

## APPENDIX B



PRATT FITCH & JONES LIMITED

# Bellevue Golf Course Development

Planning Justification Report

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## 1.0 INTRODUCTION

### 1.1 Purpose

Dillon Consulting Limited (Dillon) has been retained by Pratt Fitch & Jones Limited to assist in the municipal planning approvals process for a proposed new residential lot on the south eastern portion of the Belleview Golf Course fronting on Road 11 East in the Town of Kingsville (refer to *Figure 1.0 - Location Map*). The applicant is submitting applications for an Official Plan Amendment, Zoning By-law Amendment, and Consent to Sever to enable the proposed creation of a single residential lot on the subject site.

The subject site under application is designated as follows in the County of Essex Official Plan, the Town of Kingsville Official Plan, and the Town of Kingsville Zoning By-law 1-2014:

County of Essex Official Plan – Schedule ‘A-1’

- *Agricultural*

(Refer to *Figure 2.0 – Existing County of Essex Official Plan Designations*).

Town of Kingsville Official Plan – Schedule ‘A’

- *Parks and Open Space*

(Refer to *Figure 3.0 – Existing Town of Kingsville Official Plan Designations*).

Town of Kingsville Zoning By-law 1-2014 – Schedule ‘A’ - Map 24

- *Green Zone – Recreational (RG)*

(Refer to *Figure 4.0 – Existing Town of Kingsville Zoning By-law Designations*).

The applicant is requesting that Council approve amendments to the Town of Kingsville Official Plan and Zoning By-law 1-2014, in addition to the approval of Consent to Sever, to permit the proposed creation of a residential lot on the subject site. The applicant has submitted applications to this effect.

Refer to *Appendix A – Planning Applications*

### 1.2 Description of Site

The subject site is located on the southeastern portion of the Belleview Golf Course fronting on Road 11 East, between Belle River Road East (County Road 27) and Graham Side Road. The subject site is more specifically described as Part of Part Lot 13, Concession 11 in the Town of Kingsville (formerly Gosfield North). The total site area under application is 0.37 ha (0.91 acres) having approximately 60.0m (197ft) of frontage onto Road 11 East. There is one (1) existing access point on the western edge of the subject site along Road 11 East.

### 1.3 Proposed Development

The applicant wishes to develop the subject site for a single detached residential dwelling. Access to the proposed development is to be from a new driveway located along Road 11 East (refer to *Figure 5.0 - Conceptual Site Plan*).

An application for Consent to Sever is required to enable the creation of a single residential lot on the subject site. The applicant is requesting that the proposed parcel identified be severed from the abutting Belleview Golf Club to permit the proposed residential dwelling.

An Official Plan Amendment to the Town of Kingsville's Official Plan is required to permit the proposed residential use on the subject site under application. The applicant is requesting an amendment from the existing 'Parks and Open Space' designation to a 'Residential' designation to enable the proposed development of a single detached residential dwelling.

A Zoning By-Law Amendment application is required to permit the proposed residential use. The applicant is requesting an amendment from the existing 'Green Zone – Recreational (RG)' zone to a 'Rural Residential (RR)' zone to permit the proposed residential development. The proposed Official Plan and Zoning By-law Amendments are to mirror the designations of the existing residential uses along Road 11 East and Belle River Road East.

A Consent to Sever will be required from the Town of Kingsville to create the new lot. In support of that application, the site has been investigated for Species at Risk (SAR). It is our professional opinion that the site has low likelihood of having a negative impact on the Endangered Species Act. In addition, a field visit was conducted in July 2017 with representatives of the Essex Region Conservation Authority to discuss the necessary requirements to proceed with the severance and planning applications.

Refer to *Figure 5.0 - Conceptual Site Plan* and *Appendix A – Planning Applications*.

## 2.0 EXISTING LAND USE

### 2.1 Subject Site

The physical attributes of the site under application are as follows:

- A total site area of 0.37 ha (0.91 acres);
- A rectangular-shaped parcel with frontage on Road 11 East;
- Vacant lands which are generally flat; and
- No existing structures or buildings on the subject site.

### 2.2 Surrounding Land Use

The surrounding land uses are varied as shown in *Figure 6.0 - Surrounding Land Uses* and are described as follows:

#### North

- Open Space
- Belleview Golf Club

#### East

- Existing Single Detached Residential Dwellings; and
- Agricultural Uses.

#### South

- Agricultural Uses; and
- Existing Single Detached Residential Dwellings.

#### West

- Existing Single Detached Residential Dwellings; and
- Agricultural Uses.

## 3.0

## PLANNING EVALUATION

To determine the feasibility and appropriateness of the proposed development, a comprehensive evaluation of the potential planning issues and impacts has been undertaken. The scope and level of detail of the planning evaluation has been based on:

- Provincial Policy Statement 2014;
- County of Essex, Official Plan: Policies and Criteria;
- Town of Kingsville, Official Plan: Policies and Criteria;
- Town of Kingsville, Zoning By-Law 1-2014: Policies and Regulations; and
- Visual inspections of the site and surrounding lands.

Recognizing that overlaps exist between the various policies and criteria in the Official Plan, the approach used attempts to consolidate the relevant policies and criteria, and identify and evaluate the potential planning and land use related issues associated with the proposed commercial development.

## 3.1

### Provincial Policy Statement

The Provincial Policy Statement (PPS) promotes the development of 'Strong Healthy Communities' through the redevelopment of lands for an appropriate mix of uses, which includes residential uses, as described in Section 3.1 of this report.

As per section 4.0 of the PPS, the proposed uses "shall be consistent with" the PPS and as a broad and general document, the applicant must, through analysis of the policies, determine how the proposal is appropriate and advances the Province's interests. The PPS shall be read in its entirety and all relevant policies are to be applied to each situation. Our analysis suggests that the proposed development is consistent with the PPS in the following ways, they are:

#### 1.0 - Building Strong, Healthy Communities

#### 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

##### 1.1.1

- (a) The proposed residential development encourages the use of cost effective and efficient development patterns to utilize the existing lands, and sustains the financial well-being of the municipality over the long term by creating opportunities for increased residential municipal taxes;
- (b) The proposed residential development expands the range of housing types in the rural Kingsville area to meet long-term needs of the municipality;
- (c) The proposed land use pattern ensures that no adverse environmental or public safety concerns will result; and

- (e) The proposed residential development promotes a cost-effective development pattern by minimizing land consumption and servicing costs.

#### 1.1.4 Rural Areas in Municipalities

##### 1.1.4.1

- (a) The proposed residential development fits within the existing character of the area and will support the rural amenities and assets in the vicinity, in particular the Belleview Golf Club;
- (b) The proposal promotes the regeneration of the currently underutilized parcel of land; and
- (e) The proposed residential development utilizes the existing rural infrastructure and public services efficiently.

#### 1.1.5 Rural Lands in Municipalities

- 1.1.5.2 (c) The proposed residential development is a permitted use on rural lands;

- 1.1.5.4 The proposed development is compatible with the rural landscape and can be sustained by the existing rural services;

- 1.1.5.5 The proposed residential development is appropriate for the available existing infrastructure and avoids the need for expansion of this infrastructure. The lands will be connected to the municipal water system and is sufficiently sized to accommodate the necessary private septic system, in keeping with the surround existing residential lots. Stormwater will be directed to the existing drainage ditch located along Road 11 East, in accordance with Municipal standards;

- 1.1.5.7 The proposed residential development is located on an already non-agriculturally developed site and will not constrain the surrounding agricultural and other resource-related uses to the south; and

- 1.1.5.9 The proposed residential lot creation complies with the minimum distance separation formulae as there are currently no livestock farms in the immediate area.

#### 1.4 Housing

##### 1.4.3

- (b) The proposed residential development promotes residential intensification and the redevelopment of a currently underutilized portion of the Belleview Golf Course, in a location with existing residential building stock and available infrastructure and services;
- (c) The proposed residential development is located in an area with municipal water, roadside ditches and public services available to support the projected needs. The subject site will be on a private septic system, similar to the neighbouring residential uses in the area;
- (d) The proposal efficiently utilizes the land, services, and infrastructure in place; and
- (e) The proposed residential development minimizes costs while maintaining appropriate levels of public health and safety.

### 1.7 Long-Term Economic Prosperity

#### 1.7.1

- (a) The proposed residential development promotes opportunities for economic development and investment within the municipality through the addition of new residential dwellings; and
- (b) The proposal optimizes the use of vacant lands, existing infrastructure, and public service facilities available in proximity of the subject site.

### 2.1 Natural Heritage

- 2.1.8 The proposed lot creation is located adjacent to the Belle River, a natural heritage feature. A Species at Risk (SAR) Information Request has been completed by Dillon Consulting, under separate cover and it is our professional opinion that there is low likelihood of having a negative impact on the natural features (Belle River) or their ecological functions. In addition, the proposed lot creation is located outside of the existing floodplain and floodplain fringe, further protecting the Belle River and its natural features. As a result, it is our opinion that the creation of the proposed residential lot should be permitted.

### 3.0 Protecting Public Health and Safety

#### 3.1.1

- (b) The proposed lot creation has been located outside of the Belle River flood plain and flood plain fringe areas, which are impacted by flooding hazards and/or erosion hazards in order to protect the natural hazard area as well as the proposed development.

Refer to *Appendix B - Provincial Policy Statement – Policies*.

## 3.2 County of Essex Official Plan

The Subject Site under application is currently designated *Agricultural* in the County of Essex Official Plan. The *Agricultural* designation pertains to all lands not otherwise designated as *Settlement Areas* or *Natural Environment*. The overall larger site has been utilized as a public golf course for over 20 years and there is no intent to change the current use of the remainder of the site. The subject site, under application for consent, has been a manicured lawn and is currently underutilized by the golf course, hence the desire to redevelop it for a residential dwelling.

While lot creation in the *Agricultural* designation is discouraged in the County of Essex Official Plan, applications for Consent to Sever are delegated, by the County of Essex, to the local lower-tier municipalities. As such, the proposed residential lot creation needs to comply with the Provincial Policy Statement and the Town of Kingsville Official Plan.



