



County of
Essex

Rebecca Belanger, MCIP, RPP
Manager of Planning Services
The Corporation of the County of Essex

May 1, 2024

Town of LaSalle
Attention: Ms. Jennifer Astrologo, Clerk
& Kristina Brcic, Manager of Planning
5950 Malden Road
LaSalle, ON N9H 1S4

Dear Ms. Astrologo and Ms. Brcic,

Re: Notice of No Appeals to County of Essex Official Plan Amendment No. 5
2362 Front Road
Town of LaSalle

Please be advised that the appeal period for the approval of the above noted County of Essex Official Plan Amendment has now expired without appeals being filed. As such, the amendment is final and binding. For your records, please find attached a copy of the by-law and amendment.

Should you have any questions, please do not hesitate to contact the undersigned.

Yours truly,

A handwritten signature in black ink, appearing to read 'Rebecca', written over a faint circular stamp.

REBECCA BELANGER, MCIP, RPP
Manager, Planning Services

Enclosure

c.c. MMAH Davide Petretta Jackie Lassaline

☎ 519-776-6441 ext. 1325
TTY 1-877-624-4832

📍 360 Fairview Ave. W.
Suite # 302 Essex, ON N8M 1Y6

💻 countyofessex.ca

File No.: OPA-5
Municipality: Town of LaSalle
Subject Lands: 2362 Front Road

Date of Decision: April 8, 2024
Date of Notice: April 8, 2024
Last Date of Appeal: April 28, 2024

NOTICE OF DECISION

**With respect to an Official Plan Amendment
Subsection 17(35) and 21 of the Planning Act**

A decision was made on the date noted above to approve Amendment No. 5 to the Official Plan for the County of Essex, as adopted by By-law 2024-02.

Purpose and Effect of the Official Plan Amendment

The purpose of Official Plan Amendment No. 5 is to amend two Schedules in the County Official Plan; firstly, to amend the 'Natural Environment' designation on Schedule 'A1' to 'Settlement Area' and secondly, to remove the 'Provincially Significant Wetland' on Schedule 'B1' on the property located at 2362 Front Road, Town of LaSalle. The amendment has been requested in order to support a future plan of condominium application. This decision is consistent with the Provincial Policy Statement and conforms to the County of Essex Official Plan.

Effect of Written Submissions on Decision

The written submissions received by the County regarding OPA No.5 were considered as a part of the County's review process. No modifications are proposed through the County's decision.

When and How to File An Appeal

Notice to appeal the decision to the Ontario Land Tribunal (OLT) formerly LPAT, must be filed with the County of Essex no later than 20 days from the date of this notice as shown above as the last date of appeal.

The notice of appeal should be sent to the attention of the Manager, Planning Services at the address shown below and it must,

(1) include the reasons for the appeal, and a completed **Appeal Form (A1) Planning Act** available from the OLT website: <https://olt.gov.on.ca/appeals-process/forms/>

(2) be accompanied by the prescribed filing fee payable by certified cheque or money order to the Minister of Finance.

Who Can File An Appeal

Only individuals, corporations or public bodies may appeal a decision of the approval authority to the Appeal Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the amendment was adopted, the person or public body made oral submissions at a public meeting or written submissions to the Council or, in

the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

When the Decision is Final

The decision of the County of Essex is final if a Notice of Appeal is not received on or before the last date of appeal noted above.

Getting Additional Information

Additional information about the amendment, including a complete version of the amendment, is available for public inspection during regular office hours at the County of Essex at the address noted below.

Mailing Address for Filing a Notice of Appeal or to obtain additional information:

County of Essex
Attention: Rebecca Belanger, Manager – Planning Services
360 Fairview Avenue West, Essex, ON N8M 1Y6
Email: rbelanger@countyofessex.ca
Tel: (519) 776-6441, Ext. 1325
Fax: (519) 776-4455

DECISION

**With respect to Official Plan Amendment No. 5
Official Plan of the County of Essex
Subsection 17(34) of the Planning Act**

A decision was made by County Council and adopted by By-Law 2024-02 to approve Amendment No. 5 to the Official Plan for the County of Essex.

