



COMMITTEE OF THE WHOLE AGENDA

Monday, November 15, 2021, 6:00 PM

Council Chambers

2021 Division Road N

Kingsville, Ontario N9Y 2Y9

Pages

A. CALL TO ORDER

In light of the ongoing COVID-19 pandemic, this Committee of the Whole Meeting is being held electronically. Members will meet via electronic participation. Members of the public can view the meeting at www.kingsville.ca/livestream.

B. DISCLOSURE OF PECUNIARY INTEREST

When a member of Committee has any pecuniary interest, direct or indirect, in any matter which is the subject of consideration at this Meeting of Committee (or that was the subject of consideration at the previous Meeting of Committee at which the member was not in attendance), the member shall disclose the pecuniary interest and its general nature, prior to any consideration of the matter.

C. STAFF REPORTS

1. COMMUNITY AND DEVELOPMENT SERVICES

- a. Proposed Telecommunications Tower--2804 Upcott Side Road, Part of Gore Lot A, Concession STR and Part 1, RP 12R 12215

1

Recommended Action

1. That the Committee support a proposed telecommunication broadband tower and recommend that Council authorize Administration to provide the applicant with a Statement of Concurrence that sufficient public consultation has occurred and the Town's policy has been addressed.

- b. Framework for a Main Street Strategy

22

Recommended Action

1. That Administration proceed with finalizing the Main Street Strategy Framework;
2. That the Committee recommend to Council that the 2022 Budget include \$100,000 for development and implementation of the Main Street Strategy Framework; and,
3. That Administration draft Official Plan amendments related to the Main Street Strategy for Council approval, to be included in Planning Services response to the County of Essex related to the Official Plan Amendment.

2. INFRASTRUCTURE AND ENGINEERING

a. Local Improvement Policy Clarifications

31

D. MINUTES OF THE PREVIOUS MEETINGS

1. **Committee of the Whole Meeting Minutes dated October 18, 2021**
2. **Committee of the Whole Closed Session Meeting Minutes dated October 18, 2021**

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Recommended Action

That the Committee adopt the Committee of the Whole Meeting Minutes as presented.

E. COMMITTEE QUESTIONS

F. CLOSED SESSION

Pursuant to Subsection 239(2) of the Municipal Act, 2001, Council will enter into Closed Session to address the following items:

ITEM i) Subsection 239(2)(b) [personal matters about an identifiable individual, including municipal employees] and Subsection 239(2)(f) [advice that is subject to solicitor-client privilege, including communications necessary for that purpose] RE: Crossing Guards update by Human Resources Manager J. Galea and CAO J. Norton; and

ITEM ii) Subsection 239(2)(d) [Labour relations or employee negotiations] RE: Status update regarding the Town's contract negotiations with International Brotherhood of Electrical Workers (IBEW) Local 636.

G. ADJOURNMENT



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
(519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

Date: November 2, 2021

To: Committee of the Whole

Author: Robert Brown, H. Ba, MCIP, RPP
Manager, Planning Services

RE: Proposed Telecommunications Tower – 2804 Upcott Side Road,
Part of Gore Lot A, Concession STR & Part 1, RP 12R 12215

Report No.: PS 2021-067

RECOMMENDED ACTION

1. That the Committee support a proposed telecommunication broadband tower and recommend that Council authorize Administration to provide the applicant with a Statement of Concurrence that sufficient public consultation has occurred and the Town's policy has been addressed.

BACKGROUND

Forbes Bros. Ltd., on behalf of Xplornet Communications Inc. has submitted an application with the authorization of the registered owner of the subject lands, to construct a 45 m (148 ft.) lattice self-supporting broadband tower (See Appendix A – Location Map). Xplornet provides wireless internet services to primarily rural areas where physical infrastructure is costly to support.

In accordance with federal regulations and the Town's "Policy for the Development and/or Redevelopment of Communication and Broadcasting Facilities" Guidelines (See Appendix B), public consultation is required to be obtained for the construction of telecommunications towers. Public notice was given to registered property owners within 150 m of the proposed location by the applicant (See Appendix C). Included with this report is a copy of the site plan, specifications for the broadband tower and justification (Appendix D and D-1).

DISCUSSION

The following was provided by the applicant in an information package submitted at the time of application, and provided in the public notice:

- i) **Description of Proposed Installation:** The design is a 45 m lattice self-supporting tower within a leased premise. Xplornet proposes to install an equipment shelter within the fenced portion of the premises. The shelter will house equipment necessary for the operation of the telecommunications facility.
- ii) **Location and Street Address:** The property is an irregular shaped 17.95 ha (44.36 ac.) farm with one outbuilding located in the southeast corner of Upcott Side Road and Highway 3. The total area of the tower and equipment is approximately 225 m² and shown on the Site Plan.

The tower will be situated on subject farm parcel in a fenced enclosure approximately 53 m southeast of the Upcott Side Road and approximately 80 m northeast of Highway 3. The nearest dwelling is to the north approximately 155 m. It will be accessed via the current access to the existing farm building on Upcott Side Road.

This property was determined by the Proponent to be located in the best area to accommodate the current service needs for broadband service infrastructure in the area. The applicant has also provided a review of its site selection.

The Town of Kingsville "Policy for the Development and/or Redevelopment of Communication and Broadcasting Facilities" is intended to *"facilitate cooperation between the proponent and the Town of Kingsville in effort to allow for the siting of facilities which balance demand for service and the impact on the community"*.

In keeping with this goal, the Policy requires comment on the following four areas which need to be addressed as a requirement of a Statement of Concurrence:

1. guidance and direction for the appropriate siting of facilities to locations which meet the following criteria in order of priority of land use":

- a. sites co-located on existing structures in non-residential areas;

Comment: The proposed tower is new and is located on a non-residential property.

- b. sites outside of the sight lines of Lake Erie and Jack Miner Bird Sanctuary;

Comment: The proposed tower is not near Jack Miner and is not within the sight line of Lake Erie.

- c. sites outside of planned settlement areas;

Comment: The property is located outside of the settlement area.

- d. sites owned by the municipality;

Comment: This is located on private property through a lease agreement.

- e. sites co-located on existing structures in non-agricultural areas;

Comment: This is a new tower located on agricultural lands however it is sited on the property in a manner to minimize impact to the agricultural lands.

- f. sites co-located on existing structures in settlement and residential areas;

Comment: Refer to item 1.

- g. new structures on land owned by private land owners.

Comment: Refer to item 4.

- 2. To provide high design standards which recognize local considerations for natural heritage features and local aesthetics including:

- a. the placement, style and colour of all elements of the facility which blend with the surrounding environment;

Comment: The structure will be located on private property. The tower itself would generally be a galvanized or painted steel type surrounded by a fenced compound. Additional design elements that minimize the visual impact of the tower itself can be consider in consultation with the applicant, if applicable.

- b. the protection of the existing natural environment;

Comment: ERCA was circulated for comment and provided the following:

“Telecommunication facilities are regulated by the Federal Government, under the Industry, Science and Economic Development or ISED. Radio Communication and Broadcasting Antenna Systems, antenna systems and towers, are also exempt from the Planning Act. However, ERCA acknowledges, that ISED requires that wireless telecommunication carriers consult with Local Land Use Authorities (Municipalities).

Development activities within regulated areas for radio communication and broadcasting antenna system providers, are also exempt from the regulatory approval process under Section 28 of the Conservation Authorities Act. Proposed Antenna Systems do not require permits from Conservation Authorities under the Conservation Authorities Act.

However, as technical advisors to Municipalities, ERCA recommends that consideration should be given to storm water management and the adequate setback of structures adjacent to natural hazard lands and the natural heritage system.”

The proposed site is not within a regulated area or located in close proximity to a natural heritage feature.

- c. the enhancement of the natural landscape with plantings and visual screens;

Comment: The proposed location is next to a farm building and not near to residential properties that would require additional screening.

- d. maintaining appropriate setbacks from property lines and adjacent public uses (schools, community centres, day cares, etc.)

Comment: There are no issues with the proposed location in this regard.

- e. maintaining safe vehicular access and site lines onto public roads.

Comment: The location proposes to use the existing farm access. Traffic volume to and from the site are not significant enough to create an impact.

- 3. To provide an opportunity for public consultation and input through the approved procedure for the review and consideration of telecommunication and broadcasting facilities within the Town of Kingsville.

Comment: The applicant has provided information to the surrounding public based on the prescribed requirements. No public comment had been received at the time of writing of this report.

Telecommunication facilities are exempt from approval under the Planning Act as they are a required service. From a purely land use standpoint the provision of all infrastructure is supported in Provincial Policy and the Town's Official Plan. The location of this infrastructure is not always ideal as it is difficult to provide a service to an area of need without actually being in that area. Broadband service helps to provide service to more rural locations where more traditional infrastructure is not feasible.

4. To recognize the final approval authority of Industry Canada for the consideration of radio-communication, telecommunication and broadcasting facilities.

Comment: The approval authority for telecommunication towers is Innovation, Science and Economic Development Canada (ISED) formerly Industry Canada. In past consultation with (ISED) staff it was clarified that they do place a high level of consideration on public feedback and consultation with the local land use authority in establishing a co-operative approach to the siting of proposed towers. Requirements of either the Town or public which are considered reasonable requests are typically supported and incorporated into a proposed development. In cases where a statement of non-concurrence is issued the applicant can look at alternatives to a given proposal or request (ISED) to participate in dispute resolution.

Upon Council's direction, a letter would be provided to the applicant which will include a Statement of Concurrence provided Council is satisfied that adequate public consultation was conducted and that land use impacts and public comments have been addressed.

