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April 10, 2018

Mr. Robert Brown, Manager of Planning & Development Services  
The Corporation of the Town of Kingsville  
2021 Division Road North  
Kingsville, ON, N9Y 2Y9

Dear Mr. Brown:

RE: Zoning By-Law Amendment ZBA-06-18, & Official Plan Amendment  
OPA-01-18 ROAD 3 E & 609 Road 3 E  
ARN 371135000003100, 371135000003190; PIN: 751690173, 751690160  
Applicant: 2623391 Ontario Ltd.

The following is provided for your information and consideration as a result of our review of Zoning By-Law Amendment ZBA-06-18, and Official Plan Amendment OPA-01-18. We understand that the subject lands are two farmland parcels that will be consolidated into one parcel for the purpose of developing a greenhouse complex for medical marijuana production. This application will amend the zoning and Official Plan to permit this site specific use.

## **NATURAL HAZARD POLICIES OF THE PPS, 2014**

Portions of the above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulations under the *Conservation Authorities Act*, (Ontario Regulation No. 158/06). The subject parcels fall within the regulated area of the following watercourses: Jasperson Drain and the 3rd Concession Drain East. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by the regulations.

## **WATER RESOURCE MANAGEMENT**

We are concerned with the potential impact of the quality and quantity of runoff in the downstream watercourse due to future development of this site. We recommend that the municipality ensure through the Site Plan Control process that the release rate for any future development is controlled to the capacity available in the existing storm sewers/drains. In addition, that stormwater quality and stormwater quantity are addressed up to and including the 1:100 year storm event and be in accordance with the guidance provided by the Stormwater Management Planning and Guidance Manual, prepared by the Ministry of the Environment (MOE, March 2003) and any other Municipal requirements (e.g., Development Standards Manual).



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We understand that this development will be subject to Site Plan Control, and therefore we request to be included in the circulation of the Site Plan Control application. We reserve to comment further on storm water management concerns until we have had an opportunity to review the specific details of the proposal through the site plan approval stage.

We also advise that the subject property is identified as being located within a significant groundwater recharge area (SGRA) as determined through the Essex Region Source Water Protection Plan. We are concerned with the potential for significant developments in the area to have a negative impact on the groundwater system. These comments are offered as part of our advisory role to the municipality through plan review services, and are specifically provided to the municipality with respect to Section 2.2.1 of the PPS 2014: "Planning authorities shall protect, improve or restore the quality and quantity of water by: d) maintaining linkages and related functions among ground water features, hydrologic functions, natural heritage features and areas and surface water features including shoreline areas" and "e) implementing necessary restrictions on development and site alteration to:

1. protect all municipal drinking water supplies and designated vulnerable areas; and
2. protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions".

In addition to the policies of the PPS 2014, the County of Essex Official Plan identifies highly vulnerable aquifers (HVA) and significant recharge areas on Schedules C4 and C5, which can be found at this link <http://weblink8.countyofessex.on.ca/weblink/browse.aspx?startid=40699&cr=1>. Accordingly, Section 2.5.2 b) of the County OP states: "Development and site alteration that may be a significant threat will only be permitted within an HVA or SGRA where it has been demonstrated by way of the preparation of a groundwater impact assessment that there will be no negative impact on the HVA or SGRA. We also note that the Essex Chatham Kent Groundwater Study was completed in 2004 by Dillon Consulting Ltd and Golder Associates Ltd, which delineated the highly vulnerable aquifers and significant recharge areas and would provide background information for any further water budget or hydrologic study requirements.

We would like to have further discussions with the Municipality about the potential use of a groundwater impact assessment or other mechanisms to identify the appropriate means of ensuring no negative impact on the groundwater system. As it is the Planning Authority's responsibility to ensure that Section 2.2.1 of the PPS is satisfied, we would be interested in working in partnership with the municipality to ensure these concerns are appropriately addressed.





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### **NATURAL HERITAGE POLICIES OF THE PPS, 2014**

The subject property is adjacent to (within 120 metres of), a natural heritage feature that is identified as a significant woodland under the Provincial Policy Statement (PPS, 2014).

Section 2.1.8 of the PPS 2014 states – “Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.” The required demonstration of no negative impact, in accordance with the relevant PPS policies outlined above, is most effectively accomplished through the completion of an Environmental Impact Assessment (EIA). We strongly recommended that prior to initiating an EIA, the applicant contacts our office to determine the scale and scope of the analysis. Initiation of the EIA process is recommended to take place at the Site Plan Control stage of the development approval process.

### **FINAL RECOMMENDATION**

As the purpose of this application is for a minor amendment to the existing agricultural zone and Official Plan designation, which would only add the specific site use for a medical marihuana facility, on a property that would already permit greenhouse development (under Agricultural (A1) zone), we would have no objection to this application.

As the proposed greenhouse development will be subject to the site plan control, it is recommended that the above noted concerns be addressed through that process, and that the ERCA be included in the circulation.

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

Sincerely,



Corinne Chiasson  
Resource Planner  
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