Dated at Essex, Ontario this 8th day of April, 2024



Rebecca Belanger, MCIP, RPP
Manager, Planning Services
County of Essex



The Corporation of the County of Essex
By-Law Number 2024-02

**A By-law to adopt Official Plan Amendment Number 5 –
2362 Front Road, Town of LaSalle to the County of Essex
Official Plan.**

Whereas the Planning Act permits municipal Councils to adopt amendments to Official Plans in accordance with the procedure outlined in the Act and corresponding regulations; and

Whereas the Council of the Corporation of the County of Essex supports amendments to the Official Plan as provided herein;

Now therefore the Council for the Corporation of the County of Essex, in accordance with the provisions of Sections 17 and 21 of the Planning Act, R.S.O. 1990, hereby enacts as follows:

1. Amendment Number 5 to the Official Plan for the County of Essex, consisting of the attached schedule, is hereby adopted.
2. That the Clerk/Deputy Clerk is hereby authorized to notify the Ministry of Municipal Affairs and Housing of the approval of Amendment Number 5 to the Official Plan for the County of Essex;
3. This By-law shall come into force and take effect on the day of the final passing thereof.

Read a first, second and third time and Finally Passed this Third day of April, 2024.



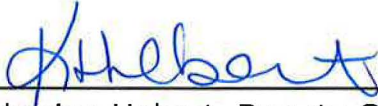
Hilda MacDonald, Warden



Katherine Hebert, Deputy Clerk

Clerk's Certificate

I, Katherine Hebert, Deputy Clerk of the Corporation of the County of Essex, do hereby certify that the foregoing is a true and correct copy, of **By-law Number 2024-02** passed by the Council of the said Corporation on this **Third day of April, 2024.**



Katherine Hebert, Deputy Clerk
Corporation of the County of Essex

Amendment Number 5

To the Official Plan

for The Corporation of the County of Essex

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- Appendix 2 - The minutes from the public meeting held to consider this Amendment

Amendment Number 5

To the Official Plan

for The Corporation of the County of Essex

STATEMENT OF COMPONENTS

PART "A" - THE PREAMBLE does not constitute part of this amendment.

PART "B" - THE AMENDMENT consisting of the following attached Schedules "A1" Land Use Plan and Schedule "B1" Natural Heritage System: Natural Environment Designation, constitutes Amendment Number 5 to the Official Plan for the County of Essex.

PART "C" - APPENDICES does not constitute part of this amendment. These appendices contain the background information and planning considerations associated with this amendment.

PART "A" - PREAMBLE

Purpose

The purpose of Official Plan Amendment No. 5 is to amend two Schedules in the County Official Plan; firstly, to amend the 'Natural Environment' designation on Schedule 'A1' to 'Settlement Area' and secondly, to remove the 'Provincially Significant Wetland' on Schedule 'B1' as shown for the area identified on Map 1 below, for the property located at 2362 Front Road, Town of LaSalle.

Basis of the Amendment

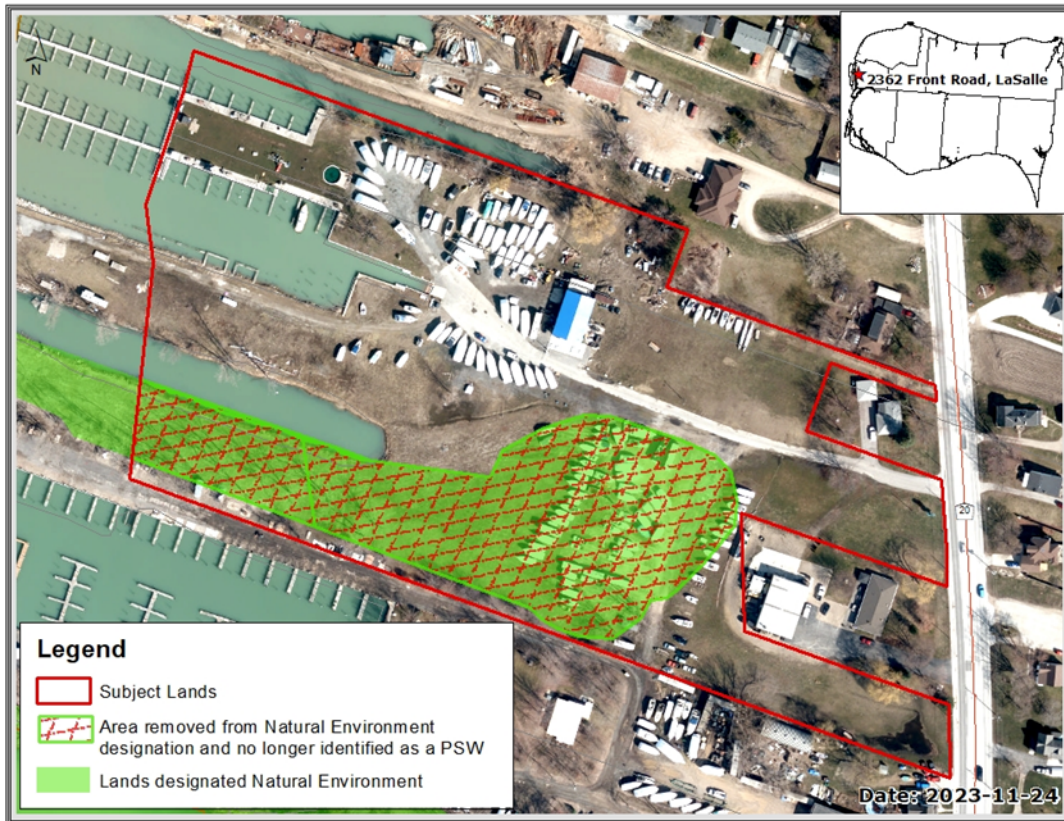
The owners of the subject lands have requested the amendment to support a future plan of condominium application.