The proposed change in use of the 0.37ha (0.91 acre) parcel from a golf course to a single detached residential dwelling will fit within the character of the area and is in keeping with the existing residential uses to the east and west of the subject site. The change in land use of the smaller parcel will not negatively impact the surrounding natural heritage, residential, recreational or agricultural uses.

The subject site is located adjacent to an area regulated under the Conservation Authorities Act and an Intake Protection Zone, due to the proximity to the Belle River. The proposed building lot has been located outside of these areas in order to protect the watercourse and avoid any issues with potential flooding. The proposed development will be required to be reviewed by the Essex Region Conservation Authority and may be required to meet additional requirements, such as setbacks and grading, in order to further protect the Belle River and the proposed dwelling.

A Species at Risk (SAR) Information Request has been completed as part of the planning application process and it is our professional opinion that there is a low likelihood of a negative impact on any natural heritage features and potential species within the area.

Refer to *Appendix B – County of Essex Official Plan Policies* and *Figure 2.0 – County of Essex Existing Official Plan Designations*.

### 3.3 Town of Kingsville Official Plan

The Subject Site under application is currently designated *Parks and Open Space* in the Town of Kingsville Official Plan. The applicant is applying for a site specific Official Plan amendment to modify the designation current designation of the subject site to permit residential uses.

Our analysis suggests that the proposed redevelopment is feasible and will be consistent with the following policies found in the Official Plan, they are:

#### Section 3: Land Use Plan

##### 3.5 Parks and Open Space

- (f) It is understood that the Official Plan recognizes that lands within the *Parks and Open Space* designation will not necessarily remain as parks and/or open space indefinitely. As such, applications for redesignation of these lands, such as the one proposed, are to be given due consideration by the municipality. The proposed lot creation is located on a portion of the subject site that is currently underutilized by the golf course. There is no intent or potential for the golf course to expand on this parcel and thus the owners are applying for the severance. As a result, in order to facilitate the severance, the owner is requesting a site specific Official Plan Amendment to include the residential use on the subject site. This amendment will permit the proposed use on the parcel while allowing for the potential for future conversation back to Parks and Open Space, should the need be there.

## Section 5: Human-Made and Natural Hazards

### 5.2.1 Watercourse Hazard Lands (Floodplain Development Control Area)

As per the two zone approach for regulating floodplains established by the Essex Region Conservation Authority, portions of the lands under application are located within a *Flood Fringe* regulated area.

*Flood Fringe* - Development and site alteration is permissible within the flood fringe provided that certain conditions are met. The proposed residential development is compatible with the policies of the *Flood Fringe* designation in the following ways:

- (a) The proposed residential development will not adversely affect the existing flood levels and/or flow of the watercourse as the subject lands are setback a minimum of 6.5m from the nearest floodway boundary;
- (b) Flood-proofing of buildings and/or structures will be undertaken as deemed necessary;
- (c) Any permits required by Essex Region Conservation Authority will be obtained prior to construction; and
- (d) The proposed residential development will be in accordance with the underlying land use designation pending the approval of Official Plan and Zoning by-Law Amendments.

## Section 7: Land Division Policies

### 7.3 Consents

- (a) The proposed residential development is a permitted use within the Official Plan, and adequate access and services can be provided, including water, sewage, and stormwater management.
- (b) The proposed residential lot fronts an existing public road;
- (c) The proposed consent provides for residential infilling in an existing built-up area between residential lots on the same side of the road;
- (d) The proposed residential lot size is appropriate for the proposed use, and conforms to the minimum provisions of the Zoning By-Law;
- (e) No adverse traffic impacts would result from the proposed residential lot creation as the proposed development will be one single residential lot which will not impact the existing traffic patterns; and
- (f) The proposed residential use is compatible with the abutting residential uses and the general surrounding area.

Refer to *Appendix D – Town of Kingsville Official Plan Policies* and *Figure 3.0 – Town of Kingsville Existing Official Plan Designations*.

## 3.4 Town of Kingsville Zoning By-Law 1-2014

The Subject Site under application is currently zoned *Green Zone – Recreational (RG)* in the Town of Kingsville Zoning By-law 1-2014. The applicant is applying for a zoning by-law amendment to modify the zoning of the subject site to *Rural Residential (RR)*, which permits for residential uses.

Our analysis suggests that the proposed Zoning By-law Amendment to *Rural Residential (RR)* is feasible and will be consistent with the policies of Sections 4.15 and 6.6 of Zoning By-Law 1-2014, for the following reasons:

- The proposed residential lot lies outside of the Floodplain Development Control Area identified in the Zoning By-Law;
- The proposed residential development is compatible with the surrounding land uses (scale, massing, height, setbacks, landscaping, etc.) and is consistent with the residential uses that characterize this adjacent segment of Road 11 East and Belle River Road East (County Road 27);
- The site is physically suitable and strategically located to support the proposed residential use;
- Municipal water, hydro and emergency services are available, and the site is suitable for individual on-site sewage service; and
- Site access is available without compromising the integrity of the local road network.

Refer to *Appendix E – Town of Kingsville Zoning By-law Policies* and *Figure 4.0 – Existing Zoning By-law Designations*.

## 4.0 OTHER REPORTS

### 4.1 Species at Risk – Information Request

Dillon Consulting Limited has conducted a Species at Risk Information Request for the subject site. The Information Request has been submitted to the Ministry of Natural Resources and Forestry for approval.

For full details, refer to *Appendix F – Species at Risk – Information Request*

## CONCLUSIONS

Based on an extensive review of the technical planning and policy related issues, the proposed Severance, Official Plan Amendment, and Zoning By-Law Amendment is appropriate for the site and consistent with good planning principles. We recommend that the Official Plan Amendment, Zoning By-Law Amendment, and Consent to Sever applications, as submitted, be approved for the following reasons:

1. The proposed development is “consistent” with the Provincial Policy Statement for the reasons identified in Section 3.1 of this report.
2. The proposed residential lot creation is “consistent” with intent and permitted under the County of Essex Official Plan policies, as identified in Section 3.2 of this report.
3. The proposed residential development is consistent with the intent of the *Parks and Open Space* policies of the Town of Kingsville Official Plan. In particular, it has been shown that:
  - The proposed amendment to the Official Plan will allow for the proposed residential use on a currently underutilized portion of the Belleview Golf Course, while maintaining the existing permitted uses of the Parks and Open Space Designation. Should the lands ever be needed for recreational or open space purposes, the designation will permit the conversion back to such a use;
  - The proposed residential development is compatible with the surrounding land uses (scale, massing, height, orientation, setbacks, landscaping, etc.) and is consistent with the mix of land uses that characterize the vicinity of Road 11 East and Belle River Road East;
  - The site is not within a site of potential or known contaminants;
  - Site access is available without compromising the integrity of the local road network;
  - The site is physically suitable and strategically located to support the proposed residential use;
  - The proposed residential development is appropriate for the available existing infrastructure and avoids the need for expansion of this infrastructure; and
  - The proposed residential development promotes residential intensification in a location with existing residential building stock.
4. The proposed residential development is consistent with the intent of the Town of Kingsville Zoning By-Law 1-2014. In particular, it has been shown that:
  - The proposed rezoning is in keeping with the zoning currently designated for the surrounding residences along Road 11 East and Belle River Road East (County Road 27);
  - The proposed residential lot lies outside of a Floodplain Development Control Area;
  - The site is physically suitable and strategically located to support the proposed residential use;

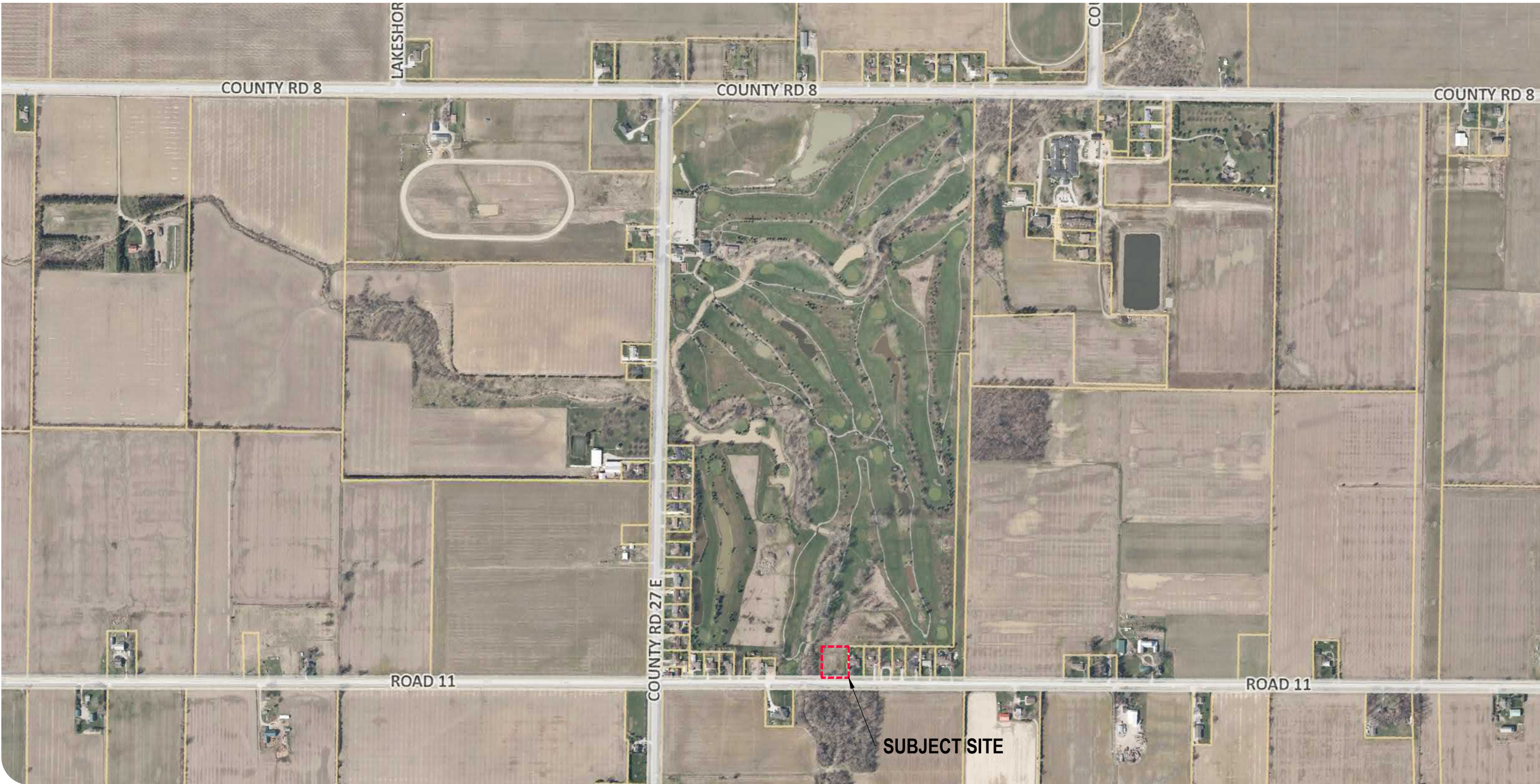
- Municipal water, hydro and emergency services are available, and the site is suitable for individual on-site sewage service;
- Site access is available without compromising the integrity of the local road network; and
- The proposed residential development is compatible with the surrounding land uses (scale, massing, height, setbacks, landscaping, etc.) and is consistent with the existing residential uses that characterize this adjacent segment of Road 11 East and Belle River Road East (County Road 27).

