, the Committee of Adjustment, has deemed the lot area and frontage to be adequate to allow for appropriate servicing and access.

CONCLUSION:

Administration has completed their review of the proposed application as part of the pre-consultation process for consideration of the Consent Applications B/29/30/11. As set out in the Planning Act, a complete application includes any 'prescribed information' identified in the regulations of the Planning Act and any 'additional information' required by the municipality, as identified in its official plan.

Prior to deeming the application complete, Section 34 (10.3) of the Act sets out that Council must receive all the information or material it needs to make a decision. Due to the nature of the proposed zoning change it is Administration's position that additional information is not required.

Administration suggests that this matter should now proceed to a public meeting. The date for the required public meeting is requested to be scheduled for **Monday, February 13th at 7:00 pm.**

Notice of public meeting will be circulated to all commenting agencies, municipal departments and abutting landowners within 120 m (400 ft) of the subject property. Notice will also be posted on site. All information will be made available to the public and commenting agencies for review prior to the public meeting.

A report by Administration will not be presented to Council after the public meeting, unless there are concerns raised at the public meeting. If no concerns are raised, it is requested that Council consider the amending by-law for the zoning by-law amendment approval the same night as the public meeting.

Therefore, it is administration's opinion that;

- i) The application is consistent with the policy statements issued under subsection 3 (1) of the Planning Act.
- ii) The application conforms to or does not conflict with any applicable provincial plan or plans.
- iii) The development proposed is in keeping with the overall goals and policies of the Official Plan.
- iv) The proposed amendment does meet the criteria used when considering applications to amend the zoning by-law.

Upon Council making a decision and providing the required Notice with respect to the requested Zoning By-Law amendment there is a 20 day appeal period where objections can be submitted to the Ontario Municipal Board (OMB).

Upon receipt of an appeal, the OMB is required not only to have regard to Council's decision, but also the basis on which the decision is made. In order to ensure that the OMB has regard to Council's decision, Council should be able to demonstrate that its decision was fully supported by relevant information and that the information was considered by Council.

RECOMMENDATION:

THAT Council declare that application ZBA #50 (SEIL) was reviewed and deemed to be complete pursuant to the requirements of the *Planning Act* to consider a zoning by-law amendment for property described as Concession 4, Part Lots 8 & 9 and known locally as 841 & 911 Mersea Road 4, as a condition of Consent Applications B/29/30/11 to change the zone of the retained lands from Agricultural Hobby Farm (A3) Zone to Agricultural Residential (A5) Zone and from Agricultural Hobby Farm (A3) Zone to Agricultural General (A1) Zone of the severed lands (PLA01/12);

AND THAT Administration be directed to schedule the required Public Meeting for Monday, February 13th at 7:00 pm;

AND THAT if no concerns are raised at the public meeting the Clerk be directed to forward the amending by-law to Council for its consideration.

