



## Essex Region Conservation Authority

### Board of Directors

### Meeting Minutes

**Meeting Date:** Thursday, September 8, 2022

**Time:** 6:00 pm

**Location and Details:** Council Chambers, Civic Centre, Essex

#### Attendance

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<b>Members Present:</b>	Tania Jobin (Chair)	Tracey Bailey
	Kieran McKenzie (Vice-Chair)	Len Janisse
	Peter Courtney	Mark Carrick
	Michael Prue	Sue Desjarlais
	Morley Bowman	Larry Verbeke
	Chris Vander Doelen	Joe Bachetti
	Laura Lucier	Jim Morrison
	Larry Patterson	
<b>Absent:</b>	Leamington TBD	
<b>Regrets:</b>	Dayne Malloch	Ed Sleiman
	Jeewen Gill	

**Staff Present**

Tim Byrne, CAO/Secretary-Treasurer  
Nicole Kupnicki, Corporate Services, Human Resources Manager/EA  
Kevin Money, Director Conservation Services  
Danielle Stuebing, Director Community and Outreach Services  
James Bryant, Director Watershed Management Services  
Dan Jenner, Regulations Coordinator  
Ashely Gyori, Regulations Analyst  
Sydney Clackett, Regulations Analyst

**Others**

Shawn Taylor  
Jeff Malott

#### 1. Call to Order

Good evening and welcome to the September 8, 2022, meeting of the ERCA Board of Directors. I will call the meeting to order. Thank you all.

#### 2. Land Acknowledgement

I'd like to begin by acknowledging that this land is the traditional territory of the Three Fires Confederacy of First Nations, comprised of the Ojibway, the Odawa, and the Potawatomie Peoples.

We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island - North America who have been living and working on the land from time immemorial.

### 3. Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

### 4. Approval of Agenda

**Resolution 64/22** Moved by Morley Bowman  
Seconded Sue Desjarlais  
THAT the Agenda for the September 8, 2022 meeting of the Board of Directors be approved. **Carried**

### 5. Hearings

#### A. Convene as the Hearing Board

**Resolution 65/22** Moved by Sue Desjarlais  
Seconded Larry Patterson  
THAT the Board of Directors sit as the Hearing Board in respect of an application(s) under Section 28 of the *Conservation Authorities Act*. **Carried**

We are now going to conduct hearings under Section 28 of the *Conservation Authorities Act* in respect of two (2) applications.

- Shawn Taylor is requesting relief from access (ingress and egress) policy requirements to construct a new dwelling at 1616 Caille Avenue, Municipality of Lakeshore.
- Jeff Malott is requesting relief from access (ingress and egress) policy requirements to construct a new dwelling on a vacant lot (BLK D, Plan 1103) on Willow Beach Road, Town of Amherstburg

We, as the Hearing Board, are unaware of the matters being brought forward and we are only now receiving and reviewing the information provided by staff this afternoon.

Peter Courtney declared a conflict of interest on the matter before the Hearing Board regarding the application from Jeff Malott related to property BLK D, Plan 1103 on Willow Beach, Road, Town of Amherstburg

The Authority has adopted regulations under section 28 of the *Conservation Authorities Act* which requires the permission of the Authority for development within an area regulated by the Authority in order to ensure no adverse affect on (the control of flooding, erosion, dynamic beaches or pollution or conservation of land) or to permit alteration to a shoreline or watercourse or interference with a wetland. The Staff has reviewed this proposed work and a copy of the staff report has been given to the applicant.

The *Conservation Authorities Act* (Section 28 [12]) provides that:

*"Permission required under a regulation made under clause (1) (b) or 8) shall not be refused or granted subject to conditions unless the person requesting permission has been given the opportunity to require a hearing before the authority or, if the authority so directs, before the authority's executive committee."*

In holding these hearings, the Authority Board is to determine whether or not a permit is to be issued. In doing so, we can only consider the application in the form that is before us, the staff report, such evidence as may be given and the submissions to be made on behalf of each applicant.

The proceedings will be conducted according to the *Statutory Powers Procedure Act*. Under Section 5 of the *Canada Evidence Act*, a witness may refuse to answer any question on the ground that the answer may tend to criminate the person, or may tend to establish his/her liability to a civil proceeding at the instance of the Crown or of any person.

The procedure in general shall be informal. However, this is a quasi-judicial process, and provides for evidence to be given in response to members' question. Therefore, staff and applicants will be asked to swear an oath or provide an affirmation to speak the truth.