The County of Essex Official Plan states that Provincially Significant Wetlands (PSWs) and areas designated 'Natural Environment' should be protected in perpetuity from development. In this case, a Natural Heritage Constraints Analysis was completed by a qualified biologist and determined that there were no features on the subject lands that meet the Ontario Wetland Evaluation System (OWES) established by the Ministry of Natural Resources and Forestry (MNRF) to qualify as a Provincially Significant Wetland (PSW). The report also identified that there are no other natural heritage features within the subject area that warrant the natural environment designation.

A Planning Justification Report, provided by Jackie Lassaline, MCIP, RPP, concluded that since MNRF does not recognize the subject lands as containing PSW, then there is no actual removal of PSW and therefore no negative impacts on the Natural Heritage System.

MAP 1

The subject lands to be redesignated from 'Natural Environment' to 'Settlement Area', on Schedule 'A1' and also to no longer be identified as 'Provincially Significant Wetland' on Schedule 'B1' in accordance with Section 3.4, of the Official Plan.



PART "B" - THE AMENDMENT

Details of the Amendment

The Official Plan for the County of Essex is amended as follows:

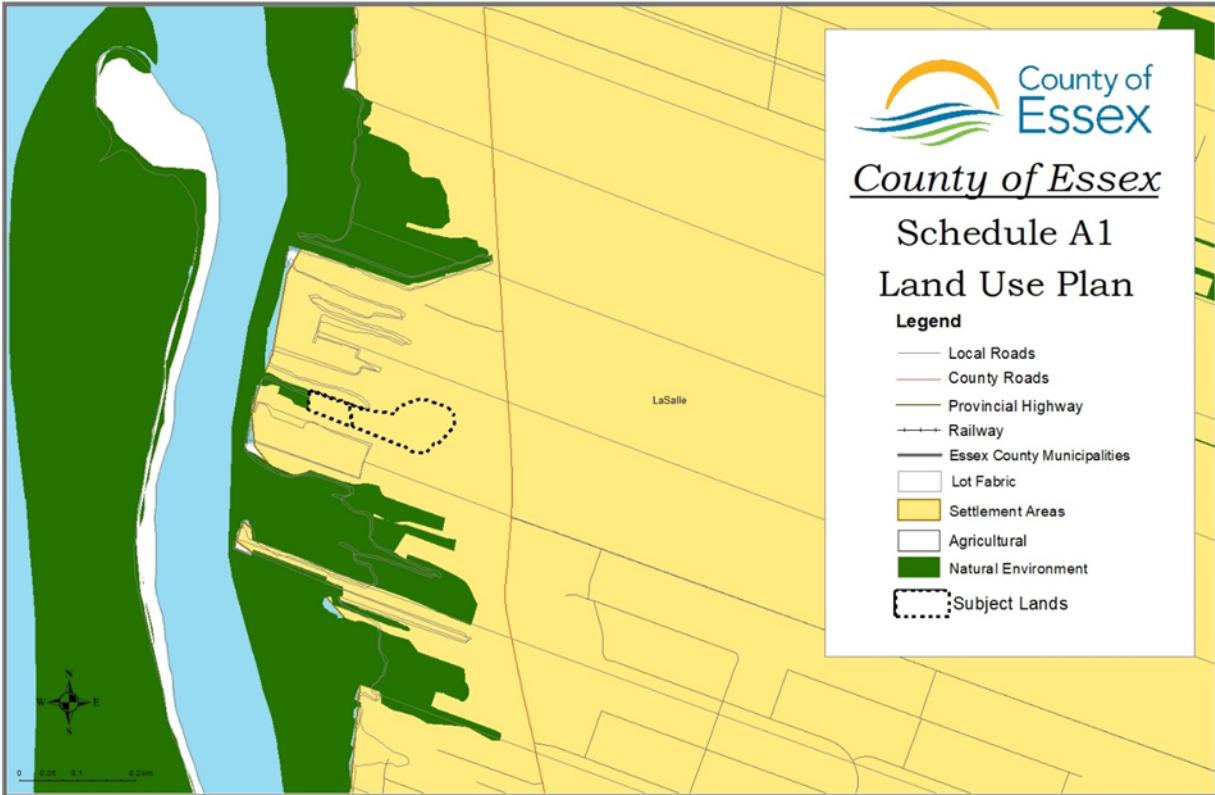
- 1) That Schedule "A1" Land Use Plan, as attached hereto and forming part of this amendment, is hereby amended by redesignating the portion of the property located at 2362 Front Road that is identified as 'Natural Environment' to 'Settlement Area'.