  
Melanie Muir, MCIP RPP



## Figures






**BELLEVUE GOLF COURSE  
DEVELOPMENT**  
PLANNING JUSTIFICATION REPORT

**LOCATION MAP**

Figure 1.0

 SUBJECT SITE  
(±0.37ha/±0.91ac)

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SOURCE: COUNTY OF ESSEX GIS MAPPING (2017)

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DESIGNED BY: KRK

SCALE: NTS



PROJECT: 17 6585  
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DATE: 03/13/2018





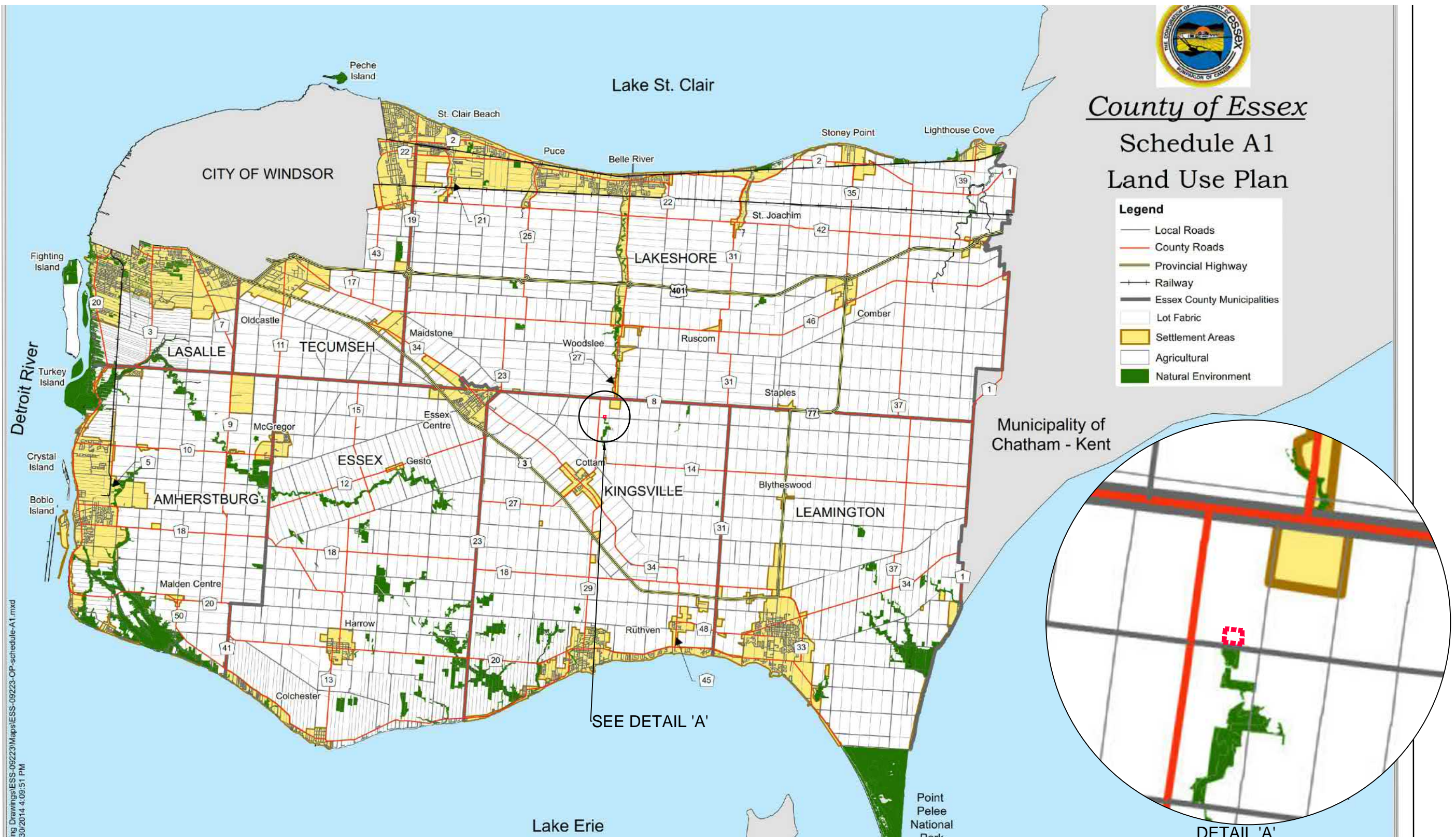
# County of Essex

## Schedule A1

### Land Use Plan

#### Legend

- Local Roads
- County Roads
- Provincial Highway
- Railway
- Essex County Municipalities
- Lot Fabric
- Settlement Areas
- Agricultural
- Natural Environment



## BELLEVUE GOLF COURSE DEVELOPMENT

PLANNING JUSTIFICATION REPORT

COUNTY OF ESSEX OFFICIAL PLAN:  
EXISTING LAND USE  
FIGURE 2.0



SUBJECT SITE  
(±0.37 ha / ±0.91 ac)

SOURCE: COUNTY OF ESSEX, OFFICIAL PLAN, SCHEDULE 'A-1', 2014

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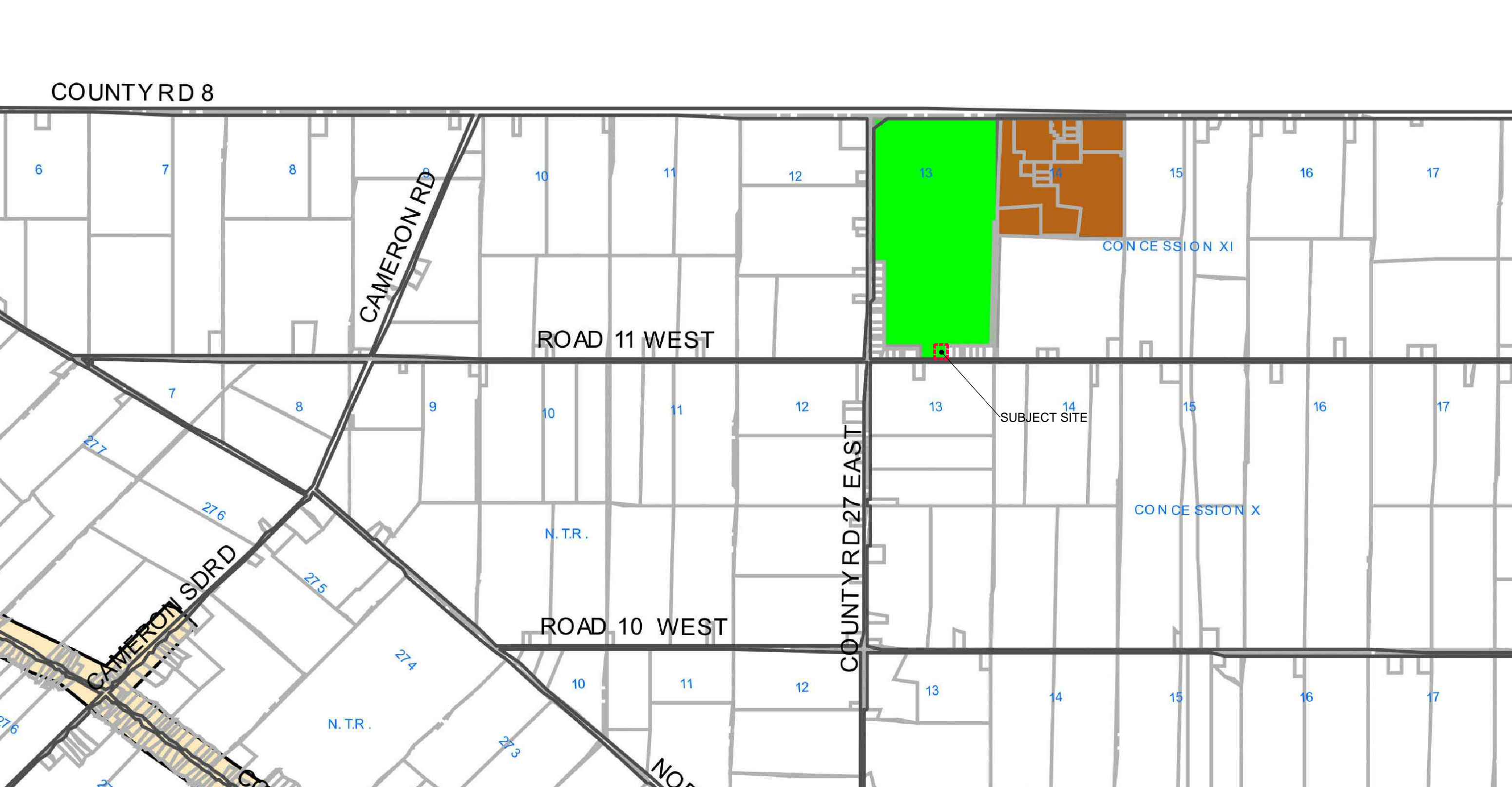
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**BELLEVUE GOLF COURSE  
DEVELOPMENT**  
PLANNING JUSTIFICATION REPORT