Respectfully submitted,

Danielle Truax
Manager of Planning Services

Tracey Pillon-Abbs
Director of Development Services

ATTACH

:dt

REPORT

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: DANIELLE TRUAX, MANAGER OF PLANNING SERVICES

DATE: DECEMBER 28, 2011

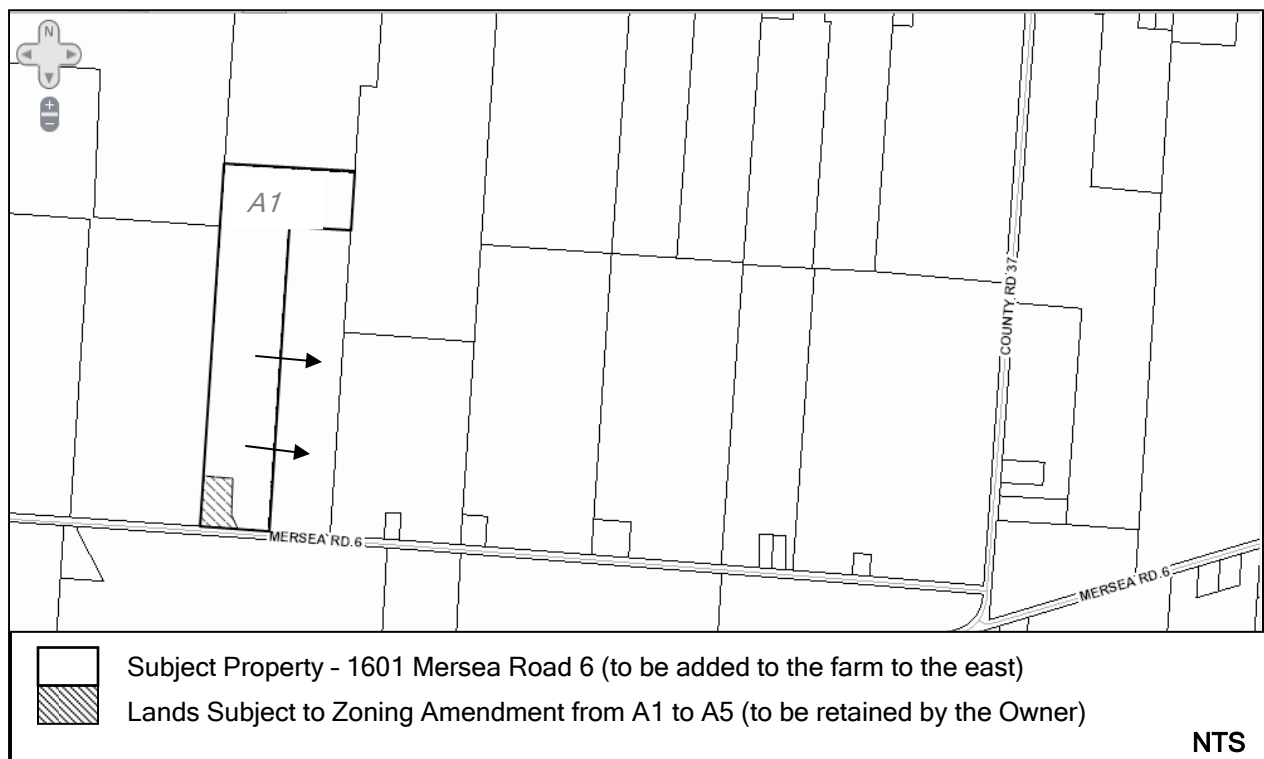
SUBJECT: ZONING BY-LAW AMENDMENT - ZBA#51 (WILKINSON)
 PROPOSED AGRICULTURAL RESIDENTIAL ZONING
 1601 MERSEA ROAD 6 (700-00700)

AIM:

To provide Council with information regarding an application to amend Zoning By-law #890-09 for property located at 1601 Mersea Road 6 and to request that the required Public Meeting be scheduled.

BACKGROUND:

Staff has received an application to amend the zoning for lands described as Part Lot 16, Concession 6 in the former Township of Mersea known municipally as 1601 Mersea Road 6 (see inserted key map). The application has been submitted as a condition of approval for Consent application (B/19/11) which was given provisional consent by the Committee of Adjustment on August 30, 2011 for the creation of a surplus dwelling lot.



B/19/11

Consent application B/19/11 resulted in the creation of a 0.8 hectare surplus dwelling lot which included a single detached dwelling and three accessory buildings. The retained farm lands are 14.39 hectares in area and will be merged with the abutting vacant farm land to the immediate east. As a condition of consent, the severed lands must be rezoned from the General Agricultural (A1) Zone to Agricultural Residential (A5) Zone to reflect the resulting residential use of the property. The proposed amendment will also recognize a larger than permitted lot frontage of 86.9 metres for the severed surplus dwelling lot.

Residential lots within the A5 zone are restricted to a maximum lot frontage of 53 metres to limit the area of residential lands and to ensure the protection of agricultural lands. The severed surplus dwelling lot exceeds the permitted maximum so that an existing private hydro line will remain with the subject property. A copy of the Committee of Adjustment sketch indicating the location of the hydro service line has been attached to the report for reference.

It is noted that the area of the proposed surplus dwelling lot is shown on the attached sketch to be 2.0 acres. In accordance with Section 5.4.2 f) the maximum permitted lot area of a surplus dwelling lot is 1.97 acres. The Solicitor for the applicant has been advised and the draft reference plan will be prepared to reflect this requirement.

COMMENTS AND ANALYSIS:

Provincial Policy Statement (PPS):

Areas identified as *Prime Agricultural Areas*, as defined by the PPS, are to be protected for long-term use for agricultural purposes. Within the agricultural area permitted uses and activities include agricultural uses, secondary uses and agriculture-related uses.

Lots for dwellings deemed to be surplus to the needs of farm operation may be created within the agricultural area in accordance with Section 2.3.4 of the PPS. The subject lands have been given provisional consent for the creation of a surplus dwelling lot. To ensure no new residential dwellings can be constructed on the vacant parcel, a building freeze agreement with the Municipality shall be registered on title.

The creation of the severed surplus dwelling lot and the proposed zoning amendment application conforms to the direction of the PPS.