- 2) That Schedule "B1" Natural Heritage System: Natural Environment Designation, as attached hereto and forming part of this amendment, is hereby amended by removing the area identified as 'Provincially Significant Wetland' on the subject lands located at 2362 Front Road in LaSalle.

Amendment to Schedule:

Schedule "A1" Land Use Plan - County of Essex Official Plan

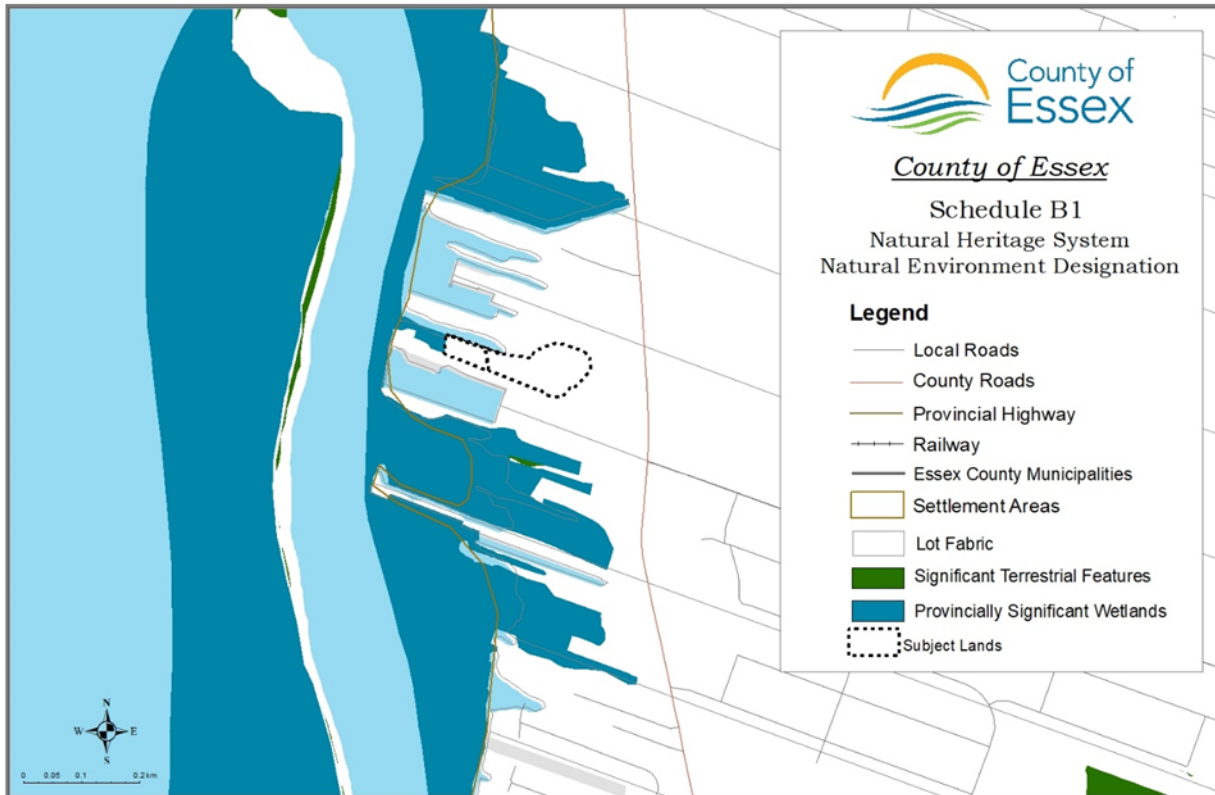
The subject lands are re-designated from 'Natural Environment' to 'Settlement Areas'.