LINK TO STRATEGIC PLAN

To become a leader in sustainable infrastructure renewal and development.

Link to Council 2021-2022 Priorities

- ☐ COVID-19 and the health and safety of the community
- ☐ Customer Service: Training, Technology, Staff, Review Standards/Level of service
- ☐ Housing: Affordability (lot sizes, developer incentives, second dwellings, density, etc.)
- ☐ Greenhouse: lights & dark sky, odours (site plan compliance, bylaws, other tools)
- ☐ Programming Increase: Youth and Seniors
- ☐ A development plan for Downtown Kingsville / Main Street
- ☐ Financial savings: Schools closings, Migration Hall
- ☐ Economic Development: strengthen tourism/hospitality
- ☐ COVID - economic recovery
- ☐ Communications: Strategy – Policy (social media), Website refresh and other tools, Public engagement
- ☐ Housing: Migrant Worker Housing – Inspections (Building/Fire), regulate, reduce, or increase
- ☐ Committees / Boards: Review and Report
- ☐ Policy Update: Procedural Bylaw
- ☒ Economic Development: diversify the economy, create local jobs, industrial, Cottam
- ☐ Infrastructure (non-Municipal): Union Water expansion & governance
- ☐ Infrastructure (Municipal): Asset Management Plan update, the infrastructure funding deficit

- ☐ No direct link to Council priorities

FINANCIAL CONSIDERATIONS

There are no significant financial implications resulting from the proposed broadband tower.

CONSULTATIONS

Notice of the Committee of The Whole on November 15th (COTW) was given by the applicant on October 13, 2021 by first class mail to all land owners within 150 m (492 ft.) of the proposed location of the cell tower.

In accordance with standard practice for review of telecommunication tower requests applicable external agencies and internal departments have been circulated. The following comment has been provided.

1) Essex Region Conservation Authority (ERCA)

ERCA comment was noted in the report.

2) Technical Advisory Committee

Building Services will require a building permit to be submitted.

The Technical Advisory Committee has no technical objections to the proposed tower.

3) County of Essex

The County was circulated however they indicated that they had no comment at the tower was not within the County Road 34 corridor.

4) Ministry of Transportation (MTO)

The original submission by Forbes Bros Ltd. showed the tower closer to the MTO corridor. After consultation with MTO the current location east of the existing farm building versus west of it is acceptable.

Robert Brown

Robert Brown, H. Ba, MCIP, RPP
Manager, Planning Services



- Legend**
- Essex Municipalities
 - <all other values>
 - Kingsville
 - Street
 - Severance
 - Kingsville Assessment

Notes

Cell Tower

THIS MAP IS NOT TO BE USED FOR NAVIGATION


Copyright the Corporation of the County of Essex, 2012. Data herein is provided by the Corporation of the County of Essex on an 'as is' basis. Assessment parcel provided by Teranet Enterprises Inc. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

0 93.51 187.0 Meters

1: 5,610



5/21/2021

	<p style="text-align: center;">PLANNING SERVICES</p> <p style="text-align: center;">POLICY FOR DEVELOPMENT AND/OR REDEVELOPMENT OF COMMUNICATION & BROADCASTING FACILITIES</p> <p style="text-align: center;">Appendix B</p>		S.O.P. #PS013
			Issued: March 16, 2009
			Reviewed/ Revised: January 23/19
			Total Pages: 4
Prepared By: R. Brown	Reviewed By: Administration	Approved By: Administration	

Purpose:

To establish standard procedures which will enable the Municipality:

- To effectively participate in the review and public consultation process for the consideration of telecommunication and broadcasting facilities; &
- To formulate municipal comments based on acceptable goals and standards.

Goals:

- To facilitate cooperation between the proponent and the Town of Kingsville in effort to allow for the siting of facilities which balance the demand for service and the impact on the community.
- To provide guidance and direction for the appropriate siting of facilities to locations which meet the following criteria in order of priority of land use:
 1. sites co-located on existing structures in non-residential areas;
 2. sites outside of the sight lines of Lake Erie and Jack Miner Bird Sanctuary;
 3. sites outside of planned settlement areas;
 4. sites owned by the municipality;
 5. sites co-located on existing structures in non-agricultural areas;
 6. sites co-located on existing structures in settlement and residential areas; &
 7. new structures on land owned by private land owners.
- To provide high design standards which recognize local considerations for natural heritage features and local aesthetics including:
 1. the placement, style and colour of all elements of the facility which blend with the surrounding environment;
 2. the protection of the existing natural environment;
 3. the enhancement of the natural landscape with plantings and visual screens;
 4. maintaining appropriate setbacks from property lines and adjacent public uses (schools, community centres, day cares, etc.)
 5. maintaining safe vehicular access and site lines onto public roads
- To provide an opportunity for public consultation and input through the approved procedure for the review and consideration of telecommunication and broadcasting facilities within the Town of Kingsville.
- To recognize the final approval authority of Industry Canada for the consideration of radio-communication, telecommunication and broadcasting facilities.

Procedure

Phase 1 – Pre-consultation and Submission Requirements

1. Inquiries with respect to new communication towers or modifications to existing towers where municipal consultation is required shall be directed to the Planning Department for pre-consultation.
2. Proponents will be provided with the following from the Planning Department during pre-consultation:
 - a. A copy of the approved *Communication and Broadcasting Facility Policy*;
 - b. *Site Plan Application, Fee Schedule, Information and Drawing Submission Requirements*; &
 - c. List of Agencies to be consulted by the proponent during public consultation process.
 - ☐ County of Essex – Engineering Department
 - ☐ Essex Region Conservation Authority
 - ☐ Wind Power & Renewable Energy Proponents
 - ☐ Ministry of Transportation (within 400 metres of Provincial Highway)
 - ☐ Transport Canada
 - ☐ Clerk of any abutting municipality within 120 metres of proposed facility
 - ☐ Other: _____
3. Upon submission of the required materials by the proponent, the Planner will undertake the following:
 - a. Forward the application to the Planning Management Review Group for review and provide preliminary site analysis and comments to proponent;
 - b. Generate and provide circulation list to proponent for distribution of information package;
 - c. Provide proponent with the date of next scheduled Public Open House of the Planning Advisory Committee.
4. Proponents shall deliver via regular pre-paid post to every address listed on the circulation list, the notification package containing the information detailed in Industry Canada's written *Public Consultation Process – Public Notification Package*, no less than 30 days prior to the date of the Public Open House to be hosted by the Planning Advisory Committee;
5. Receive *Letter of Undertaking* from the proponent to construct facility in accordance with the information provided and in consideration of the comments received from the Planning Management Review Committee and members of the public at the Public Open House;
6. Presentation of the following to Council:
 - i. Summary report including public comments;
 - ii. Letter of Undertaking by proponent;
7. Forward Council Resolution of Support to advise proponent:
 - i. Whether in the opinion of the municipality, sufficient public consultation was conducted;
 - ii. Whether the siting, design or any anticipated impacts by the community will support the recommendation.
8. Upon issuance of appropriate licencing by Industry Canada, the proponent shall submit the necessary building permit application, fee and information requirements to the Building Department prior to the commencement of construction.

SUBMISSION REQUIREMENTS

1. Completed Site Plan Application, including authorization of land owner.
2. A site plan drawn to scale showing the extent of the subject property, site grading, the location of existing property lines, existing or proposed buildings, fences, buffering, existing and proposed landscaping, access, parking, and the type and height of the proposed tower structure. Any significant vegetation on a particular site should be inventoried on the plan. The site plan shall be formatted to print onto 11 x 17 landscape paper.

3. Two sets of stamped engineered drawings to identify the tower design. In the case of roof-mounted towers, a structural engineer's report may also be required to address the structural effects on the existing building.
4. A key map showing the location of the tower installation and nearby residential dwellings and/or residential zones.
5. A statement from the Proponent (carrier) to indicate the need for the proposed tower height.
6. Written documentation from the Proponent (carrier) outlining the steps taken by the Proponent to investigate all non-tower and co-location options and why a tower option is the only viable alternative.
7. A cheque payable to the Town of Kingsville in the amount as set out in the Municipal Fees Schedule for the processing of Site Plan Applications.

Phase 2 – Public Review Process

A. Exemptions to Public Consultation

1. For freestanding towers, which meet the following criteria, public consultation is **not** required:

- Maintenance of existing radio apparatus including the antennae system, transmission line, mast, tower or other antennae-supporting structure;
 - Addition or modification of an antennae system (including improving the structural integrity of its integral mast to facilitate sharing), the transmission line, antenna supporting structure or other radio apparatus to existing infrastructure, a building, water tower, etc., provided the addition or modification does not result in an overall height increase above the existing structure of 25% of the original structure's height.
 - Maintenance of an antennae system's painting or lighting in order to comply with Transport Canada's requirements
 - Installation for a limited duration (not more than 3 months) of an antennae system used for a special event or to support local, provincial, territorial or national emergency operations during the emergency and is removed within 3 months after the emergency or special event.
2. In cases where no public consultation is required, the application shall be brought forward to the Planning Management Review Committee within 2 weeks of receiving all required submissions from the Proponent. Upon review by the Planning Management Review Committee, the request shall be presented to Council together with the Letter of Undertaking and a recommendation regarding a resolution of support.

B. Public Consultation Required

For proposed towers or alterations to existing towers that do not meet the above-noted exemption criteria, the proponent shall give notice by regular mail to all owners of properties within a radius of 120 metres of the subject property.