In accordance with section 28 of the *Act*, an applicant who has been refused permission or who objects to conditions imposed on a permission may, within 30 days of receiving the reasons, appeal in writing, to the Minister who may refuse the permission, or grant permission with or without conditions. Through Order in Council, the responsibility for hearing the appeal has been transferred to the Ontario Lands Tribunal.

If the applicant has any questions to ask of the Hearing Board or of the Authority representative, they must be directed to the Chair of the board.

Staff will first introduce the applicant, his/her owner, and others wishing to speak, and then present the staff position. The applicant and/or their agent may then speak and make any comments on the staff position if they so desire. I would also remind everyone that the Hearing Board is open to the public. However, as stated earlier, this is a quasi-judicial process and accordingly the general public may observe, but are not third-party to the matters before us today and cannot participate. We, as the Hearing Board, will question, if necessary, both the staff and the applicant/agent.

Before I ask Dan Jenner, Regulations Coordinator to introduce the applications, I would ask that he swear an oath or provide an affirmation to speak the truth.

Dan Jenner, Regulations Coordinator Watershed Management Services took an affirmation.

Dan Jenner introduced the applications and context for the application. The Chair asked applicant (or agents for applicant) to swear oath or provide affirmation to speak the truth (as above).

i. Shawn Taylor

**Resolution 66/22** Moved by Larry Patterson  
Seconded Mark Carrick

THAT the application from Shawn Taylor to request relief from access (ingress and egress) policy requirements to construct a new dwelling at 1616 Caille Avenue, Municipality of Lakeshore be approved. **Carried**

ii. Jeff Malott

**Resolution 67/22** Moved by Tracey Bailey  
Seconded Larry Verbeke

THAT the application from Jeff Malott to request relief from access (ingress and egress) policy requirements to construct a new dwelling on a vacant lot (BLK D, Plan 1103) on Willow Beach Road, Town of Amherstburg be approved. **Carried**

**B. Reconvene as the ERCA Board of Directors**

**Resolution 68/22** Moved by Len Janisse  
Seconded Laura Lucier

THAT the Hearing Board reconvene as the ERCA Board of Directors. **Carried**

**6. Adoption of Minutes**

**A. ERCA Board of Directors**

**Resolution 69/22** Moved by Chris Vander Doelen  
Seconded Morley Bowman

THAT the Minutes of the Thursday, June 23, 2022, meeting of the Board of Directors and the recommendations therein be approved as distributed. **Carried**

**B. ERCA Executive Committee**

**Resolution 70/22** Moved by Joe Bachetti  
Seconded Kieran McKenzie

THAT the minutes for the July 12, 2022, meeting of the Executive Committee and the recommendations therein be approved as distributed. **Carried**

**C. Conservation Ontario Council Meeting**

**Resolution 71/22** Moved by Peter Courtney  
Seconded Laura Lucier

THAT the minutes for the June 20, 2022 Meeting the Conservation Ontario Council and the recommendations therein be received. **Carried**

## **7. Business Arising from the Previous Minutes**

None

## **8. Announcements**

Good evening, and welcome. I hope that everyone enjoyed a wonderful summer.

As the summer progressed, Windsor/Essex and most of the lower Great Lakes watershed was dealing with drought like conditions. Lower than average rainfall amounts and extremely high rates of evaporation over the lakes provided in a reduction of lake levels back to close to long term average levels. This reduction in lake levels provided a significant relief to the potential for shoreline flooding conditions which has plagued the region for the last 6 years.

Development activity has continued with the record pace that was recorded even through COVID conditions for the last two and half years. Development reviews and approvals for this region are unequalled for most of the province even rivalling areas surrounding Toronto. There has been a recent moderating of the pace of submissions however the complexity of submissions has notably increased. This may well be due to development trends shifting from private home renovations to new builds and larger scale development activity.

Administration continues to refine historical and forecasted program costs related to both mandatory and non-mandatory services. Additionally, discussions continue with member municipalities specific to Memorandums of Understanding regarding planning service delivery. Establishing this agreement is crucial in aligning ERCA's services with the needs of the member municipalities in support of the ongoing fast-paced development across Windsor-Essex. ERCA recently submitted its first Progress Report speaking to this transition work on June 30, with a second progress report due by October 1st.

Continued exploratory work in the formulation of our formal transition plan will include necessary improvements to process, technology, transparency and security for us and our partners.

It was my pleasure on August 29 to welcome Métis artist Tracey-May Chambers to the John R. Park Homestead. Her art installation - #hopeandhealingcanada, will be on display at the Homestead until November 25, and I'd encourage every board member to take the time to visit and reflect on our obligations toward reconciliation.