**TOWN OF KINGSVILLE OFFICIAL PLAN:  
EXISTING LAND USE**  
FIGURE 3.0



SUBJECT SITE  
(±0.37 ha / ±0.91 ac)



PARKS AND OPEN SPACE



SPECIAL RESIDENTIAL



AGRICULTURAL



RURAL RESIDENTIAL

SOURCE: TOWN OF KINGSVILLE - OFFICIAL PLAN, SCHEDULE 'A', 2010

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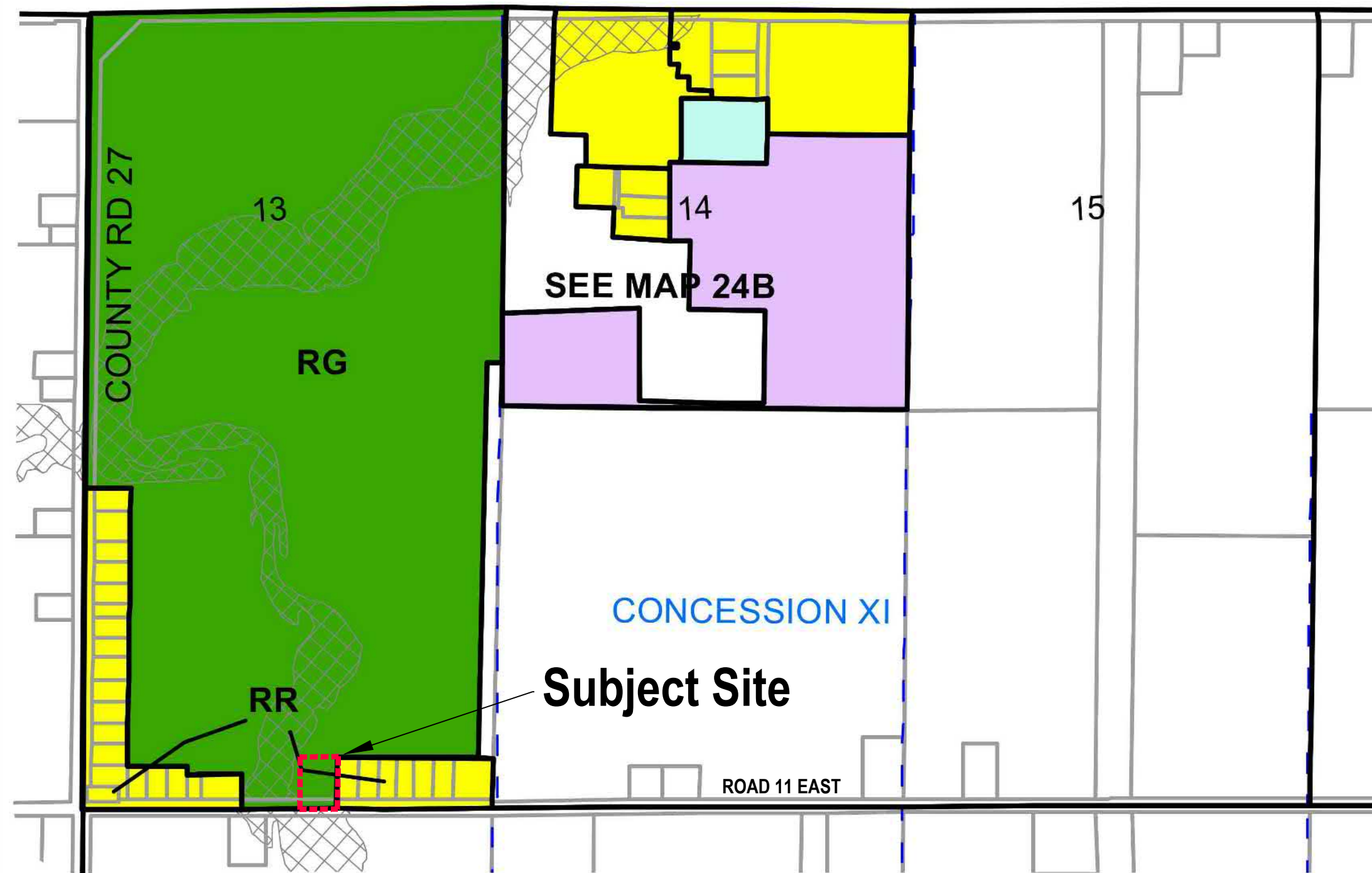
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**BELLEVUE GOLF COURSE  
DEVELOPMENT**  
PLANNING JUSTIFICATION REPORT

**TOWN OF KINGSVILLE: EXISTING  
ZONING BY-LAW DESIGNATIONS**

Figure 4.0



SOURCE: TOWN OF KINGSVILLE, ZONING BY-LAW 1-2014, MAP 24, 2016

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PROJECT: 17 6585  
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DATE: 03/13/2018





**BELLEVIEW GOLF COURSE  
DEVELOPMENT**  
PLANNING JUSTIFICATION REPORT

**CONCEPTUAL SITE PLAN**

FIGURE 5.0



SUBJECT SITE  
(±0.37 ha / ±0.91 ac)



BUILDING ENVELOPE

SOURCE: ESSEX REGION CONSERVATION AUTHORITY AERIAL PHOTOGRAPHY (2017)

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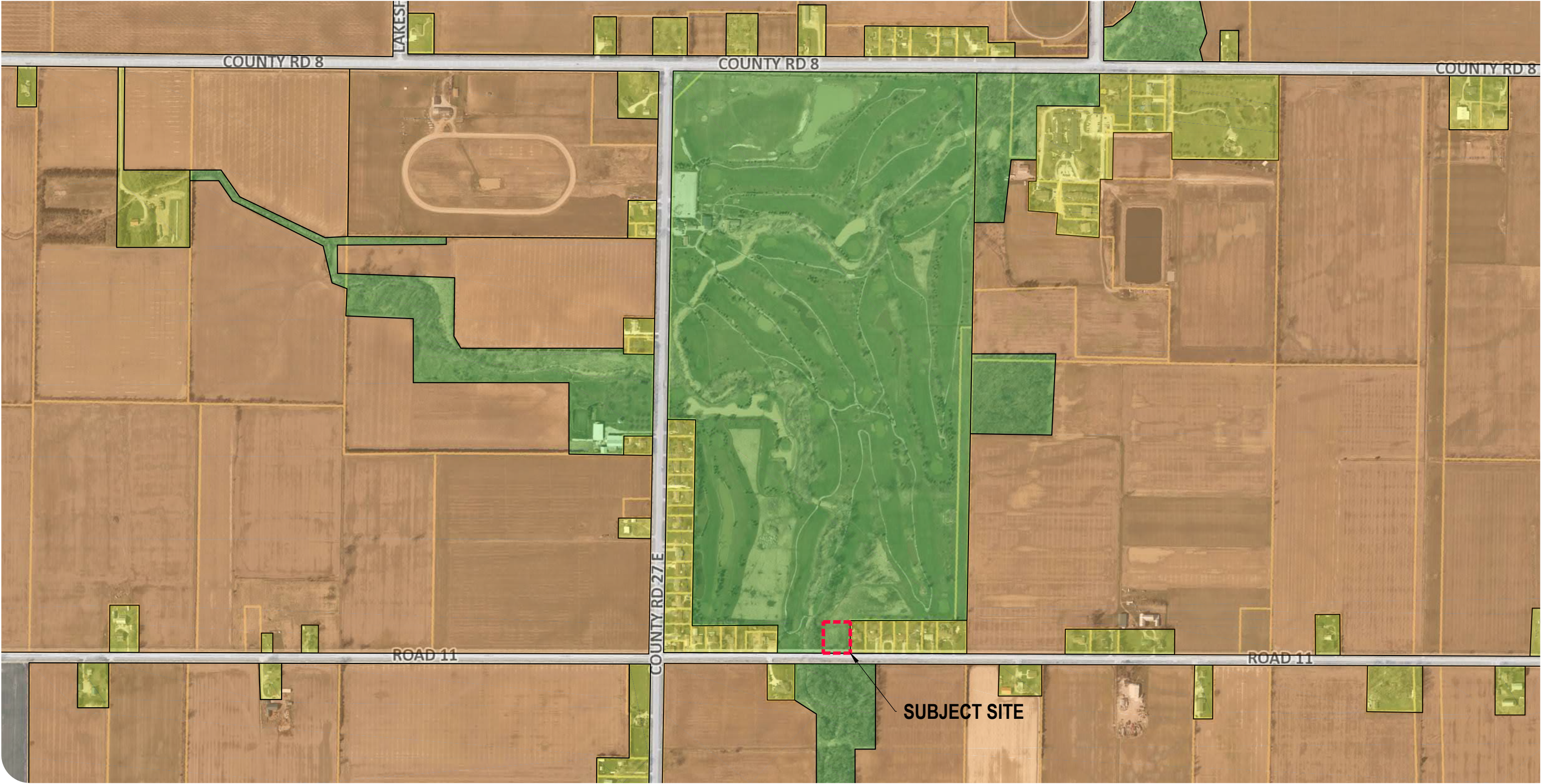
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DESIGNED BY: KRK

SCALE: NTS



PROJECT: 17-6585  
STATUS: DRAFT  
DATE: 03/20/2018





**BELLEVUE GOLF COURSE  
DEVELOPMENT**  
PLANNING JUSTIFICATION REPORT

**SURROUNDING LAND USES**

Figure 6.0



SOURCE: COUNTY OF ESSEX GIS MAPPING (2017)

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DESIGNED BY: KRK

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PROJECT: 17 6585  
STATUS: FINAL  
DATE: 03/13/2018



# Appendix A

## *Planning Applications*



2021 Division Road North  
Kingsville, Ontario N9Y 2Y9  
Phone: (519) 733-2305  
[www.kingsville.ca](http://www.kingsville.ca)

## APPLICATION FOR: CONSENT

### INSTRUCTIONS

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Applications are heard on the third Tuesday of every month (subject to change as necessary). A complete application must be received 60 days prior to the date of the meeting.