In addition to the requirements of Industry Canada's *Public Notification Package*, the notice shall include the following information:

- Key map showing the proposed location of the tower on the subject site;
- physical details of the tower including its height, colour, type, design,
- sample photo or illustration of the proposed tower;
- the date, time and location of the public open house as established by the Planning Department, &
- the name and telephone number of a contact person employed by the Proponent, as well as a Municipal contact person.

If issues of concern are raised through the consultation process, they will be discussed at the Public Open House in order to seek a mutual resolution. If necessary, representatives from Industry Canada may be consulted to assist with the resolution.

Where Towers are proposed to be constructed in excess of 100 metres in height, notice will be published in local newspaper(s) that in the opinion of the Planning Department is of sufficiently general circulation in the area of the proposed facility, in addition to the provision of the Public Notification Package to all property owners within 300 metres of the subject property.

Letter of Undertaking

The proponent will be required to provide the municipality with a standard Letter of Undertaking with respect to the installation of the proposed facility. The Letter of Undertaking will confirm the proponent's intention to address any changes necessary to address reasonable and relevant concerns of the municipality and the public and include a site plan acceptable to the municipality.

Resolution of Support

Subsequent to the review of the Planning Management Review Group and the Public Open House (if required), the Planning Department will prepare a summary report to Council. The report will include a summary of matters acknowledged by the Planning Management Review Group, concerns received at the Public Open House and the standard Letter of Undertaking.

Upon Council's direction, a letter will be provided to the proponent stating that the proponent is required to enter into the standard Letter of Undertaking with the municipality. The letter shall also include a resolution of support, provided Council is satisfied that adequate public consultation was conducted and that land use impacts have been addressed.

It is expected that applications for the review of telecommunication and broadcasting facilities shall be concluded within 120 days of receipt of a complete application, including submission of all materials required by this policy.

C. REVISIONS/AMENDMENTS

No.	Date	Revision	Revision By
1	Oct 31/16	Transfer to new format	R. Brown
2	Jun 26/19	Update name/numbering	R. Brown
3	January 23/19	Remove height exemption	R. Brown

**INFORMATION PACKAGE FOR AN XPLORNET COMMUNICATIONS
TELECOMMUNICATIONS FACILITY at 2804 UPCOTT SIDE ROAD, KINGSVILLE ON****VIRTUAL PUBLIC MEETING:**

Monday November 15, 2021 at 6:00PM EDT via Zoom. Pre-registration is required by contacting the Town of Kingsville. Instructions on how to connect to the meeting will be provided prior to the meeting. To register for this event, please contact Mr. Robert Brown or Ms. Kristina Brcic from the Planning Services Department at: Tel: (519) 733-2305 ext. 249 or 250; or via email at rbrown@kingsville.ca

Dear Current Resident / Owner,

Forbes Bros Ltd, on behalf of Xplornet Communications Inc., ("Xplornet") is submitting this information package to formalize the public consultation process related to the installation and operation of a telecommunications facility. This letter is being provided in accordance with the Kingsville Telecommunications policy and serves as an invitation to attend the virtual public meeting and/or submit written questions or comments to the proponent regarding this proposed installation.

Xplornet Site Code: ON7985 "Klondyke East"

Legal: PART OF GORE LOT A CONCESSION SOUTH OF TALBOT ROAD

Address: 2804 Upcott Side Road, Kingsville ON

Coordinates: Lat: (NAD 83) N 42° 04' 56.5" & Long: (NAD 83) W 82° 42' 45.6"

Proposed Site and Background Information

Xplornet's installation is proposed to be built at 2804 Upcott Side Road, Kingsville, ON. The facility is proposed on agricultural property on the east side of the Highway 3 and Upcott Side Road intersection. The tower is proposed toward the western corner of the subject property, setback 80m northeast from Highway 3 and 52m southeast from Upcott Side Road.

The proposed installation is required to provide improved Xplornet broadband internet coverage and capacity in the central region of the Municipality. The site as proposed will provide wireless broadband services for subscribers to the Xplornet network.



Existing Infrastructure and Alternate Locations

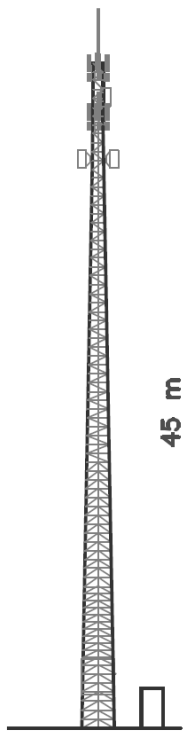
Prior to proposing a new freestanding mobile base station facility, the area is investigated for existing tower infrastructure and/or tall structures suitable for antenna deployment.

Site sharing investigations determined there are no existing telecommunications facilities within 4.0km of Xplornet's proposed location. Additionally, there are no suitably tall support structures existing in the immediate vicinity to deploy Xplornet's antenna equipment.

As there are no suitable alternatives a new freestanding tower structure has been proposed.

The Proposed Installation

The proposed installation is a self-support (steel lattice) style communications structure. The tower structure is a steel lattice framework 2.25m wide at the base and 45.0m in height. Transmitting and receiving antenna equipment is mounted to the upper half of the structure. The tower base will occupy a footprint of 3.0m x 3.0m and include an anti-climb mechanism.



Above: Simulated tower as it would appear from Highway 3/Upcott Side Road intersection (facing east). Please note that although considered to be accurate, this is an artist's rendering only.

Federal Requirements

In addition to the requirements for consultation with municipal authorities and the public, Xplornet must also fulfill other important obligations including the following:

Impact Assessment Act (IAA) *Formerly Canadian Environmental Assessment Act*

Innovation, Science and Economic Development Canada ("ISED" formerly Industry Canada) requires that the installation and modification of antenna systems be done in a manner that complies with appropriate environmental legislation. This includes the Impact Assessment Act, 2019 (IAA), where the antenna system is incidental to a physical activity or project designated under IAA or is located on federal lands.

Xplornet attests that the radio antenna system as proposed for this site is not located within federal lands or forms part of or incidental to projects that are designated by the Regulations Designating Physical Activities or otherwise designated by the Minister of the Environment as requiring an environmental assessment. In accordance with the Impact Assessment Act, this installation is excluded from assessment.

For additional detailed information, please consult the Impact Assessment Act at: <https://laws-lois.justice.gc.ca/eng/acts/I-2.75/>

Engineering Practices

Xplornet attests that the radio antenna system as proposed for this site will be constructed in compliance with the National Building Code and The Canadian Standard Association and respect good engineering practices including structural adequacy.

Transport Canada's Aeronautical Obstruction Marking Requirements

Xplornet attests that the radio antenna system described in this notification package will be installed and operated on an ongoing basis to comply with Transport Canada and NAV Canada aeronautical safety requirements. Transport Canada has confirmed that this proposed installation will not require any marking or lighting.

For additional detailed information, please consult Transport Canada at: <http://www.tc.gc.ca/eng/civilaviation/regserv/cars/part6-standards-standard621-3808.htm>

Health Canada's Safety Code 6 Compliance

Xplornet attests that the radio antenna system described in this notification package will be installed and operated on an ongoing basis so as to comply with Health Canada's Safety Code 6, as may be amended from time to time, for the protection of the general public including any combined operation of additional carrier co-locations and nearby installations within the local radio environment.

More information in the area of RF exposure and health is available at the following web site: Safety Code 6: <https://www.canada.ca/en/health-canada/services/environmental-workplace-health/radiation/consumer-radiation/radiofrequency-fields.html> and <https://www.canada.ca/en/health-canada/services/environmental-workplace-health/reports-publications/radiation/safety-code-6-health-canada-radiofrequency-exposure-guidelines-environmental-workplace-health-health-canada.html>

Innovation, Science and Economic Development Canada (ISED) Spectrum Management

Please be advised that the licensing of this site and its design is under the exclusive jurisdiction of the Government of Canada through CRTC and ISED. Information relating to ISED's public consultation guidelines *CPC-2-0-03 – Radiocommunication and Broadcasting Antenna Systems* is available at <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08777.html> or you may contact the local ISED office at:

Spectrum Management – Southwestern Ontario District Office
4475 North Service Road, Suite 100
Burlington, Ontario L7L 4X7
Phone: 1-855-465-6307
Fax: 905-639-6551
Email: ic.spectrumswodo-spectrebdsoo.ic@canada.ca

Municipal and Public Consultation

In accordance with the Town of Kingsville *Policy for the Development and/or Redevelopment of Communication and Broadcasting Facilities* and ISED consultation guidelines *Radiocommunication and Broadcasting Antenna Systems* (CPC-2-0-03), this information package has been mailed to all property owners within 120m of the limits of the subject property.

Forbes Bros Ltd, on behalf of Xplornet is committed to effective municipal and public consultation. This notice serves as invitation to join the virtual public meeting, Monday November 15, 2021, and/or to submit comments in writing to the proponent. To register for this event, please contact Mr. Robert Brown or Ms. Kristina Brcic from the Planning Services Department at Tel: (519) 733-2305 ext. 249 or 250, email at rbrown@kingsville.ca

Following registration and prior to the event, the Town of Kingsville will send you directions on how to connect to the public meeting:

Contact Information:

Forbes Bros Ltd.