Amendment to Schedule:

Schedule "B1" Natural Heritage System: Natural Environment Designation - County of Essex Official Plan

The subject lands are no longer identified as 'Provincially Significant Wetland'.



PART "C" - APPENDICES

The following appendices do not constitute part of Amendment No. 5 but are included for information supporting the amendment.

APPENDIX 1 – January 17, 2024 Planning Report (attached).

APPENDIX 2 - The minutes from the public meeting held to consider this amendment are attached.



Administrative Report

Office of the Manager, Planning Services

To: Warden MacDonald and Members of Essex County Council

From: Rebecca Belanger, MCIP, RPP
Manager, Planning Services

Date: Wednesday, January 17, 2024

Subject: Public Meeting to consider an Amendment to the County Official Plan- 2362 Front Road, LaSalle

Report #: 2024-0117-IPS-R01-RB

Purpose

To provide County Council with information concerning a proposed amendment to the County of Essex Official Plan requested from Beatties Sunset Marina c/o Jackie Lassaline Planning Consultants (the "Applicant"). Further, pending public and/or agency comments received at this public meeting, to recommend that the associated amendment and by-law be advanced for approval as part of the regular County Council meeting.

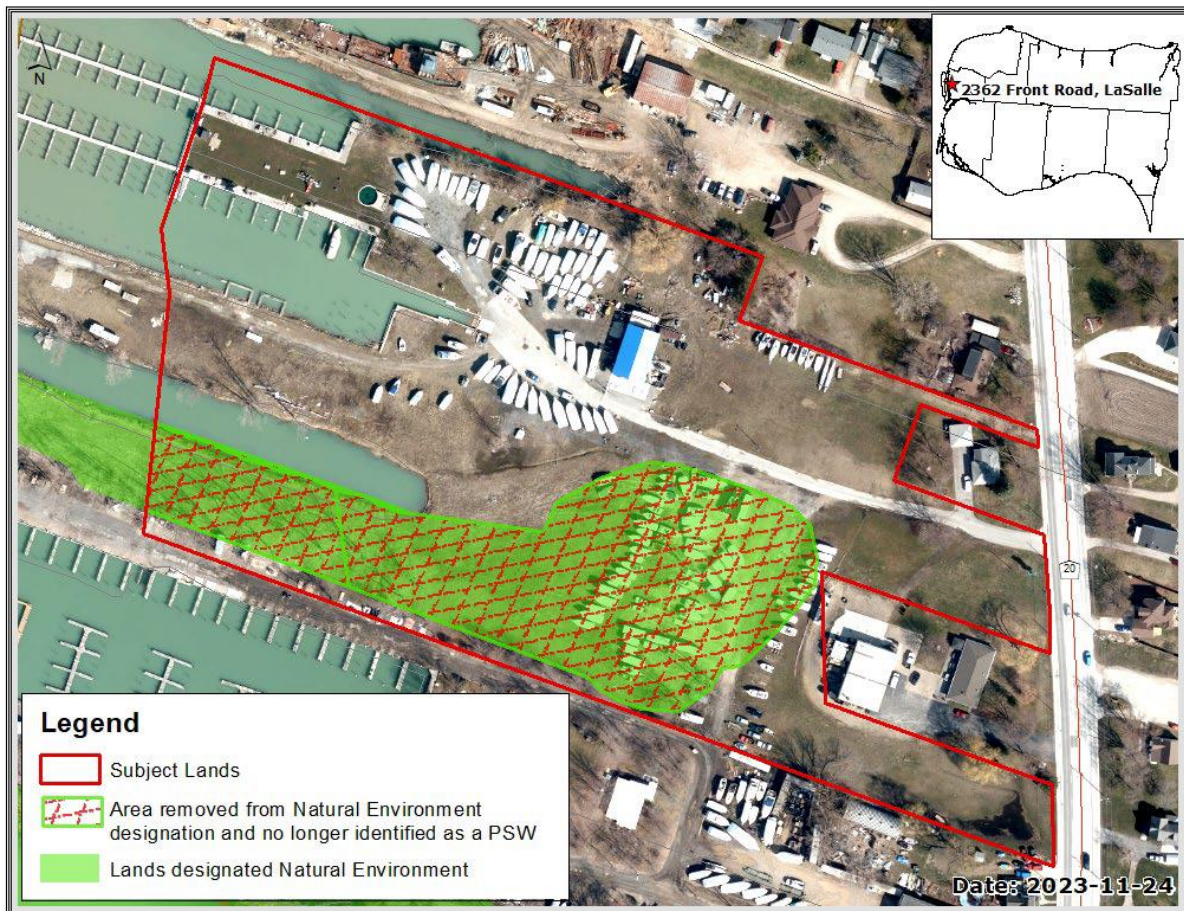
Background

The County of Essex adopted a new Official Plan in 2014. The Official Plan contains map schedules that depict the location of various permitted land uses and the settlement structure including Primary and Secondary Settlement Areas within the County. At the time of preparation of a new Official Plan, the County is also required to include Provincially Significant Wetlands, as evaluated and approved by the Ontario Ministry of Natural Resources and Forestry ("MNR") through designation in the County Official Plan. It is noted that through Bill 23, there are changes to this process in which the MNR is no longer required to review and approve Provincially Significant Wetland evaluations.

The County is in receipt of an application for an Official Plan Amendment for a property located at 2362 Front Road and the southern adjacent unnumbered vacant lands on the shore of the Detroit River in the Town of LaSalle. The requested amendment seeks to amend two Schedules in the County Official Plan; firstly, to amend the 'Natural Environment' designation

on Schedule 'A1' to 'Settlement Area' and secondly, to remove the 'Provincially Significant Wetland' on Schedule 'B1' as shown for the area in the Key Map (below). The area of land subject of the removal of designation is approximately 1.22 ha (3 acres). The amendment has been requested in order to support a future plan of condominium application. According to the planning application submitted for this proposal, the current land uses on the site include boat storage for Beatties Sunset Marina. The Natural Environment designation on the lands (Section 3.4.3 in the County Official Plan) currently prohibits development and site alteration and would need to be removed to support the future development.