Pre-consultation with the Planning Department is required.

Complete Sections 5 to 25 in full. Include the authorization of registered property owners if required, see AUTHORIZATION on page 9.

Include 1 copy of completed survey sketch as detailed in Section 25.

Submit the application form, all supporting information and the application fee to Planning Department, Town of Kingsville Municipal Office.

The Planner will review the application and may return the application if it is incomplete, if required information is not submitted or if fees are not paid in full.

Administration reserves the right to request additional information.

### FEES

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Fees are subject to change. Cheque payable to the Corporation of the Town of Kingsville.

☐ **CONSENT APPLICATION**

APPLICATION FEE:	\$600.00/LOT
ERCA FEE:	\$200.00
PROPERTY TAX UPDATE FEE:	\$100.00
SEPTIC INSPECTION:	\$175.00 (to be submitted if subject property is not located in an area serviced by municipal sanitary sewers)

### CONTACT INFORMATION

---

Kristina Galinac, MSc, BURPI  
Town Planner

Corporation of the Town of Kingsville – Planning Department  
2021 Division Road N  
Kingsville, ON N9Y 3E7

Telephone: 519-733-2305  
(249) Email: [kgalinac@kingsville.ca](mailto:kgalinac@kingsville.ca)  
Website: [www.kingsville.ca](http://www.kingsville.ca)

**TOWN OF KINGSVILLE**

1. Name of Approval Authority: Town of Kingsville
2. Date of pre-consultation with municipality: \_\_\_\_\_
3. Date application is received by municipality: \_\_\_\_\_
4. Date application deemed complete by municipality: \_\_\_\_\_

5. **Name of registered owner(s):**1. Pratt Fitch & Jones Limited

2. \_\_\_\_\_

Telephone Number: 519-839-5063 ☐Cell Phone Number: \_\_\_\_\_ ☐Mailing Address (Full): 436 Belle River Road, Woodslee, ON Postal Code: N0R 1V0Email Address: info@bellevuegolf.ca**Name of Registered Owner's Solicitor or Authorized Agent / Applicant (if any):**Dillon Consulting Limited c/o Melanie MuirTelephone Number: 519-948-5000 Ext. 3239Mailing Address (Full): 3200 Deziel Drive, Windsor, ON Postal Code: N8W 5K8Email Address: mmuir@dillon.ca**Name of Owner (Offer to Purchase):** N/A

Telephone Number: \_\_\_\_\_

Mailing Address (Full): \_\_\_\_\_ Postal Code: \_\_\_\_\_

Email Address: \_\_\_\_\_

**Please specify to whom all communications should be sent:**☒ Registered Owner☐ Solicitor☐ Owner Purchase☒ Authorized Agent

## 6. Location and description of subject land:

Concession and Lot No.: Part Lot 13, Concession 11

Lot No. and Registered Plan No: \_\_\_\_\_

Part No. and Reference Plan: \_\_\_\_\_

Street Address: \_\_\_\_\_

Assessment Roll No.: \_\_\_\_\_

**Former:** ☒ Gosfield North ☐ Gosfield South ☐ Town of Kingsville

## 7. Is the subject parcel subject to any registered, non-registered easements or restrictive covenants?

☐ Yes☒ NoIf Yes, please provide details regarding the easement or covenant, including purpose, effect, location, dimensions, Instrument No. etc... N/A



8. Size of subject parcel (metric):

Frontage: 632m (Cty Rd 27 E) Depth: Irregular Area: 636,241 m<sup>2</sup>Irregular Shaped: ☒ Dimensions shown on attached sketch: ☒

9. Current Official Plan Land Use designation of subject land:
- Parks and Open Space

Does the Proposal conform to the Official Plan Policies: ☐ Yes ☒ No

10. Current Zoning of subject land:
- Green Zone - Recreational (RG)

Does the proposal comply with all applicable zoning regulations: ☐ Yes ☒ No

11. Date subject land acquired by current registered owner:
- +50 Years

12. Have there ever been any previous severances of land from this holding?
- ☐
- Yes
- ☒
- No

If "yes", please indicate previous severances on the required sketch and supply the following information for each lot severed: N/A

Grantee's Name: \_\_\_\_\_

Relationship to owner: \_\_\_\_\_

Use of Parcel: \_\_\_\_\_

Date parcel was created: \_\_\_\_\_

13. Has the parcel ever been subject of an application for approval of a plan of subdivision under Section 51 or a consent under Section 53 of the Act, as amended, or its predecessors?

☐ Yes ☒ NoIf yes, please indicate the file number and the decision: N/A

14. Please indicate whether the property is subject of an application for one of the following:

☒ Official Plan or Official Plan Amendment Approval☒ Zoning By-law Amendment☐ Minor Variance☒ Consent or Approval of a Plan of SubdivisionIf known, indicate the file number and the status of the foregoing application(s): \_\_\_\_\_  
Concurrent

15. Type and Purpose of proposed transaction:

☒ Lot CreationNumber of new lots (not including retained lot) proposed: One (1)☐ Farm Split☐ Surplus Dwelling☐ Lot AdditionMunicipal Address of land to be severed from: 436 County Road 27 East

Municipal Address of land to be added to: \_\_\_\_\_

☐ Technical Severance

Other:

☐ Mortgage or Charge☐ Easement/Right of Way☐ Correction of Title☐ Partial Discharge of Mortgage☐ Agreement of Sale & Purchase☐ Other (specify) \_\_\_\_\_

Name of person(s) [purchaser, lessee, mortgagee, etc...] to whom interest is intended to be conveyed, leased, or mortgaged:

Current owner

Relationship to owner (if any) of person(s) named above:

Same

16. Description and use of land **to be severed** (metric):

Frontage: 60.0 m Depth: 60.87 m Area: 3,652.2 m<sup>2</sup>

☐ Irregular Shaped ☒ Dimensions shown on Sketch

Existing Use: Open Space, Vacant

Proposed Use: Single detached residential dwelling

Number and Use of buildings and structures (both existing and proposed) on the land intended to be **severed**:

Shown on attached sketch: ☒

Existing: No existing buildings or structures on subject land

Proposed: One (1) single detached residential dwelling

Is there an existing access bridge on this parcel? ☐ Yes ☒ No

Is there an existing water service connection on this parcel? ☐ Yes ☒ No (To be installed)

Is there an existing sanitary sewer connection on this parcel? ☐ Yes ☒ No (To be installed)

17. Description and use of land **to be retained** (metric):

Frontage: 632m (Cty Rd 27 E) Depth: Irregular Area: 632,589 m<sup>2</sup>

☒ Irregular Shaped ☐ Dimensions shown on Sketch

Existing Use: Golf Course

Proposed Use: Golf Course

Number and Use of buildings and structures (both existing and proposed) on the land intended to be **retained**:

Existing: Five (5) existing buildings/structures on retained lands

Proposed: No new buildings/structures proposed on the retained lands

Is there an existing access bridge on this parcel? ☐ Yes ☒ No

Is there an existing water service connection on this parcel? ☒ Yes ☐ No

Is there an existing sanitary sewer connection on this parcel? ☒ Yes ☐ No

18. Access to property:

SEVERED LOT

RETAINED LOT

Municipal Road

☒

County Road

☐

Provincial Highway

☐

Private

☐

Water

☐
☐
☒
☐
☐
☐

If access to the subject land is by water only, indicate the parking and docking facilities to be used and the approximate distance between these facilities and the nearest public road:

N/A

19. Type of water supply:

SEVERED LOT

RETAINED LOT

Municipally owned and operated piped water supply

☒ (To be installed)

☒

Well

☐
☐

Other: \_\_\_\_\_

☐
☐

20. **Type of sanitary sewage disposal:** SEVERED LOT

## RETAINED LOT

Municipally owned and  
operated piped sanitary sewers☐☒

Private Septic System

☒☐

MOE Certificate of Approval

☐☐

Other: \_\_\_\_\_

☐☐

## 21. Is the application consistent with Policy Statements issued under subsection 3 (1) of the Act:

☒

Yes

☐

No

## 22. (a) Is the subject land is within an area of land designated under any Provincial Plan or Plans:

☐☐☐

Yes

☒

No

If yes, please indicate: \_\_\_\_\_ N/A

(b) If the answer to (a) is "yes", please indicate whether the application conforms or does not  
conflict with the applicable Provincial Plan or Plans: ☐ Conform ☐ Does Not Conform23. Is the owner, solicitor or agent applying for additional consents on this holding simultaneously  
with this application, or considering applying for additional consents in the future:☐

Yes

☒

No

24. Is the owner, solicitor or agent applying for any minor variance or permission to extend or  
enlarge under Section 45 of the Planning Act, R.S.O. 1990, as amended, in relation to any  
land that is the subject of this application: ☐ Yes ☒ No25. Please submit a survey sketch prepared by an Ontario Land Surveyor (OLS) showing in  
metric units the following:

- ☐ the proposed lot dimensions including lot area;
- ☐ the setback of all buildings on the proposed severed parcel and the setback of any  
buildings or structures on the retained lands within 30 m of the severed lot;
- ☐ any existing or proposed restrictive covenants, easements, rights-of-way and  
access driveways on the severed and retained lands;
- ☐ the location and distance from any natural features within 60 m of the proposed  
severed lands including rivers, creeks, open drains, large wooded area &  
wetlands;
- ☐ the location of water wells, septic systems, municipal service connections & hydro  
service
- ☐ the location of the existing or proposed drainage outlet(s) for the severed  
parcel(s);
- ☐ the distance from any livestock operations within 500 metres of the severed parcel  
and the dwelling(s) on the severed parcel;
- ☐ the location, width and name of any roads within or abutting the subject land,  
indicating whether it is an unopened road allowance, a public travelled road, a  
private road or a right of way, and;
- ☐ if access to the subject land will be by water only, the location of the parking and  
boat docking facilities to be used.