Sean Ogilvie, Real Estate & Gov. Affairs
482 South Service Road E, Unit 130
Oakville, Ontario L6J 2X6
Phone: (647) 224-4399
Email: sogilvie@forbesbrosltd.ca

Town of Kingsville

Robert Brown, H. Ba., MCIP, RPP
Manager of Planning Services
2021 Division Road North
Kingsville, Ontario N9Y 2Y9
Phone: (519) 733-2305 ext. 250
Email: rbrown@kingsville.ca

Planning Justification Report

Xplornet Communications Broadband Site: ON7985

Sean Ogilvie, Real Estate & Government Affairs

3/1/2021

Xplornet Communications Inc., justification for a proposal to erect a 45.0m tall self-support (steel lattice) style telecommunications support structure and related equipment at 2804 Upcott Side Road, Kingsville, ON

Overview

Forbes Bros Ltd Telecommunications Services has been retained by Xplornet Communications ("Xplornet") with respect to a proposal to build a new free standing 45.0m tall self-support (steel lattice) type telecommunication facility (ON7985) to be located at 2804 Upcott Side Road in Kingsville, Ontario. The purpose of this report is to provide analysis and justification in support of the proposed facility and to assist the land-use authority in providing comments on the proposed development.

Purpose

The proposed facility forms one part of Xplornet's network expansion across Ontario. This proposed facility will provide enhanced wireless broadband coverage and capacity for the central region of the Municipality.

Location

Xplornet's proposed location is on property described as Part of Gore Lot A Concession South of Talbot Road and has the municipal address 2804 Upcott Side Road, Kingsville, ON. The proposed facility would be located approximately 68m east from the Highway 3 and Upcott Side Road intersection (Figure 1).

The tower is proposed to be located toward the western corner of the subject property. The tower site and compound will be setback approximately 35m (southeast) from Upcott Side Road and 22m (northeast) from Highway 3 and has the geographic coordinates:

Latitude (NAD83) N 42° 04' 55.8"

Longitude (NAD83) W 82° 42' 47.3"

The proposed facility is approximately 200m away from the nearest residential property.

Figure 1 – Location Map



Design

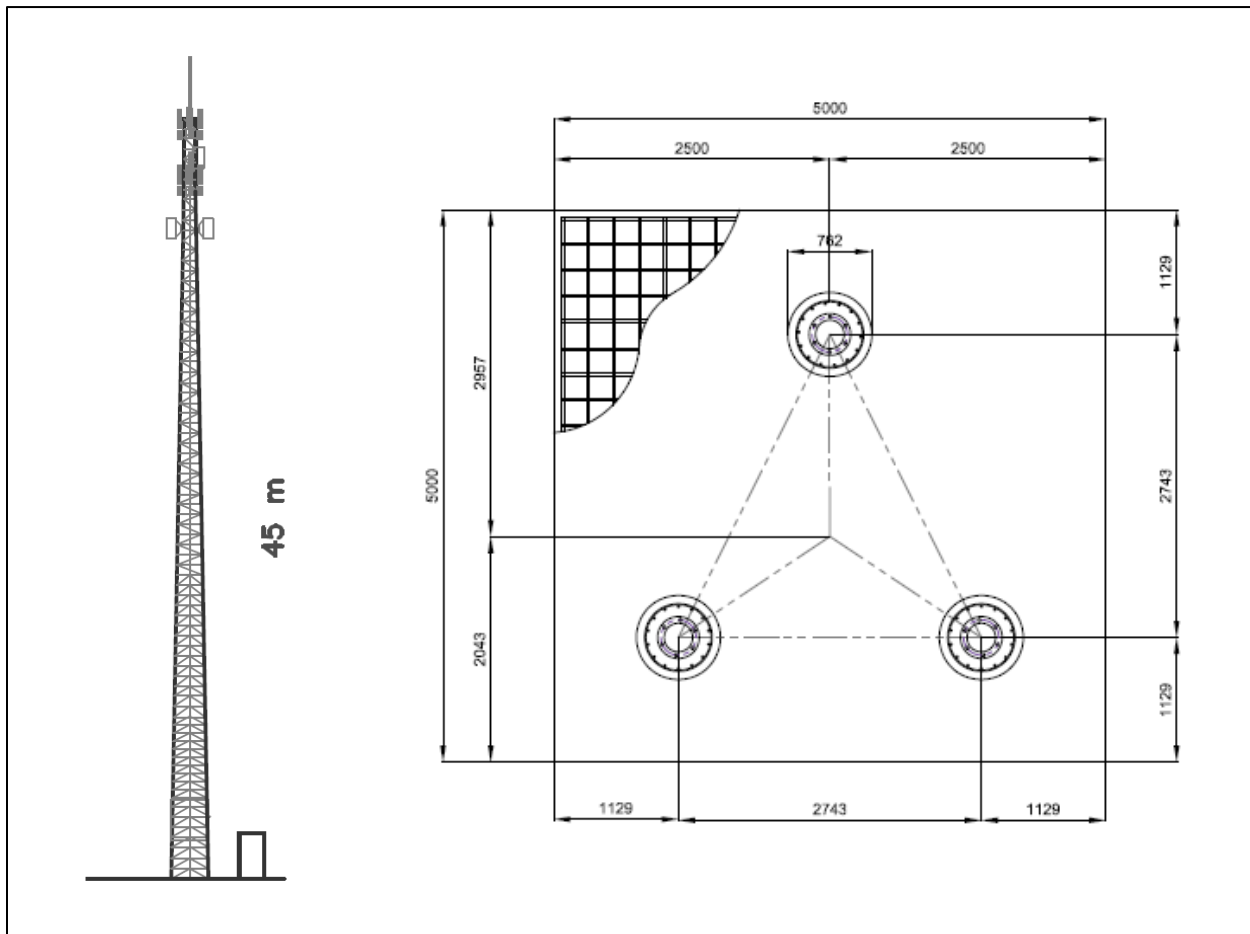
Xplornet has proposed a 45.0m tall self-support (steel lattice) structure, antenna, and radio equipment within a 15.0m x 15.0m leasehold area.

The proposed facility is comprised of the tower support structure, antenna equipment and a radio equipment cabinet. The tower structure will occupy a ground footprint area of approximately 3.0m x 3.0m. The equipment cabinet houses the radio equipment, backup battery power, maintenance tools, manuals and a first aid kit. The equipment cabinet has the dimensions of 2.0m x 2.4m and is about 2.8m in height (Figure 2).

The support structure is a steel lattice framework with transmitting and receiving antennas mounted to the upper half of the structure. The tower height allows the antenna equipment to propagate wireless signals over top of obstacles (trees, buildings, varying topography) and maintain line of sight connections to other Xplornet facilities in the network.

The proposed installation provides an opportunity to accommodate future technologies as well as potential co-location with other licensed carriers, thus limiting the number of new tower structures required in the area.

Figure 2 – Proposed Compound Layout Plan & Tower Elevation Plan



Evaluation of Existing Structures

Co-location and rooftop deployment are the first locations considered in achieving new coverage objectives. For site sharing to be considered technically feasible, existing telecommunication sites and other tall structures must be located within the search area prescribed by Xplornet network engineers. These locations must also provide adequate deployment height and structural capacity to hold additional equipment.

Site sharing investigations determined there are no existing telecommunications facilities within 1.0km of Xplornet's proposed location. Additionally, there are not suitably tall support structures existing in the immediate vicinity to deploy Xplornet's antenna equipment.

The closest existing telecommunications sites are over 4.0km away from Xplornet's proposed location and are too far to effectively achieve the target coverage.

Please see Figure 3 and the chart below for a list of the closest existing mobile base stations.

Site Code	Carrier	Height	Distance	Location
ON0529	Telus	62m	4.12km	Rd 4 E
N/A	Rogers	70m	4.32km	1916 Rd 4 E
N/A	Rogers	47m	4.25km	1255 Concession Rd 2 E
N/A	Xplornet	37m	4.97km	59 Pulford St (water tower)
COTTAM	Rogers	59m	4.70km	169 Talbot Rd

Figure 3 – Existing Telecommunication Sites (1.0km Radius – Yellow)



Planning Context and Existing Land-Use

The site is located on property designated as Agricultural ("A-1") per the Town of Kingsville Zoning By-Law Schedule A (Map 40). The subject property is abutted by further agricultural zones on all sides.

Conclusion

As communities continue to grow to depend on wireless products and their services, it will be necessary to improve network coverage and quality. Improving network coverage and quality is achieved by increasing mobile base station infrastructure to fill coverage gaps and increase capacity for current and future wireless users.

In response to the demand for high quality broadband services in Ontario, Xplornet has proposed a telecommunications site that achieves the technical requirements of the network while remaining as unobtrusive as possible for the local community.