I'd also like to encourage members to participate in the Foundation's upcoming Essex Region Bike Tour. Information will be circulated to members by email, and funds raised help to support important conservation projects that benefit our municipalities. Hope to see you there!

## **9. Delegations**

None

## 10. Presentations

None

## 11. Reports for Approval

### A. BD 19/22 Updating ERCA Safe Access Policies

**Resolution 72/22** Moved by Larry Verbeke  
Seconded Sue Desjarlais

THAT ERCA Administration continue to collaborate with individual municipalities to address "safe access" concerns with respect to Section 28 of the Conservation Authorities Act, the Planning Act, and Provincial Policy Statement. **Carried**

### B. BD 20/22 Little River Floodplain Mapping Project Update

**Resolution 73/22** Moved by Kieran McKenzie  
Seconded Michael Prue

THAT ERCA Administration, in coordination with the City of Windsor and the Town of Tecumseh, circulate a Notice of Study Completion for the Upper Little River Municipal Class Environmental Assessment and Master Drainage Study upon finalizing the draft report. **Carried**

### C. BD 21/22 Heritage Architect Report: Condition Assessment and Costing John R. Park Homestead

**Resolution 74/22** Moved by Joe Bachetti  
Seconded Morley Bowman

THAT **Carried**

### D. BD 22/22 Federal Economic Development (FedDev Ontario) for Southern Ontario - Community Revitalization Fund

**Resolution 75/22** Moved by Peter Courtney  
Seconded Kieran McKenzie

THAT the Board Members endorse the agreement with and acknowledge receipt of the funding from the Federal Economic Development Agency (FedDev Ontario) Community Revitalization Fund. **Carried**

## 12. Reports for Information

### A. BD 23/22 Turkey Creek Hydrologic and Hydraulic Modelling Project Update

**Resolution 76/22** Moved by Laura Lucier  
Seconded Len Janisse

THAT Report BD 23/22 be received for Members' information. **Carried**

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## **B. BD 24/22 Watershed Management Services Activities Report for June, July and August 2022**

- Resolution 77/22** Moved by Larry Verbeke  
Seconded Chris Vander Doelen  
THAT the review of Regulations and Planning Applications, as presented in Report BD 24/22 be received for Members' information. **Carried**

## **C. Environmental Registry Reports**

None

## **D. Correspondence**

- i. Email from EA Modernization Team, MECP regarding Amendments to the Class Environmental Assessment for Minor Transmission Facilities dated July 12, 2022
- ii. Email from MNRF regarding An Update Concerning Conservation Authority Act Governance dated August 30, 2022

- Resolution 78/22** Moved by Jim Morrison  
Seconded Michael Prue  
THAT correspondence be received for Member's information. **Carried**

## **13. Committee of the Whole**

None

## **14. New Business**

### **A. Flood Hazard Identification and Mapping Program (FHIMP)**

James Bryant, ERCA's Director Watershed Management Services appeared as a delegate on behalf of ERCA at Essex County Council last evening to make a presentation regarding a recently announced funding opportunity through the Flood Hazard Identification and Mapping Program (FHIMP) by Natural Resources Canada and the Ministry of Natural Resources and Forestry.

The FHIMP application submitted by the County of Essex, in partnership with ERCA, would allow for an update to the Essex Region coastal flood hazard maps and leverage the work to update the existing mapping in place since 1976. This is a critical project for the region to support updates to Official Plans, comply with Provincial Policy Statement, and to ensure that regulatory obligations under the Conservation Authorities Act are met.

The County of Essex had reserved funds to update mapping and had confirmed that up to \$200,000 is in the approved budget for this project. The deadline for the grant application is September 16, 2022, and the County of Essex will be providing a letter of support as approved

at County Council's meeting. ERCA will be working with the County of Essex Administration to complete the grant application for submission and will return to the Board with an update when a response is received from the granting agency.

## 15. Other Business.

### A. Next Meeting

The next meeting of the ERCA Board of Directors will be held on November 10, 2022, starting at 6:00 p.m. in Council Chambers at the Civic Centre in Essex, ON.

## 16. Adjournment

**Resolution 79/22** Moved by Larry Patterson  
Seconded Jim Morrison

THAT the September 8, 2022 Meeting of the Essex Region Conservation Authority Board of Directors be adjourned. **Carried**



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Tania Jobin  
Chair



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Tim Byrne  
CAO/Secretary-Treasurer