**PART B – AGRICULTURAL LAND DIVISION** N/A  
 (Subject to Section 7.3.1. of the Official Plan)

26. FARM LOT DIVISIONS N/A  
 Is the consent intended to divide a farm lot into two farm lots each having a minimum lot area of 40 hectares? ☐ YES ☐ NO
27. SURPLUS DWELLINGS N/A  
 (a) Is the consent intended to sever a "surplus dwelling" that is considered surplus in accordance with the Official Plan policies for the municipality as a result of the ownership or acquisition of additional farm property? ☐ YES ☐ NO
- If yes, please provide:  
 Date of Purchase: (Surplus Dwelling Property) N/A  
 Date of Construction of Surplus Dwelling: N/A
28. Please provide a list of your other farm holdings including the lot & concession number, and address (if applicable). N/A

**PLEASE NOTE: THAT IN ORDER TO QUALIFY TO SEVER A DWELLING AS SURPLUS AN APPLICANT MUST OWN AT LEAST ONE OTHER FARM PROPERTY WITH A HABITABLE DWELLING.**

Address	Lot/Concession	Year Purchased	Lot Size	Dwelling Yes/No	Condition

29. Please indicate the lot, concession number & address of the farm which is considered the base of operations.  
N/A
- (b) Is the creation of the surplus dwelling lot in compliance with the Minimum Distance Separation (MDS) requirements? N/A ☐ YES ☐ NO
- (c) Is the consent for a "Surplus Dwelling" located on a farm lot less than 40 hectares as required by 24(a) but abuts farm land owned by the applicant/owner and is intended that the two farm parcels be joined pursuant to subsection 3 of Section 50 of the Planning Act, R.S.O. 1990? N/A ☐ YES ☐ NO
30. MINOR LOT ADJUSTMENT OR BOUNDARY CHANGE
- Is the consent being requested to permit a minor lot adjustment or minor boundary change conditional to Subsection 50(3) or (5) of the Planning Act R.S.O. 1990? ☐ YES ☒ NO
31. Use of Land to be **SEVERED**
- |                                     | Existing                            | Proposed                            |
|-------------------------------------|-------------------------------------|-------------------------------------|
| Agricultural                        | <input type="checkbox"/>            | <input type="checkbox"/>            |
| Urban Residential                   | <input type="checkbox"/>            | <input type="checkbox"/>            |
| Farm Related Rural Residential      | <input type="checkbox"/>            | <input type="checkbox"/>            |
| Non-Farm Related Rural Residential  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Seasonal Residential                | <input type="checkbox"/>            | <input type="checkbox"/>            |
| Commercial                          | <input type="checkbox"/>            | <input type="checkbox"/>            |
| Industrial                          | <input type="checkbox"/>            | <input type="checkbox"/>            |
| Other (Specify): <u>Golf Course</u> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

32. Use of Land to be **RETAINED**

	Existing	Proposed
Agricultural	<input type="checkbox"/>	<input type="checkbox"/>
Urban Residential	<input type="checkbox"/>	<input type="checkbox"/>
Farm Related Rural Residential	<input type="checkbox"/>	<input type="checkbox"/>
Non-Farm Related Rural Residential	<input type="checkbox"/>	<input type="checkbox"/>
Seasonal Residential	<input type="checkbox"/>	<input type="checkbox"/>
Commercial	<input type="checkbox"/>	<input type="checkbox"/>
Industrial	<input type="checkbox"/>	<input type="checkbox"/>
Other (Specify): <u>Golf Course</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

**AUTHORIZATION**

To: Clerk/Planner, Town of Kingsville

I/WE, the undersigned, being the registered owner(s) of the above lands hereby authorize:  
Dillon Consulting Limited(Name of Solicitor or Authorized Agent)  
of the City of Windsor to:  
(Municipality where Solicitor or Authorized Agent resides)

1. Make an application on my/our behalf to the Council for the Town of Kingsville;
2. Appear on my behalf at any hearing(s) of the application; and
3. Provide any information or material required by Town Council relevant to the application

Pertaining to lands described as: Pt Lot 13, Concession 11  
(Municipal Address or Legal Description)

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Witness: \_\_\_\_\_ Name, Position (if Applicable)

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Witness: \_\_\_\_\_ Name, Position (if Applicable)

Dated at the \_\_\_\_\_ of \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_,  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.**PERMISSION TO ENTER PROPERTY**

To: Clerk/Planner, Town of Kingsville

I hereby authorize the Planner, Director of Municipal Services or delegate and/or members of the staff of the Corporation of the Town of Kingsville to enter upon the subject lands and premises for the purpose of evaluating the merits of this application and subsequently to conduct any site inspections that may be required as a condition of approval. This is their authority for doing so.

Pertaining to lands described as: Pt Lot 13, Concession 11  
(Municipal Address or Legal Description)

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Witness: \_\_\_\_\_ Name, Position (if Applicable)

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Witness: \_\_\_\_\_ Name, Position (if Applicable)

**NOTICE WITH RESPECT TO THE COLLECTION OF PERSONAL INFORMATION**

Personal information on this form is collected under the authority of The Planning Act, R. S.O. 1990, Chapter P. 13, Section 51 and will be used for contacting the applicant(s) and for processing of the Application. Questions about this collection should be directed to the Director of Corporate Services, 2021 Division Road North, Kingsville, ON N9Y 2Y9 (519) 733- 2305

**DECLARATION (INDIVIDUAL)**

I \_\_\_\_\_ of the  
\_\_\_\_\_ of \_\_\_\_\_ in the County /  
District / Regional Municipality of \_\_\_\_\_ solemnly declare that all  
the statements contained in this application and any supporting documentation are true, and I make  
this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force  
and effect as if made under oath and by virtue of the Canada Evidence Act.

DECLARED before me at the Town  
of Kingsville, in the County of Essex,  
this \_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
A Commissioner, etc.

\_\_\_\_\_  
**Signature of Registered Owner, or Authorized  
Solicitor or Agent**

\* For Each Property Owner to Sign \*

**DECLARATION (OFFICER OF CORPORATION)**

I \_\_\_\_\_ of the  
\_\_\_\_\_ of \_\_\_\_\_ in the County /  
District / Regional Municipality of \_\_\_\_\_ am the \_\_\_\_\_  
of the owner of the property which is the subject of this application. I solemnly declare that all the  
statements contained in this application and any supporting documentation are true, and I make this  
solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and  
effect as if made under oath and by virtue of the Canada Evidence Act.

DECLARED before me at the Town  
of Kingsville, in the County of Essex,  
this \_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
A Commissioner, etc.

\_\_\_\_\_  
**Signature of Registered Owner, or Authorized  
Solicitor or Agent**





2021 Division Road North  
Kingsville, Ontario N9Y 2Y9  
Phone: (519) 733-2305  
[www.kingsville.ca](http://www.kingsville.ca)

## APPLICATION FOR: OFFICIAL PLAN AMENDMENT

### INSTRUCTIONS

**Pre-consultation with the Planning Department is required.**

**Complete Sections 5 to 25 in full.** Include the authorization of registered property owners if required, see AUTHORIZATION on page 9.

**Include 1 copy of completed plan as detailed in Section 25.**

**Submit the application form, all supporting information and the application fee to Planning Department, Town of Kingsville Municipal Office.**

**The Planner will review the application and may return the application if it is incomplete, if required information is not submitted or if fees are not paid in full.**

**Administration reserves the right to request additional information.**

### FEES

**Fees are subject to change. Cheque payable to the Corporation of the Town of Kingsville.**

<b>TOTAL FEE:</b>	<b>\$4,000.00 + ERCA FEE</b>
APPLICATION FEE:	\$2,000.00
DEPOSIT:	\$2,000.00
ERCA FEE:	\$ 275.00

### CONTACT INFORMATION

Kristina Brcic, MSc, BURPI  
Town Planner

Corporation of the Town of Kingsville – Planning Department  
2021 Division Road N  
Kingsville, ON N9Y 2Y9

Telephone: 519-733-2305 (ext 249)  
Email: [kbrbic@kingsville.ca](mailto:kbrbic@kingsville.ca)  
Website: [www.kingsville.ca](http://www.kingsville.ca)

## GENERAL INFORMATION SHEET

### Discussion & Pre-Consultation of the Proposal

At any time when an application for an Official Plan Amendment is being considered, the applicant should approach Kristina Galinac, Town Planner to engage in an informal discussion to explain the proposed application being contemplated. This informal discussion should provide the applicant with procedural directions about processing the application as well as determining planning policies under which the application can be considered for approval, including Provincial Policy Plan, County and Local Official Plan. At this time, the applicant may also wish to obtain a copy of the Application Form.

### Official Plan Amendment Procedure

An Official Plan Amendment can be a relatively involved process. There are generally ten steps, outlined below, which can be identified in the processing of an Official Plan Amendment. In the event the Municipality either refuses or neglects to act, the Planning Act provides that the applicant may appeal the amendment to the Ontario Municipal Board (OMB) and the matter is decided at an OMB Hearing.

The OMB is an independent body that addresses planning disputes. It hears evidence from all parties and makes a final decision based on planning merits. Once the OMB has made its decision an Order is issued. The Order is sent to the applicant, the municipality and all other known affected parties. If approved by the OMB, the amendment is then in effect and development can proceed (provided all other required approvals have been obtained). The OMB charges a fee of \$300 for appeals/referrals.