I look forward to working with the Municipality in providing enhanced wireless services to the community. Should you require any further information please do not hesitate to contact me at 647-224-4399 or by email at sogilvie@forbesbrosltd.ca

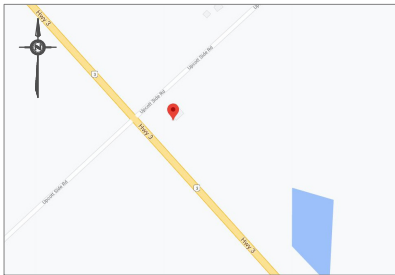
Sincerely,

Sean Ogilvie, Real Estate & Government Affairs
Forbes Bros Ltd. Telecommunication Services
482 South Service Road East, Unit 130
Oakville, ON L6J 2X6

SITE DATA	EXISTING	PROPOSED
PROPERTY AREA	±18ha	
AREA LEASED		
HYDRO & FIBER OPTIC (PART 1)		82 sq.m.
COMPOUND (PART 2)		120 sq.m.
ACCESS (PART 3)		356 sq.m.
TOTAL		558 sq.m.
UNITS		1 PROPOSED STEEL SELF SUPPORT TOWER 1 PROPOSED RADIO EQUIPMENT SHELTER
HEIGHT OF TOWER		45.00m
SETBACKS		
PROPOSED STEEL SELF SUPPORT TOWER		
FRONT (UPCOTT SIDEROAD)		±47 m
SIDE (HWY No. 3)		±65 m
PROPOSED RADIO EQUIPMENT SHELTER		
FRONT (UPCOTT SIDEROAD)		±50 m
SIDE (HWY No. 3)		±67 m

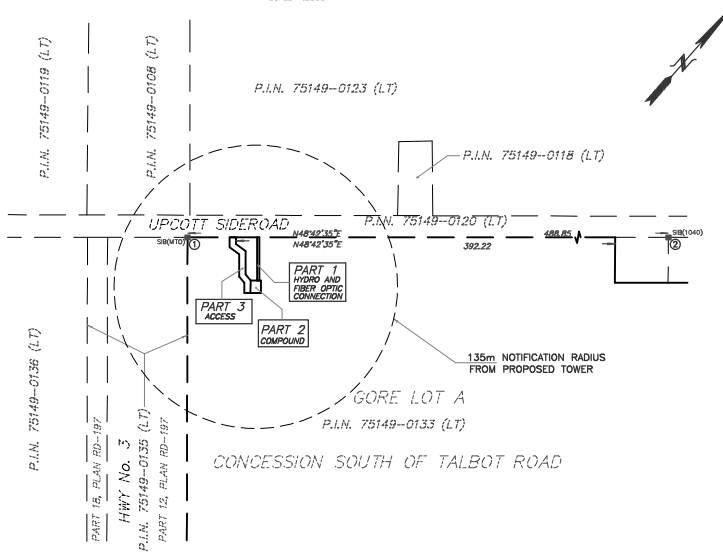
KEY PLAN

NOT TO SCALE



NOTIFICATION RADIUS PLAN

SCALE 1:2500



SITE PLAN

PROPOSED

TELECOMMUNICATION INSTALLATION

PART OF GORE LOT A
CONCESSION SOUTH OF TALBOT ROAD
TOWNSHIP OF GOSFIELD SOUTH
COUNTY OF ESSEX

SCALE 1 : 250



ALEX MARTON LTD.
ONTARIO LAND SURVEYORS

METRIC

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN
BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

SCHEDULE

PART	PART OF LOT	CONCESSION	P.I.N.	AREA sq.m
1	GORE LOT A	STR	75149-0133 (LT)	82
2				120
3				356

INTEGRATION NOTE

BEARINGS SHOWN ARE GRID BEARINGS AND ARE DERIVED FROM OBSERVED REFERENCE
POINTS (ORP'S) 1 AND 2 BY REAL TIME NETWORK OBSERVATIONS, UTM ZONE 17,
NAD 83 (CSRS) (1987.0 EPOCH).

DISTANCES SHOWN ON THIS PLAN ARE GROUND DISTANCES AND CAN BE CONVERTED TO GRID
DISTANCES BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99982.

INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORP'S) DERIVED FROM GPS REAL TIME NETWORK OBSERVATIONS AND ARE REFERRED TO UTM ZONE 17, NAD 83 (CSRS) (1987.0). COORDINATE VALUES ARE TO URBAN ACCURACY PER SECTION 14 (2) OF O. REG 216/10		
POINT ID	NORTHING	EASTING
ORP 1	4660331.33	358263.60
ORP 2	4660653.91	358630.91
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		

ELEVATION NOTE

ELEVATIONS SHOWN HEREON ARE GEODETIC
AND ARE DERIVED FROM GPS OBSERVATIONS
USING REAL TIME NETWORK OBSERVATIONS.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THE SURVEY WAS COMPLETED ON THE 23TH DAY OF DECEMBER, 2020.

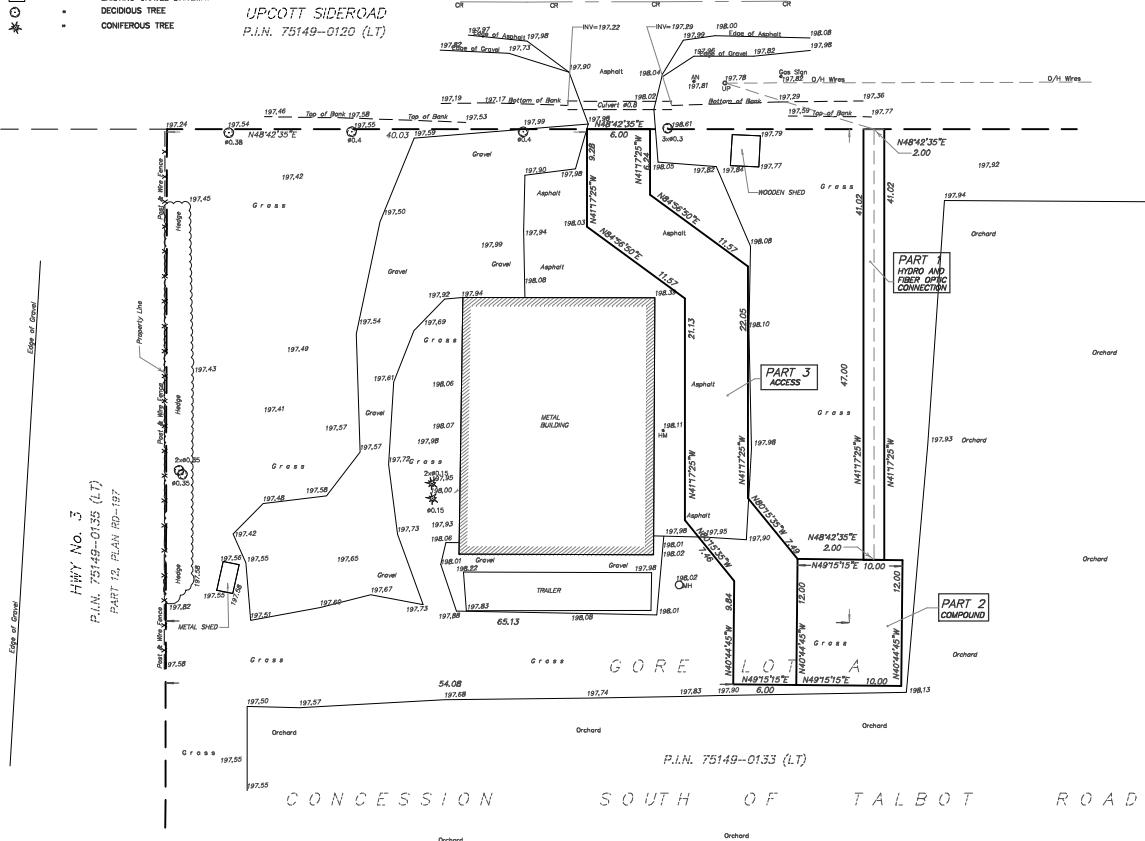
JANUARY 15, 2021
DATE

A. MARTON
ONTARIO LAND SURVEYOR

LEGEND

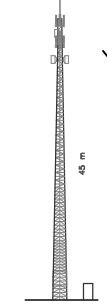
SYMBOL	DENOTES	SURVEY MONUMENT FOUND
■	STANDARD IRON BAR	MINISTRY OF TRANSPORTATION
○	NORTH, SOUTH, EAST, WEST	PROPERTY IDENTIFIER NUMBER
○	UTILITY POLE	UTILITY POLE
○	CENTERLINE	CENTERLINE
○	OVERHEAD	OVERHEAD
○	ANCHOR	ANCHOR
○	MANHOLE	MANHOLE
○	HYDRO METER	HYDRO METER
○	INVERT	INVERT
○	DIAMETER	DIAMETER
○	ELEVATION ON THE GROUND	ELEVATION ON THE GROUND
○	EXISTING GRAVEL DRIVEWAY	EXISTING GRAVEL DRIVEWAY
○	DECIDUOUS TREE	DECIDUOUS TREE
○	CONIFEROUS TREE	CONIFEROUS TREE

UPCOTT SIDEROAD
P.I.N. 75149-0120 (LT)



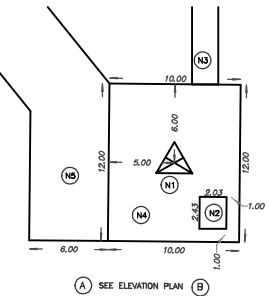
ELEVATION PLAN

NOT TO SCALE



PROPOSED COMPOUND LAYOUT PLAN

SCALE 1:200



NOTES

- PROPOSED STEEL SELF SUPPORT TOWER.
PAINT COLOUR SUBJECT TO NAV CANADA REQUIREMENTS.
ANTENNA NUMBER AND LOCATIONS TO BE DETERMINED.
FOUNDATION DESIGN PENDING SOIL REPORT.
- PROPOSED RADIO EQUIPMENT SHELTER ON
REINFORCED CONCRETE SLAB.
- HYDRO CONNECTION AND ROUTING TO BE DETERMINED BY
QUALIFIED PERSONNEL IN CONSULTATION WITH LOCAL AUTHORITY.
- REMOVE EXISTING TOPSOIL, PROOF ROLL SUBGRADE AND PLACE
300 mm GRANULAR A CROSS COMPOUND AREA. FINISHED GRAVEL
SURFACE TO BE MINIMUM 150 mm ABOVE EXISTING GRADE AND
SLOPED AWAY FROM PROPOSED STRUCTURES AT
MIN. 1% ON ALL SIDES TO PROVIDE ADEQUATE DRAINAGE.
- PROPOSED GRAVEL ACCESS WAY.