Further, the subject lands are presently designated 'Residential District' with a portion of the lands designated 'Provincially Significant Wetland' on Schedule 'B' of the Town of LaSalle Official Plan consistent with the natural environment designation in the County Official Plan.



Pre-consultation was held with ERCA, Town of LaSalle Planning Administration, the property owner, along with planning and biological consultants on several occasions to discuss the merits of the application and submission requirements. A Planning Justification Report was provided by Jackie Lassaline, Registered Professional Planner along with two Environmental Reports from Barry Myler ("Myler"), Ecological Consultant and certified Wetland Evaluator, to justify the removal of the natural environment designation from the County and LaSalle Official Plans.

Discussion

In 2018, a Provincially Significant Wetland Review was prepared by Beacon Environmental a sub-consultant to RWDI Air Inc. to determine if the subject area could be declassified from wetland status. Beacon Environmental attended the site on August 16, 2018 to complete a field assessment in order to verify the presence or absence of wetland areas on the site as required by the Ontario Wetland Evaluation System Manual. Based on the findings of the wetland assessment a formal request was submitted to the MNRF to alter the boundary of the wetland. The revision to the mapping was accepted by the MNRF and, therefore, the County and Town Official Plans contain outdated PSW mapping, including the extension of the PSW onto the subject site. Figure 2 notes the areas removed from the Provincially Significant Wetland, and areas retained.



Figure 2: Annotated excerpt of the recommended PSW boundary revision in the RWDI/Beacon report.

Further the environmental report from the Applicant states: *"Myler's observations of site conditions during a 10 November 2022 site visit confirmed the absence of wetland vegetation, and natural vegetation of any sort, on the site. As with Beacon's observations, Myler observed only upland, manicured grassed areas with scattered Eastern Cottonwood trees in the area on site where PSW had formerly been mapped."*



Photo 1: Facing eastward across the site where the easternmost portion of PSW mapping was previously applied.

Myler further stated that the future condominium development would be subject to a scoped EIA concerned only with the adjacent PSW that is more than 80 metres away to the west of the site within the Detroit River, and possibly also with fish and wildlife habitat with the inlet or "dug channel".