### Procedural Steps for Official Plan Amendments

The steps which are outlined below are based on Sections 17 and 22 of the Planning Act, R.S.O. 1990, as amended and O. Reg 198/96.

### Submission of Application

If the informal discussion demonstrates the need for an Official Plan Amendment, a copy of the attached Application Form must be completed, a copy of detailed site plan must be prepared and both must be submitted to the Municipal Office accompanied by a certified cheque in the amount of the required application fee and deposit being \$3,275. **Applicants are to note that submission of application and deposit of fee means only that the application will be taken under consideration and that approval will not necessarily be granted.**

### Evaluation & Notice of Application

Once an Official Plan Amendment application has been made to a municipality, together with the required fee, the proposal is reviewed by staff for completeness and in relation to the policies of the existing Official Plan. Completeness of the application is critical. At this point, the application is not necessarily accepted and may be returned for more information from the applicant. Considerable information, such as background or environmental studies, may be needed in order to proceed with the application. Until the municipality has received all prescribed information, materials and fees, respective time periods established in the Planning Act do not begin and the approval authority has no obligation to give any consideration to the application. As soon as the application is deemed complete it is forwarded to the attention of the Manager of Planning Services for the County of Essex.

### Preparation of Draft Amendment

If the application is complete with the prescribed information and merits further consideration, a draft amendment is usually prepared by the Planner. The Official Plan Amendment sets out the details of the proposed changes to be made to appropriate sections of the text of the existing Official Plan policies and/or necessary changes to the existing land use designation on the land use schedule.

### Consult Various Government Agencies

At least twenty (20) days prior to holding a Public Meeting to consider the Official Plan Amendment request, Council shall provide to such Boards, Commissions, Authorities or other Agencies as required by Provincial Regulations and as Council considers may have an interest in the amendment proposal, adequate information respecting same with a requirement that any comments are to be submitted to the Town within twenty (20) days.

**Public Meeting**

Official Plan Amendments must be reviewed at a Public Meeting organized by Council not sooner than twenty (20) days after having given notice thereof. Notice shall be given in accordance with the requirements of the Planning Act. The developer, concerned citizens and Council attend the Public Meeting for the purpose of determining public support or opposition to the proposal and to allow citizens the opportunity to ask any questions of the developer that they may wish. The applicant should be prepared to make a presentation about the proposal and to answer all questions concerning the development.

**Council Decision and Adoption**

After the public meeting, Council considers all staff reports, government agency and public comments and decides whether to adopt the Official Plan Amendment. If the proposal is to be adopted, the appropriate by-law adopting the amendment is passed and the municipality must then send notice in writing to all affected and interested parties within fifteen (15) days of the date of the decision.

**Submission to Manager of Planning Services**

Not later than fifteen (15) days after the proposal has been adopted by by-law the municipality shall cause to be compiled and forwarded to the Managers Planning Services, a record which shall include:

- a) a certified copy of the by-law adopting the plan or amendment;
- b) a certified copy of the plan or plan amendment;
- c) a statement as to whether it replaces an existing Official Plan;
- d) the original or true copy of all written submissions or comments and accompanying material received prior to adoption of the proposal;
- e) an affidavit or sworn declaration in accordance with subsection 14 (1);
- f) an affidavit or sworn declaration in accordance with subsection 14 (2);
- g) a statement from an employee of the Municipality or Planning Board as to whether the decision of the Council or Planning ,
  - i) is consistent with the policy statements issued under subsection 3 (1) of the Act, and
  - ii) conforms to or does not conflict with any applicable Provincial Plan or Plans;
- h) a copy of the minutes of the public meeting;
- i) a copy of any planning report considered by Council or Planning Board;
- j) if applicable, the prescribed information (provided is true) and material under clauses 17 (15) (a) and (b) of the Act;
- k) if applicable, the original or a certified copy of,
  - i) the supporting information and material under clauses 17 (15) (a) and (b) of the Act,
  - ii) the prescribed information and material under subsection 22 (4) of the Act, and
  - iii) any other information and material that is required to be provided by the Official Plan of the Municipality or the Planning Board;
- l) a statement by the municipality certifying the requirements for notice and the holding of at least one public meeting are proper;
- m) a statement by the municipality declaring all persons and public bodies that made oral submissions at the public meeting;
- n) such other information or material as the Minister may require.

### **Decision by the County**

After conferring with government Agencies and such other bodies or persons as deemed necessary the Manager of Planning Services may now approve, approve with modification, deny the proposed amendment or refer all or part of it to the Ontario Municipal Board.

### **Ontario Municipal Board Decision**

If the amendment is referred to the Ontario Municipal Board, the Board may approve all or part of the Plan, make modifications or refuse to approve all or part of the Plan or dismiss all or part of the Plan.

### **Refusal to Consider**

The majority of Official Plan Amendments also present the need for a Zoning By-law Amendment, a Plan of Subdivision Application or perhaps a Development Control Agreement pursuant to the provisions of the Planning Act. These processes may be carried out concurrent to the Official Plan Amendment process following the procedures outlined. Until the municipality has received the required information, material and fees, the respective time periods established in the Planning Act do not begin and the approval authority has no obligation to give any consideration to the application.

**TOWN OF KINGSVILLE**

1. Name of Approval Authority: Town of Kingsville
2. Date of pre-consultation with municipality: \_\_\_\_\_  
 You are required (but not limited to) submit the following items as per the pre-consultation discussion with the Planning Department:

☐ Other as required by Municipality: \_\_\_\_\_

3. Date application is received by municipality: \_\_\_\_\_
4. Date application deemed complete by municipality: \_\_\_\_\_

5. **Name of registered owner(s):**

1. Pratt Fitch & Jones Limited

2. \_\_\_\_\_

Telephone Number: 519-839-5063

Cell Phone Number: \_\_\_\_\_

Mailing Address (Full): 436 Belle River Road, Woodslee, ON Postal Code: N0R 1V0

Email Address: info@bellevuegolf.ca

**Name of Registered Owner's Solicitor or Authorized Agent / Applicant (if any):**

Dillon Consulting Limited c/o Melanie Muir

Telephone Number: 519-948-5000 Ext. 3239

Mailing Address (Full): 3200 Deziel Drive, Windsor, ON Postal Code: N8W 5K8

Email Address: mmuir@dillon.ca

**Name of Owner (Offer to Purchase):** N/A

Telephone Number: \_\_\_\_\_

Mailing Address (Full): \_\_\_\_\_ Postal Code: \_\_\_\_\_

Email Address: \_\_\_\_\_

**Please specify to whom all communications should be sent:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Registered Owner | <input type="checkbox"/> Solicitor                   |
| <input type="checkbox"/> Owner Purchase              | <input checked="" type="checkbox"/> Authorized Agent |

6. Location and description of subject land:

Concession and Lot No.: Part Lot 13, Concession 11

Lot No. and Registered Plan No: \_\_\_\_\_

Part No. and Reference Plan: \_\_\_\_\_

Street Address: \_\_\_\_\_

Assessment Roll No.: \_\_\_\_\_

7. Is the subject parcel subject to any registered, non-registered easements or restrictive covenants?

☐ Yes ☒ No

If Yes, please provide details regarding the easement or covenant, including purpose, effect, location, dimensions, Instrument No. etc... N/A

## 8. Size of subject parcel (metric):

Frontage: 60.0 m Depth: 60.87 m Area: 3,652.2 m<sup>2</sup>Irregular Shaped: ☐

## 9. Type of water supply:

☒ Municipally owned and operated piped water supply (To be installed)☐ Well☐ Other (specify) \_\_\_\_\_

## 10. Type of sanitary sewage disposal:

☐ Municipally owned and operated sanitary sewers☒ Septic system☐ Other (specify) \_\_\_\_\_Would this application permit development on privately owned and operated individual or communal septic systems: ☒ YES ☐ NOIf yes, would more than 4500 litres of effluent be produced per day as a result of the development being completed: ☐ YES ☒ NOIf yes, Please indicate whether the following have been attached: N/A☐ Servicing Options Report☐ Hydrogeological Report

## 11. Type of storm drainage:

☐ Sewers☒ Ditches☐ Swales☐ Other (specify) \_\_\_\_\_12. Current use of subject land Open Space / Vacant

## 13. Does the requested amendment change, replace or delete a policy in the Official Plan:

☐ Yes ☒ NoIf yes, please indicate the policy that is to be changed, replaced or deleted: N/A14. Proposed change to Official Plan land use **designation** (map) affecting subject land:Current Official Plan designation Parks and Open SpaceCurrent land use(s) permitted Parks, Recreational Uses, Conservation LandsProposed Official Plan designation Site Specific Parks and Open SpaceProposed land use(s) permitted Residential**Note:** *If a change in land use designation is proposed, the applicant is to provide a copy of the Map Schedule from the Official Plan with the proposed change and accompanying text indicated.*15. Proposed change to Official Plan land use **policy** affecting subject land:Existing land use policy to be deleted or amended Parks and Open SpaceLand use policy to be added Permitted Use: Single detached residential dwellings

Purpose of new or amended land use policy To permit the development of a single detached residential dwelling on the proposed subject site.