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Date: November 2, 2021
To: Committee Members
Author: Richard J.H. Wyma,
Director of Community and Development Services
RE: Framework for a Main Street Strategy
Report No.: CADS 2021-02

COMMITTEE OF THE WHOLE

RECOMMENDED ACTION

1. That Administration proceed with finalizing the Main Street Strategy Framework;
2. That the Committee recommend to Council that the 2022 Budget include \$100,000 for development and implementation of the Main Street Strategy Framework; and
3. That Administration draft Official Plan amendments related to the Main Street Strategy for Council approval, to be included in Planning Services response to the County of Essex related to the Official Plan Amendment.

BACKGROUND

In February 2020, in response to issues facing Main Street corridor, Council directed Administration to review current policy (Official Plan, zoning, approvals processes) and create an Ad Hoc Committee of stakeholders to review, provide recommendations for updates and changes to inform a comprehensive plan for development on Main Street, address traffic management and other issues identified by the Committee.

The Main Street Policy Development Review Committee was established to:

- Review: what policies are currently in place and how they help or hinder, create or fragment;

- Explore: through the facilitation of an open, broad discussion on the vision for the Main St. corridor;
- Focus: on what is the initial study structure to yield the best overall result for development along the Main St. corridor;
- Create: an interconnected policy or policies that provide the Town and its residents with a conveyable vision of the future.

The Committee split into four sub-committees, who presented their ideas to council as summarized below (and included in Appendix 1:

1. **Traffic** – to review and provide recommendations to the committee on how to best address the traffic concerns related to areas such as but not limited to safety, volume, routing and active transportation. The Committee brought forward ideas related to traffic congestion, traffic and pedestrian safety, and active transportation.
2. **Heritage** – to review the location of both designated and properties of interest currently identified in the Kingsville Official Plan. The Committee brought forward ideas related to protecting designated and other key properties in the core, enhancing heritage elements in the core through by-law controls (e.g. building height, setbacks, cladding, signage), parking, and heritage-themed design standards for residential and commercial development.
3. **Urban Design** – to review the current mix of architectural design, scale and placement of buildings along Main St. and provide recommendation to the committee on possible development of specific guidelines for future development related to style, scale, placement etc. The committee presented ideas related to gateways, greenspace, public art, wayfinding, and commercial and residential building design standards.
4. **Zoning, Landscape and Signage** – to review of the current zoning regulations along Main St. The group proposed the development of a greenspace bylaw, property standards and signage by-laws, enforcement and compliance of existing bylaws and regulations, and secondary planning for the Downtown core.

These four areas were supported by a fifth area: **Policy Development**, which spoke to policies that would need to be changed or created to support downtown redevelopment and could include site-specific special policy areas, downtown Community Improvement Planning, and reworking current policy to focus more specifically on the Main Street corridor. In all cases, policy would need to be consistent with applicable local, County and Provincial policy.

DISCUSSION

The Need for a Strategy

Main Street is an area in transition. Given its location, its prominence, and the opportunities associated with anticipated future changes, the Town has a chance to

revitalize and transform the traditional 'main street' and surrounding community into a unique, vibrant, mixed-use destination based on principles of sustainability and resilience, economic and social vitality, place-making, cultural diversity, increased accessibility, connectivity and high quality design.

In recent years, Main Street, along with much of the community have experienced strong growth. Much of the growth has been residential in nature however new commercial development, redevelopment and residential intensification and conversions have also played a role. This growth has added to existing traffic and created increased conflict between land uses, and tensions between those encouraging growth and those in the community concerned that growth will change the character of the Main Street 'experience'. There was also a perceived lack of public input into these changes, and a noted lack of cohesive vision for downtown.

Framework for a Main Street Strategy

In response, Administration has developed a Framework for a Main Street Strategy that includes short, and longer-term planning, design and policy initiatives that respond to ideas presented by the Main Street Policy Development Review Committee and places them in a planning and design context.

The Framework also proposes expanding the Main Street Corridor Study Area, consistent with discussions during the tenure of the Committee, to include additional lands that should be considered as part of an overall plan for the Main Street Corridor (e.g. public school, vacant lands in the downtown core) and promote physical connection to existing parks and green spaces/valley lands and

1. **Vision and Principles.** The Committee noted the increase in development along Main Street has taken place in a perceived *ad hoc* manner and with public comment on a project by project basis, rather than a more comprehensive plan. With the anticipated opportunities for reuse and redevelopment of the elementary and high schools, and the renewed interest in the downtown, there is a need for the Town to work with the community to establish a clear vision and principles to guide development along the Main Street Corridor. This vision and principles can balance growth with character, traffic and active transportation, intensification with tradition, and economic growth and tourism with local values and priorities; and consider principles of inclusion, economic revitalization, resilience, vibrancy, identity, energy/environment, and liveability.
2. **Main Street Plan.** The Committee presented ideas regarding building heights, reduced setbacks, architectural design and features, greenspace and civic spaces in the core, public art and residential and non-residential densities, building typologies and land uses, and wayfinding among with other elements. Some of these ideas need to be considered as part of a Plan for the Main Street Corridor, others should be considered through the development of Urban Design Policies as described later in this report.

Defining and planning for a new vision for Kingsville's Main Street Corridor will require careful consideration of how to maintain the strong existing character with new planning requirements such as affordable housing, higher density neighbourhoods, open spaces, walkability and complete streets, traffic speeds, downtown parking, and other changes as presented by the Committee. These are 'big moves' in thinking, and will require broader discussion and engagement with all residents of Kingsville.

As part of a rigorous planning process, there are also opportunities to appropriately include affordable/attainable housing in the corridor, promote mixed-use development, support energy and environmental aspects of development, and create a liveable Main Street.

The Plan should also look at how the Main Street Corridor is connected to the broader community, connect existing green spaces and park lands/valley lands, and connectivity to other 'nodes' in town (e.g. Recreation Complex, Waterfront Lands, etc.). As suggested by the Committee, a Main Street Corridor plan may need to be expanded to include lands to the north and south of the study area (the area around the public school, residential areas in the 'core', and vacant lands in the central portion of the corridor); parks, green spaces and valley lands to the east (Wigle Creek) and west (Mill Creek) to provide potential trail corridors/connections between Main Street and the waterfront area and include downtown park lands (e.g. Lions Park, Carnegie Arts and Tourism Centre).

3. **Urban Design Policies.** In keeping with the Main Street Plan, Urban Design Policies are required to embed the principles of 'placemaking' and the existing character of the downtown corridor through:
 - Built Form: building height/transition in relation to heritage resources, building envelopes, orientation and setbacks, architectural building materials, architectural building features, gateways and vistas, lighting, façade design, commercial signage, amenity areas, sidewalk life, parking
 - Public Realm: heritage nodes, spines/connectivity to broader community, neighbourhoods, open space, trails, green streets, etc.
 - Movement: Main St./Secondary Streets, laneways, trails (based on Transportation Master Plan outputs)
4. **Streetscape Design Guidelines.** Streetscape Design Guidelines *ground* the Main Street Plan and Design Policies on the street and describes, visually, design treatments and strategies for the walking zone, planting and furnishings zone, streetscape easement, shared bike lanes/facilities, on/off-street parking, lighting, signage and wayfinding, public art and universal accessibility.
5. **Incentives.** To inspire investment/re-investment in the Main Street Corridor, and to encourage alignment with the Plan/Policies, the Town will review its current incentive programs for Main Street, and identify potential incentive/loan programs to support investment. This may include the creation of a Downtown CIP that includes support

for planning, Design and Architecture, Building rehabilitation or Façade improvements, 'sidewalk life', public arts, affordable/attainable housing, etc.

6. **Implementation.** As may be required, Administration will need to amend the Kingsville Official Plan and/or Zoning Bylaw to accommodate planning and policy direction for the Main Street corridor. Similarly, the Town may need to create strategies to promote and support streetscape improvements, vacant/underutilized site improvements, 'sidewalk life', marketing or other programs. The Town will also need to establish implementation phasing and monitoring of progress, and explore opportunities for investment and support from senior levels of government and other partners.

Creating a vibrant downtown does not just happen. It is the result of a rigorous planning process, informed by public engagement, integrated within the broader community, and mindful of Main Streets past, its present, and its future. Development of the Main Street Strategy, as described above, will be developed over time. Each step will require research, review, and engagement within the community, and will require external supports and associated funding commitments (see below).

NEXT STEPS

Official Plan Amendments

In January 2021, Council approved amendments to the Kingsville Official Plan as part of the Five-Year Review process. Following Council approval, the amended OP was provided to the County of Essex, as the approval authority. The County of Essex reviewed the amended plan and identified some editorial changes and other comments. Kingsville Planning Services are revising the OP based on County comments and will be submitting an updated OP to Council for approval in early 2022.

Administration is also recommending that Planning Services include new amendments related to the Main Street Corridor based on ideas presented by the Main Street Development Review Committee, discussions and direction from Council, and other best practices related to downtown/Main Street development. Adding amendments now to the OP for approval by County of Essex will provide clearer guidance and direction to the development of the strategy and guide future development on lands included in the Main Street Corridor.

Administration is proposing to draft amendments for Council approval that defines a 'Main Street Corridor' overlay to identify lands where specific policies will apply to facilitate more cohesive and complimentary development/re-development; and defines new goals for lands within the overlay that will:

- require a higher standard of design and planning to lands within the corridor and to:
 - ensure that development/re-development complements and respects the scale, density and mix of uses

- create a distinct and vibrant community
 - enhance connectivity and accessibility
 - integrate sustainability and resiliency
 - preserve built heritage, cultural and natural resources; and
 - inspire creativity and innovation
- provide for a full range of housing types that are compatible with existing development;
 - limit increases in density, height and scale of development consistent with surrounding uses;
 - require additional planning justification;
 - provide for the development of urban design policies, site specific zoning provisions, development of one or more Community Improvement Plans, and secondary plans (e.g. Kingsville District High School and Public School areas) to guide planning, design and implementation.