County of Essex Official Plan 2005 (OP):

The subject land is designated within the Agricultural Area on Schedule "A" of the County OP. The land use goals contained within the County OP are to protect prime agricultural areas for agricultural purposes and to discourage the creation of lots outside of the settlement area, except as permitted by the local Official Plans. The severed surplus dwelling lot has been created in accordance with the land division policies of the local Official Plan and is adequate in size to accommodate appropriate water and sewage services.

The creation of the severed surplus dwelling lot and the proposed zoning amendment application conforms to the direction of the County of Essex Land Use policies.

Leamington Official Plan, 2008 (OP):

The subject property is designated Agricultural on Schedule "A-2" of the Leamington OP. The goals of the Land Use and Land Division Policies in the OP are to preserve prime agricultural land for agricultural purposes and to restrict the type and amount of non-farm development. The creation of the severed surplus dwelling lot is in compliance with the Land Division Policies of Section 5.4 of the Official Plan. The proposed amendment to the Zoning By-law establishes site specific regulations which control the residential use and character of the land, as well as the

location of the permitted buildings and structures. The proposed amendment complies with the direction of Section 7.2 of the Official Plan.

Leamington Zoning By-law #890-09:

The subject property is currently zoned Agricultural General Zone (A1) on Map 23 of Zoning By-law #890-09.

As a result of the provisional consent granted by the Committee of Adjustment to create a surplus dwelling lot, the property owner has requested that the zoning of the severed lands be rezoned to the Agricultural Residential (A5) Zone with a site specific provision to recognize a larger than permitted lot frontage of 86.9 metres.

In consideration of the severed lot by the Committee of Adjustment, the lot area and frontage have been deemed to be adequate to allow for appropriate servicing and access. The proposed frontage will allow a private hydro service line to remain with the lands for which it serves without causing undue hardship to the owner to relocate the line.

CONCLUSION:

Administration has completed their review of the proposed application as part of the pre-consultation process for consideration of the Consent Application B/19/11. As set out in the Planning Act, a complete application includes any 'prescribed information' identified in the regulations of the Planning Act and any 'additional information' required by the municipality, as identified in its official plan.

Prior to deeming the application complete, Section 34 (10.3) of the Act sets out that Council must receive all the information or material it needs to make a decision. Due to the nature of the proposed zoning change it is Administration's position that additional information is not required.

Administration suggests that this matter should now proceed to a public meeting. The date for the required public meeting is requested to be scheduled for **Monday, February 13th at 7:00 pm.**

Notice of public meeting will be circulated to all commenting agencies, municipal departments and abutting landowners within 120 m (400 ft) of the subject property. Notice will also be posted on site. All information will be made available to the public and commenting agencies for review prior to the public meeting.

A report by Administration will not be presented to Council after the public meeting, unless there are concerns raised at the public meeting. If no concerns are raised, it is requested that Council consider the amending by-law for the zoning by-law amendment approval the same night as the public meeting.

Therefore, it is administration's opinion that;

- i) The application is consistent with the policy statements issued under subsection 3 (1) of the Planning Act.
- ii) The application conforms to or does not conflict with any applicable provincial plan or plans.
- iii) The development proposed is in keeping with the overall goals and policies of the Official Plan.
- iv) The proposed amendment does meet the criteria used when considering applications to amend the zoning by-law.

Upon Council making a decision and providing the required Notice with respect to the requested Zoning By-Law amendment there is a 20 day appeal period where objections can be submitted to the Ontario Municipal Board (OMB).

Upon the receipt of an appeal, the OMB is required not only to have regard to Council's decision, but the basis on which the decision is made. In order to ensure that the OMB has regard to Council's decision, Council should be able to demonstrate that its decision was fully supported by relevant information and that the information was considered by Council.

RECOMMENDATION:

THAT Council declare that ZBA #51 (WILKINSON) was reviewed and deemed to be complete pursuant to the requirements of the *Planning Act* to consider a zoning by-law amendment for property described as Concession 6, Part Lot 16 and known locally as 1601 Mersea Road 6, as a condition of Consent Application B/19/11 to change the zone from Agricultural General Farm (A1) Zone to Agricultural Residential Zone (A5) Zone (PLA02/12);

AND THAT Administration be directed to schedule the required Public Meeting for Monday, February 13th at 7:00 pm;

AND THAT if no concerns are raised at the public meeting the Clerk be directed to forward the amending by-law to Council for its consideration.

Respectfully submitted,

Danielle Truax
Manager of Planning Services

Tracey Pillon-Abbs
Director of Development Services

ATTACH.

:dt