The Essex Region Conservation Authority was consulted regarding the proposed Official Plan Amendment to remove the natural environment designation, and PSW from this area of land, and have no objection. Pre-consultation with ERCA on this matter pre-dates Bill 23 and they provided the County and Town with natural heritage advice regarding the consultant's submissions.

Financial Implications

There are no financial implications resulting from the approval of this Official Plan Amendment. The costs associated with advertising the Notice of Public Meeting are covered by the application fee paid by the Applicant.

Consultations

Gudrin Beggs, Director of Planning, Town of LaSalle

Allen Burgess, Supervisor of Planning, Town of LaSalle

Tim Byrne, Chief Administrative Officer, Essex Region Conservation Authority

Dan Lebedyk, Biologist, Essex Region Conservation Authority

Recommendation

That Essex County Council receive report 2024-0117-IPS-R01-RB of the Manager of Planning Services with regard to the proposed Official Plan Amendment No 5 and summarize public comments received, in a forthcoming Council Report along with the associated By-law.

Approvals

Respectfully Submitted,

Rebecca Belanger

Rebecca Belanger, MCIP, RPP, Manager, Planning Services

Concurred With,

Allan Botham

Allan Botham, P.Eng., Director, Infrastructure and Planning Services

Concurred With,

Sandra Zwiers

Sandra Zwiers, MAcc, CPA, CA, Chief Administrative Officer

Appendix	Title
Appendix A	Notice of Public Meeting
Appendix B	Planning Opinion, 09 August 2023- Jackie Lassaline
Appendix C	Environmental Report, 07 March 2023- Myler Ecological Consulting
Appendix D	Environmental Report, 17 March 2023- Myler Ecological Consulting
Appendix E	OPA 5 By-law 2024-02



Essex County Council Special Meeting Minutes

Wednesday, January 17, 2024

4:00 PM

Council Chambers, 2nd Floor

360 Fairview Avenue West

Essex, Ontario N8M 1Y6

<https://video.isilive.ca/countyofessex/live.html>

- Council: Joe Bachetti, Deputy Warden / Deputy Mayor, Town of Tecumseh
Sherry Bondy, Mayor, Town of Essex
Kimberly DeYong, Deputy Mayor, Town of Kingsville
Chris Gibb, Deputy Mayor, Town of Amherstburg
Hilda MacDonald, Warden / Mayor, Municipality of Leamington
Crystal Meloche, Mayor, Town of LaSalle
Michael Prue, Mayor, Town of Amherstburg
Dennis Rogers, Mayor, Town of Kingsville
Rob Shepley, Deputy Mayor, Town of Essex
Larry Verbeke, Deputy Mayor, Municipality of Leamington
Kirk Walstedt, Deputy Mayor, Municipality of Lakeshore
- Absent: Michael Akpata, Deputy Mayor, Town of LaSalle
Tracey Bailey, Mayor, Municipality of Lakeshore
Gary McNamara, Mayor, Town of Tecumseh
- Administration: Mary Birch, Director, Legislative and Community Services/Clerk
Allan Botham, Director, Infrastructure & Planning Services
Katherine Hebert, Manager, Records and Accessibility/Deputy Clerk
Don McArthur, Manager, Communication and Organizational Development
David Sundin, County Solicitor
Crystal Sylvestre, Coordinator, Legislative and Community Services
Sandra Zwiers, Chief Administrative Officer
Rebecca Belanger, Manager of Planning Services

1. **Recording of Attendance**

Warden MacDonald and members of Essex County Council were in attendance at the Essex County Civic Centre, Council Chambers.

Michael Akpata, Gary McNamara and Tracey Bailey were absent.

Michael Prue attended virtually from a remote location.

2. **Disclosure of Pecuniary Interest**

There were no conflicts of pecuniary interest declared.

3. **County Warden's Welcome and Remarks**

Warden MacDonald welcomed everyone to the Special Meeting of Council regarding the Official Plan Amendment.

4. **Official Plan Amendment, File Number OPA-05, RE: 2362 Front Road, Town of LaSalle**

Take Notice

Essex County Council held a Public Meeting on Wednesday, January 17, 2024, at 4 p.m., in the Council Chambers, located at 360 Fairview Avenue West, in Essex, to consider a proposed Official Plan Amendment to the County of Essex Official Plan, under the provisions of Sections 17 & 22 of the Planning Act, R.S.O. 1990.