Further to these goals, Administration will propose specific policy guidance in the Amendments for lands within the corridor which could include that:

- new development or redevelopment shall be required to demonstrate how any increase in density above 20 units per hectare (low density) is consistent with the density, height and scale of the uses surrounding the subject site(s);
- For those lands with direct frontage on Main St.:
 - development shall be limited to a maximum of 3 storeys or no greater than the average height of development within 60 m, whichever is less;
 - development which increases traffic volume and/or requires additional access to Main St. will be discouraged;
 - new development or redevelopment for commercial use shall be encouraged to provide a mix of ground floor commercial and upper floor residential which is complementary to and supportive of the community;
 - lands including or abutting a property which is designated under the Ontario Heritage Act or included on the Town's inventory of properties of heritage interest must prepare a detailed heritage impact assessment which demonstrates no negative impact to the protected heritage property or property of interest;
 - development proposed on a property of interest shall, in all cases, be encouraged to preserve or incorporate the buildings and structures of interest into a development or redevelopment through adaptive reuse.
 - Development shall be required to provide a higher quality standard of landscaped open space and be encouraged to explore alternative and low-impact methods of storm water management.

Much of the policy that will form the final amendment to the Official Plan, applicable within the Main St. Development Corridor Overlay, will be implemented through regulations in the Kingsville Comprehensive Zoning By-law.

These goals and policies presented here are intended to be an initial framework for the Strategy. It is expected that as work continues that additional policy may be developed and included as part of the final documents. The committee presented a wide variety of ideas, however not all of these translate into policy development and either are being addressed as part of other exercises such as capital projects already planned or will need to be addressed through other means.

For example, Active Transportation was strongly supported by the Committee, and is strongly supported by Administration, though its implementation in the Corridor will require further research and consideration of options within a limited corridor. Active Transportation plans also need to be connected to areas outside the corridor which are being explored through the Transportation Master Plan which is expected to be completed in 2022. Similarly, specific signage and wayfinding design guidelines need to be based on the Main Street Plan and the development of urban design policies to ensure consistency within the Corridor and within the Town.

To that end, the Strategy will incorporate the ideas from the Committee where it is most appropriate for them to be developed.

Funding the Framework

Administration is exploring opportunities for funding to implement the steps in the framework as described above, in collaboration with Kingsville Planning.

FedDev Ontario has recently launched its My Main Street program which includes two streams:

- **Community Activator Program** to provide support for community projects in Southern Ontario including main street policy and partnership development designed to increase local vibrancy. The MyMainStreet program, delivered through the Canadian Urban Institute and Economic Developers Council of Ontario, supports sustainable placemaking strategies as a means of reimagining and reshaping public space to maximize its value.
- **Local Business Accelerator Program** to help support the revitalization of Main Street neighbourhoods throughout Southern Ontario. Its goal is to revitalize and 65 Main Streets through Main Street Ambassador(s), market research, data analysis and funding contributions to support small businesses.

Administration is preparing applications for both programs for 2022 to help fund a planning and design consultant to collaborate with Administration on the Main Street Strategy and support Main Street revitalization.

FINANCIAL CONSIDERATIONS

Downtown/Main Street Development Plans are typically completed with support from planning and design consultants. Most municipalities do not maintain the broad capacity

required to complete the varied nature of the work. Administration has discussed the plan with other local municipalities that have undertaken similar plans, and with consultants that have collaborated with municipal planning staff to complete these plans. Based on these discussions, it is estimated that the cost to develop the Main Street Plan, Urban Design Policies, and Streetscape Design Guidelines is \$100,000. As noted above, Administration will apply for funding through the FedDev Ontario MyMainStreet program which, if successful, will provide funding to the Town to complete this work.

Administration proposes including \$100,000 in the 2022 Budget for consideration by Council.

CONSULTATIONS

Manager of Planning
Senior Management Team
Invest WindsorEssex



Richard J.H. Wyma, CSLA
Director of Community and Development Services

REVIEWED BY:



John Norton
CAO

LINK TO STRATEGIC PLAN

Strive to make the Town of Kingsville a more accessible community.

Promote the betterment, self-image and attitude of the community.

To promote a safe community.

Support growth of the business community.

Manage residential growth through sustainable planning.

Manage growth through sustainable planning.

Link to Council 2021-2022 Priorities

- ☐ COVID-19 and the health and safety of the community
- ☐ Customer Service: Training, Technology, Staff, Review Standards/Level of service
- ☒ Housing: Affordability (lot sizes, developer incentives, second dwellings, density, etc.)
- ☐ Greenhouse: lights & dark sky, odours (site plan compliance, bylaws, other tools)
- ☐ Programming Increase: Youth and Seniors
- ☒ A development plan for Downtown Kingsville / Main Street
- ☒ Financial savings: Schools closings, Migration Hall
- ☐ Economic Development: strengthen tourism/hospitality
- ☐ COVID - economic recovery
- ☐ Communications: Strategy – Policy (social media), Website refresh and other tools, Public engagement
- ☐ Housing: Migrant Worker Housing – Inspections (Building/Fire), regulate, reduce, or increase
- ☐ Committees / Boards: Review and Report
- ☐ Policy Update: Procedural Bylaw
- ☐ Economic Development: diversify the economy, create local jobs, industrial, Cottam
- ☐ Infrastructure (non-Municipal): Union Water expansion & governance
- ☐ Infrastructure (Municipal): Asset Management Plan update, the infrastructure funding deficit
- ☐ No direct link to Council priorities



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Date: October 29, 2021
To: Committee of the Whole
Author: G.A. Plancke / Director of Infrastructure & Engineering
Subject: Local Improvement Policy Clarifications

For discussion, and clarification purpose only

G.A. Plancke

G.A. Plancke Civil Eng. Tech (Env)
Director of Infrastructure & Engineering

Policy #: Issued: December 14, 2015 Reviewed/Revised:
Prepared By: Reviewed By: Senior Administration Approved By: Council

1.0 PURPOSE

The overall purpose of this Local Improvement Policy is to provide for works undertaken pursuant to the provisions of the Municipal Act, 2001, O. Reg. 586/06 (as amended) and is intended to provide a method of establishing a fair and equitable assessment upon benefitting properties for the works that are undertaken.

1.1 Works Undertaken as Local Improvements

Works that are eligible to be undertaken as a local improvement on existing streets shall be undertaken by Council of the Town pursuant to O.Reg. 586/06

1.2 Cost Based Upon Fixed Rate

- a) The cost of the works shall be assessed upon benefitting properties based upon a maximum fixed rate per meter of accessible frontage as follows:

Sanitary Sewers	\$290.00 per meter
Storm Sewers	\$250.00 per meter
Road Works (curb & gutter only)	\$65.00 per meter

- b) The cost of the works for the sewer service connections shall be assessed at the actual costs per connection upon benefitting properties.

The Engineer will provide an estimate per connection.

- c) If the cost of the works is more than the maximum fixed rate, then the excess costs above the fixed rate shall be charged to the Town.
- d) The cost of works that abut a corner lot or are irregular in shape shall have adjusted assessments as determined by the Engineer.

1.3 Street Lighting / Sidewalks

The costs of standard street lighting and sidewalks for local roads shall be assessed on a 50/50 (Town/Property Owner) basis for the benefitting properties.

1.4 Catch Basins

The Town shall pay 100 % of the cost of construction of catch basins and related connections

1.5 Special Circumstances

Where, in the opinion of Town Council, the works are not warranted, or is a special circumstance, the benefitting properties may be assessed up to 100% of the costs of the works.

1.6 Annual Report

The Director of Municipal Services shall annually report to Council if changes to the fixed rates are warranted.

1.7 Financing/Debentures

Assessed costs to benefitting property owners in excess of \$100 will be in accordance with the **Town's Debenture Policy**.

2.0 SCOPE

3.0 DEFINITIONS

4.0 REFERENCE DOCUMENTS

Municipal Act, 2001, O. Reg. 586/06, as amended

5.0 RESPONSIBILITIES

6.0 PROCEDURE

7.0 REVIEW/REVISIONS

Questions about this policy can be referred to the Director of Infrastructure & Engineering Services.

LOCAL IMPROVEMENT POLICY

Petition for Local Improvement

To: The Mayor and Municipal Council
Corporation of the Town of Kingsville

WE HEREBY PETITION that Council of the Town of Kingsville authorize the following works which may be undertaken as a local improvement.

ALL AND SINGULAR those parcels and tracts of land situate, lying and being in the Town of Kingsville, County of Essex, and Province of Ontario and being composed of those Parts of Lots or Lots and being on the North / East side of Street, a distance of approximately meters.

ALL AND SINGULAR those parcels and tracts of land situate, lying and being in the Town of Kingsville, County of Essex, and Province of Ontario and being composed of those Parts of Lots or Lots and being on the South / West side of Street, a distance of approximately meters.

The property owners of the undersigned land within the above-mentioned area (Owners' list attached) petition that:

- a) THE said area be defined as the Local Improvement Area with the construction of Sanitary Sewers and Storm Sewers with connection to each as required.
- b) THAT an Engineer's Report be prepared to determine the feasibility and costs to the property owners. It is further understood that should the report not be accepted by the Petitioners, that any and all costs accumulated to date will be apportioned equally between the Petitioners in the event that the works does not proceed.
- c) THAT this petition in favour of undertaking the works as a local improvement must be signed by at least two-thirds of the owners representing at least one half of the value of the lots liable to be specifically charged for the work.

LOCAL IMPROVEMENT POLICY CHECKLIST

O.REG.586.06 (AS AMENDED)

(See MUNICIPAL ACT, 2001, S.23)

Local:

Type:

Steps to Passing Local Improvement By-Law	Date:
Town decided to undertake local improvement project (on own initiative or by significant petition of owners), O.Reg. 586/06 s.2.	
Town to appoint an Engineer for the project. Clerk to supply necessary assessment roll information to Engineer.	
Receive and review report of Engineer	
Town to give details notice of intention to pass By-law to Public and owners of lots liable to be specifically charged, O.Reg.586/06 s.6.	
No sufficient petition against proposed By-Law by deadline. Clerk determines sufficiency of petition, O.Reg. 586/06 ss.9 and 10.	
If petition against works received see, O.Reg. 586/06 s.7.	
Town Passes Local Improvement Charges By-Law, O.Reg. 586/06 s.5.	
Tenders Prepared by Engineer	
Tenders opened and Report to Council to Award Tender	
Necessary Documentation Received from Tender	
Contracts Executed	
Work Commenced – Notice to all Property Owners of Commencement Date	
Engineer to Supervise Works	
Works Completed	
Final Inspections Made	
Final Costs Determined – Administration and Engineer to Confirm and Prepare Final Schedule of Assessment	
Notice shall be provided to the Public and the Owners of Affected Properties of the Committee of Revision Hearing, O.Reg. 586/06 ss.20 and 21	
Committee of Revision Held if Objection or Proposed Revision is received O.Reg. 586/06 s.21.	
No objections to Committee of Revision, the Treasurer shall Certify the local improvement roll without a hearing, O.Reg. 586/06 s 21	
Special Charges By-Law to be Prepared, O.Reg. 586/06 s.30.	
Annual Payments to be Placed on Local Improvement Roll, O.Reg. 586/06 s.30	



**COMMITTEE OF THE WHOLE
MINUTES**

Monday, October 18, 2021

6:00 PM

Council Chambers

2021 Division Road N

Kingsville, Ontario N9Y 2Y9

Members of Council Mayor Nelson Santos
 Deputy Mayor Gord Queen
 Councillor Kimberly DeYong
 Councillor Tony Gaffan
 Councillor Laura Lucier
 Councillor Thomas Neufeld
 Councillor Larry Patterson

Members of R. Brown, Manager of Planning Services
Administration Paula Parker, Town Clerk

 J. Galea, Human Resources Manager
 S. Kitchen, Deputy Clerk-Council Services
 R. McLeod, Director of Financial & IT Services
 A. Plancke, Director of Infrastructure & Engineering
 R. Baines, Deputy Clerk - Administrative Services
 J. Norton, CAO
 J. Quennell, Fire Chief
 S. Hirota, Director of Legal and Clerk Services
 R. Wyma, Director of Community and Development Services

A. CALL TO ORDER

Chairman Queen called the Committee Meeting to order at 6:02 p.m.

Members of the Committee participated in the meeting through video conferencing technology from remote locations.

B. DISCLOSURE OF PECUNIARY INTEREST

Chair Queen reminded the Committee that any declaration is to be made prior to any item being discussed and to identify the nature of the conflict, if any, as the agenda items come forward.

Councillor DeYong declared a pecuniary interest with respect to Item F-1. The Councillor's interest was fully disclosed in closed session.

Chairman Queen welcomed Town Clerk Paula Parker to the Town of Kingsville team.

C. ORDER OF BUSINESS

1. TELUS Communications Inc.--Revised Tower Location and Design

R. Brown, Manager of Planning Services

RE: Proposed Telecommunications Tower--Part of Lot 280, Concession STR, Vacant Land East Side of County Road 23

Mr. Brown presented his Report dated October 12, 2021 regarding a proposed telecommunications tower installation and a request for a statement of concurrence.

Comments from the Applicant (LandSolutions LP, on behalf of TELUS Communications Inc.):

Brenden Smith, Municipal Affairs Specialist, presented the proposal, the revised site selection process, industry trends, and other information. He stated that the site selected is central to the area requiring additional coverage and network capacity, and will provide enhanced wireless service, including high-speed home and business internet.

Ben van Reekum (Site Acquisition and Municipal Affairs Specialist) was also in attendance.

Comments from the public:

Elaine Robins, Resident, indicated that many of her questions had been answered, and asked for confirmation of the proposed tower location in relation to her property. Mr. Brown displayed the location of the proposed tower on screen.

Dean Colasanti, 4204 County Road 23, advised that his home is approximately 90 metres from the property line and is most impacted by the proposal. He requested that the tower be relocated 250 metres from his property line to the south east (option 7). Alternatively, he asked that the tower be placed north (i.e. north east or north west) of his house within the 5-acre triangle which he owns, a distance of approximately 50 m from the road. Mr. Colasanti suggested that the location would be in the centre of the search ring, would be more accessible, and the existing trees provide a natural buffer.

COTW9-2021

Moved by Mayor Nelson Santos

Seconded by Councillor Larry Patterson

That the Committee direct that TELUS Communications Inc. explore the options further as proposed by Mr. Colasanti and bring the information back to Council at a future Regular Meeting.

CARRIED

2. Draft Lighting Guideline Policy

The Director of Infrastructure and Engineering presented the draft Infrastructure and Engineering Services Lighting Guideline Policy, indicating that he is seeking feedback and input.

The Committee provided feedback and comments for the Director's consideration and review, and indicated the draft policy is a good first step in the process. The Committee commented as well that a by-law was requested to be brought forward by Administration regarding outdoor illumination encompassing best practices as utilized in other municipalities. Director Plancke agreed that a lighting by-law would address existing outdoor lighting, enforcement, and other factors, having in mind existing staffing limitations. Administration will provide an update on the original Council Motion in this matter passed in 2020.

3. Allocation of Safe Restart (COVID-19) Funding

The Director of Financial and IT Services presented his report, and members provided feedback and comment. A revised and more fulsome report will be brought back to Council at a Regular Meeting for review and consideration.

COTW10-2021

Moved by Councillor Thomas Neufeld

Seconded by Mayor Nelson Santos

That the Committee receives the Report of Director McLeod RE: Allocation of Safe Restart (COVID-19) Funding.

CARRIED

4. Bicycle Rack Placement at Carnegie Arts and Visitor Centre

The Director of Community and Development Services confirmed that the bicycle rack that had been hit by a car was replaced at the same location. Further, the Director noted that staff would look to further paint the area around the bike racks green which is consistent with cycling infrastructure.

5. CAO update on Upcoming Reports and Fall Agenda for Senior Management Team (SMT)

The CAO presented his Information Report to the Committee of the Whole through a slide presentation entitled CAO Update and Fall Agenda for the Senior Management Team', dated October 18, 2021.

COTW11-2021

Moved by Councillor Larry Patterson

Seconded by Councillor Kimberly DeYong

That the Committee receives the Information Report as presented by the CAO.

CARRIED

D. MINUTES OF THE PREVIOUS MEETINGS

1. Committee of the Whole--September 20, 2021.

2. Committee of the Whole Closed Session--September 20, 2021

COTW12-2021

Moved by Councillor Laura Lucier

Seconded by Councillor Tony Gaffan

That the Committee adopts the Committee of the Whole Minutes dated September 20, 2021 and the Committee of the Whole Closed Session Minutes dated September 20, 2021.

CARRIED

E. COMMITTEE QUESTIONS / STAFF REPLIES

COMMITTEE QUESTIONS

1. Councillor Lucier inquired about placement of additional garbage / recycling bins for use by residents and visitors.
2. Councillor Lucier inquired about a late penalty in connection with construction projects that involve significant traffic disruption. Councillor Neufeld also mentioned the requirement for accessible routes during construction at the cost of the contractor.
3. Councillor Lucier inquired about the status of the 183 Main St. East Appeals. This matter will be addressed in Closed Session this evening.
4. Councillor Gaffan inquired about affordable/attainable housing and whether the Town's official plan would allow smaller building lots for the construction of single family homes on smaller lot sizes. Councillor Neufeld suggested the smaller lot sizes might be best suited for entire developments/streets. Councillor DeYong noted that availability of rental housing is also important.
5. Councillor Gaffan inquired about the impact of potential Municipal Property Assessment Corporation (MPAC) assessment increases due to rising property values.

Members of the Senior Management Team responded to the Committee's inquiries.

F. CLOSED SESSION

In light of a Committee Question brought forward earlier in the evening, the Town Clerk asked for the Committee's consideration of an additional item for the closed session Agenda [see item (ii) below]. The Town Clerk also asked for the Committee's indulgence with respect to splitting Item (i) into two sections: (a) employee vaccination (general, excluding firefighters); and (b) employee vaccination (firefighters), having in mind the declaration of interest made by Councillor DeYong earlier in the evening.

At 9:00 p.m., pursuant to Subsection 239(2) of the *Municipal Act, 2001*, the Committee entered into Closed Session to address the following items:

- i) Subsection 239(2)(b) [personal matters about an identifiable individual, including municipal employees] and Subsection 239(2)(f) [advice that is subject to solicitor-client privilege, including communications necessary for that purpose]

RE: a) Employee vaccination (general) and

b) Employee vaccination (firefighters); and

ii) Subsection 239(2)(f) [advice that is subject to solicitor-client privilege, including communications necessary for that purpose] RE: 183 Main St. East.

The Town Clerk advised that there would not be a rising report this evening, and therefore the public portion of this Meeting was adjourned at 9:01 p.m.

G. ADJOURNMENT

The open session of this Meeting was adjourned at 9:01 p.m.

DEPUTY MAYOR, Gord Queen

CLERK, Paula Parker