The Purpose

The County received an application to amend two Schedules in the County Official Plan; firstly, to amend the 'Natural Environment' designation on Schedule 'A1' to 'Settlement Area' and secondly, to remove the 'Provincially Significant Wetland' on Schedule 'B1' as shown for the area in the map, for the property located at 2362 Front Road, Town of LaSalle. The amendment was requested in order to support a future plan of condominium application.

5. **Introductory Remarks**

Opening remarks and introductions were provided by Rebecca Belanger, Manager, Planning Services.

Rebecca Belanger restated the purpose of the meeting adding that the subject lands were approximately 1.2 hectares or 3 acres in size.

Rebecca provided information regarding the current land uses of the property and explained that Barry Myler, consulting biologist, confirmed through field work, as requested by the County of Essex and the Town of LaSalle, that no other significant heritage features were present that warrant keeping the natural environment designation on the property.

In 2018, the property owner commissioned a consultant to review the property to determine if it could be reconsidered for Wetland status. The evaluation resulted in a formal request to the Ministry of Natural Resources and Forestry (MNR) to remove the Provincially Significant Wetland (PSW) designation from the subject land and shift the boundaries. The MNR approved the request which led to the County of Essex and Town of LaSalle mapping to be outdated.

As the review which was undertaken predated Bill 23, the Essex Region Conservation Authority were consulted throughout the process and indicated no objection to the MNR findings.

Rebecca reviewed the correspondence received and noted that concerns presented were subjects that would be considered through the regular planning application processes, should that be brought forward in the future.

6. **Delegations and Presentations**

Pre-registered, approved delegations were provided up to five minutes to make their presentation.

026-2024

Moved By Chris Gibb

Seconded By Dennis Rogers

That Essex County Council permit the delegations listed on the Special Meeting agenda for January 17, 2024 to address County Council.

Carried

6.1. Jackie Lassaline and Barry Myler

Jackie Lassaline, Lassaline Planning Consultants and Barry Myler, Myler Consulting Services, provided comments on behalf of Beattie Sunset Marina located at 2362 Frond Road, LaSalle.

Tom Beattie was present to respond to questions.

Jackie reiterated the findings of the MNR, ERCA and consultants review of the property to determine that there was no PSW present on the subject property and stated the intention of the amendment was to correct local mapping.

Barry provided an overview of his assessment process including the review of a variety of mapping sources and observations during the field study to determine the ground truth. Barry supported the

property was high and dry and the correction to the local mapping was appropriate.

6.2. John DeMarco

John DeMarco, Resident, 2289 Division Road N, Kingsville, ON.

John identified himself as a former LaSalle resident and advocate for the natural environment for all of Essex County.

John supported the opportunity to develop higher density housing in the subject area while taking advantage of the opportunity to restore the natural environment.

John outlined areas where restoration opportunities may exist including the use of local designations.

Discussion included the Environmental Impact Assessment (EIA) that would be triggered by a submission for development; should one be received. Rebecca indicated that part of the EIA included consultation with interested parties to ensure to maximize the ecological potential.

7. Communications

7.1. Correspondence

Correspondence received regarding Essex County Official Plans Amendment No.05, 2362 Front Road, LaSalle.

028-2024

Moved By Kirk Walstedt

Seconded By Larry Verbeke

That the correspondence listed on the Special Meeting Agenda for January 17, 2024, regarding Essex County Official Plan Amendment No.5, be received.

Carried

8. Reports and Questions

8.1. Public Meeting to consider an Amendment to the County Official Plan- 2362 Front Road, LaSalle, OPA No. 05

Report number 2024-0117-IPS-R01-RB, Public Meeting to consider an Amendment to the County Official Plan, 2362 Front Road, LaSalle, OPA No. 05, from Rebecca Belanger, Manager, Planning Services, dated January 17, 2024

027-2024

Moved By Crystal Meloche

Seconded By Joe Bachetti

That Essex County Council receive report 2024-0117-IPS-R01-RB of the Manager of Planning Services with regard to the proposed Official Plan Amendment No 5 and summarize public comments received, in a forthcoming Council Report along with the associated By-law.

Carried

9. **Adjournment**

029-2024

Moved By Tracey Bailey

Seconded By Joe Bachetti

That the Essex County Council Special meeting for January 17, 2024 be adjourned at 4:45 PM.

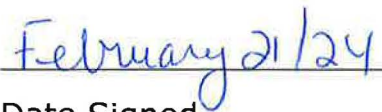
Carried



Hilda MacDonald
Warden, County of Essex



Mary Birch
Director, Legislative and Community Services/Clerk



Date Signed