New land uses permitted by change in land use policy Single Detached residential

Text of proposed land use policy change being applied for \_\_\_\_\_

**(use a separate sheet of paper if necessary)**

16. The land use that the requested Official Plan Amendment would authorize: \_\_\_\_\_  
Residential

17. Current land use of abutting property:

North Open Space, Golf Course

South Agricultural, Residential

East Residential, Agricultural

West Golf Course, Residential

18. Please indicate whether the subject land or any land within 120 metres of the subject land is the subject of an application made by the applicant for approval of one of the following:

- ☒ Official plan amendment  
☒ Zoning by-law amendment  
☐ Minor variance  
☐ Plan of subdivision  
☒ Consent  
☐ Site plan

If known, please provide the following with respect to the application(s):

File number \_\_\_\_\_

Name of the approval authority \_\_\_\_\_

Lands affected \_\_\_\_\_

Purpose \_\_\_\_\_

Status Concurrent

Effect on the amendment proposed by this application \_\_\_\_\_

19. Please specify if the requested amendment alters: N/A

- ☐ all of the boundaries;  
☐ any part of the boundary; or  
☐ establishes a new area of settlement in a Municipality

Please indicate the Official Plan Policies, if any dealing with the alteration or establishment of an area of settlement: N/A

20. Does the requested amendment remove the subject land from an area of employment:

☐ YES

☒ NO

If yes, please indicate the Official Plan Policies, if any, dealing with the removal of land from an area of employment: N/A

21. Is the requested amendment consistent with the Policy Statement issued under subsection 3 (1) of the Act:

☒ YES

☐ NO

22. Is the subject land within an area of land designated under any Provincial Plan or Plans:

☐ YES

☒ NO

If yes, please indicate whether the requested amendment conforms to or does not conflict with the Provincial Plan or Plans: N/A

☐ YES

☐ NO

Dated at the TOWN of KINGSVILLE this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_



**AUTHORIZATION**

To: Clerk/Planner, Town of Kingsville

I/WE, the undersigned, being the registered owner(s) of the above lands hereby authorize:

Dillon Consulting Limited

(Name of Solicitor or Authorized Agent)

of the City of Windsor to:

(Municipality where Solicitor or Authorized Agent resides)

1. Make an application on my/our behalf to the Council for the Town of Kingsville;
2. Appear on my behalf at any hearing(s) of the application; and
3. Provide any information or material required by Town Council relevant to the application

Pertaining to lands described as: Pt Lot 13, Concession 11

(Municipal Address or Legal Description)

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Witness: \_\_\_\_\_

Name, Position (if Applicable)

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Witness: \_\_\_\_\_

Name, Position (if Applicable)

Dated at the \_\_\_\_\_ of \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_, this \_\_\_\_\_  
 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**PERMISSION TO ENTER PROPERTY**

To: Clerk/Planner, Town of Kingsville

I hereby authorize the Planner, Director of Municipal Services or delegate and/or members of the staff of the Corporation of the Town of Kingsville to enter upon the subject lands and premises for the purpose of evaluating the merits of this application and subsequently to conduct any site inspections that may be required as a condition of approval. This is their authority for doing so.

Pertaining to lands described as: Pt Lot 13, Concession 11

(Municipal Address or Legal Description)

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Witness: \_\_\_\_\_

Name, Position (if Applicable)

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Witness: \_\_\_\_\_

Name, Position (if Applicable)

**NOTICE WITH RESPECT TO THE COLLECTION OF PERSONAL INFORMATION**

Personal information on this form is collected under the authority of The Planning Act, R. S.O. 1990, Chapter P. 13, Section 51 and will be used for contacting the applicant(s) and for processing of the Application. Questions about this collection should be directed to the Director of Corporate Services, 2021 Division Road North, Kingsville, ON N9Y 2Y9 (519) 733- 2305

**DECLARATION (INDIVIDUAL)**

I \_\_\_\_\_ of the  
\_\_\_\_\_ of \_\_\_\_\_ in the County / District /  
Regional Municipality of \_\_\_\_\_ solemnly declare that all the statements contained  
in this application and any supporting documentation are true, and I make this solemn declaration  
conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under  
oath and by virtue of the Canada Evidence Act.

DECLARED before me at the Town  
of Kingsville, in the County of Essex,  
this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_  
A Commissioner, etc.

\_\_\_\_\_  
Signature of Registered Owner, or Authorized Solicitor or  
Agent

\* For Each Property Owner to Sign \*

**DECLARATION (OFFICER OF CORPORATION)**

I \_\_\_\_\_ of the  
\_\_\_\_\_ of \_\_\_\_\_ in the County / District /  
Regional Municipality of \_\_\_\_\_ am the \_\_\_\_\_ of the owner  
of the property which is the subject of this application. I solemnly declare that all the statements contained in  
this application and any supporting documentation are true, and I make this solemn declaration  
conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under  
oath and by virtue of the Canada Evidence Act.

DECLARED before me at the Town  
of Kingsville, in the County of Essex,  
this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_  
A Commissioner, etc.

\_\_\_\_\_  
Signature of Registered Owner, or Authorized Solicitor or  
Agent



2021 Division Road North  
Kingsville, Ontario N9Y 2Y9  
Phone: (519) 733-2305  
[www.kingsville.ca](http://www.kingsville.ca)

## APPLICATION FOR: ZONING BY-LAW AMENDMENT OR "H" REMOVAL

### INSTRUCTIONS

Pre-consultation with the Planning Department is required.

Complete Sections 5 to 29 in full. Include the authorization of registered property owners if required, see AUTHORIZATION on page 5.

Include 1 copy of all plans as detailed in Section 21 on letter or legal sized paper.

Submit the application form, all supporting information and the application fee to Planning Department, Town of Kingsville Municipal Office

The Planner will review the application and may return the application if it is incomplete, if required information is not submitted or if fees are not paid in full.

Administration reserves the right to request additional information.

### FEES

Fees are subject to change. Cheque payable to the Corporation of the Town of Kingsville.

☐ **MAJOR ZONING BY-LAW AMENDMENT**

**TOTAL FEE: \$4,000.00 + ERCA FEE**

APPLICATION FEE: \$2,000.00  
DEPOSIT: \$2,000.00  
ERCA FEE: \$ 300.00

☐ **MINOR ZONING BY-LAW AMENDMENT**

**TOTAL FEE \$2,200.00 + ERCA FEE**

APPLICATION FEE: \$1,200.00  
DEPOSIT: \$1,000.00  
ERCA FEE: \$ 200.00

☐ **AMENDMENT TO ALLOW A TEMPORARY USE**

**TOTAL FEE: \$3,200.00 + ERCA FEES**

APPLICATION FEE: \$1,200.00  
DEPOSIT: \$2,000.00  
ERCA FEE: \$ 200.00

☐ **"H" REMOVAL**

**TOTAL FEE: \$1,000.00**

APPLICATION FEE: \$ 500.00  
DEPOSIT: \$ 500.00

☐ **AMENDMENT TO ALLOW A TEMPORARY USE EXTENSION**

**TOTAL FEE: \$1,600.00 + ERCA FEES**

APPLICATION FEE: \$600.00  
DEPOSIT: \$1,000.00  
ERCA FEE: \$ 200.00

### CONTACT INFORMATION

Robert Brown, H, Ba, MCIP, RPP Manager,  
Planning & Development Services

Corporation of the Town of Kingsville – Planning Department  
2021 Division Road N  
Kingsville, ON N9Y 2Y9

Telephone: 519-733-2305 (250)  
Email: [rbrown@kingsville.ca](mailto:rbrown@kingsville.ca)  
Website: [www.kingsville.ca](http://www.kingsville.ca)

**TOWN OF KINGSVILLE**

1. Name of Approval Authority: Town of Kingsville
2. Date of pre-consultation with municipality: \_\_\_\_\_  
**You are required (but not limited to) submit the following items as per the pre-consultation discussion with the Planning Department:**

☐

Other as required by Municipality: \_\_\_\_\_

3. Date application is received by municipality: \_\_\_\_\_
4. Date application deemed complete by municipality: \_\_\_\_\_

**5 Name of registered owner(s):**

1. Pratt Fitch & Jones Limited

2. \_\_\_\_\_

Telephone Number: 519-839-5063 ☐

Cell Phone Number: \_\_\_\_\_ ☐

Mailing Address (Full): 436 Belle River Road, Woodslee, ON Postal Code: N0R 1V0

Email Address: info@bellevuegolf.ca

**Name of Registered Owner's Solicitor or Authorized Agent / Applicant(if any):**

Dillon Consulting Limited c/o Melanie Muir

Telephone Number: 519-948-5000 Ext. 3239

Mailing Address (Full): 3200 Deziel Drive, Windsor, ON Postal Code: N8W 5K8

Email Address: mmuir@dillon.ca

**Name of Owner (Offer to Purchase):** N/A

Telephone Number: \_\_\_\_\_

Mailing Address (Full): \_\_\_\_\_ Postal Code: \_\_\_\_\_

Email Address: \_\_\_\_\_

**Please specify to whom all communications should be sent:**

☒ Registered Owner

☐ Solicitor

☐ Owner Purchase

☒ Authorized Agent

**Name and address of any mortgages, charges or other encumbrances in respect to the subject land:** N/A

Financial Company/ Mortgage Holder: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Mailing Address (Full): \_\_\_\_\_ Postal Code: \_\_\_\_\_

Email Address: \_\_\_\_\_

**6. Location and description of subject land:**

Concession and Lot No.: Part Lot 13, Concession 11

Lot No. and Registered Plan No: \_\_\_\_\_

Part No. and Reference Plan: \_\_\_\_\_

Street Address: \_\_\_\_\_

Assessment Roll No.: \_\_\_\_\_

7. Date subject land acquired by current registered owner: +50 Years
8. Is the subject land within an area where the municipality has pre-determined the minimum and maximum density/height?  
☐ Yes ☒ No
9. Size of subject parcel (metric):  
 Frontage: 60.0 m Depth: 60.87 m Area: 3,652.2 m<sup>2</sup>  
 Irregular Shaped: ☐
10. Access to subject parcel:  
☒ Municipal Road ☐ County Road ☐ Provincial Hwy.  
☐ Private Road ☐ Water ☐ Right of Way
- If access to the subject land is by water only, state the parking and docking facilities used or to be used and the approximate distance between these facilities and the nearest public road:  
N/A
11. Type of water supply:  
☒ Municipally owned and operated piped water supply (To be installed)  
☐ Well  
☐ Other (specify) \_\_\_\_\_
12. Type of sanitary sewage disposal:  
☐ Municipally owned and operated sanitary sewers  
☒ Septic system  
☐ Other (specify) \_\_\_\_\_
- Would this application permit development on privately owned and operated individual or communal septic systems: ☒ YES ☐ NO
- If yes, would more than 4500 litres of effluent be produced per day as a result of the development being completed: ☐ YES ☒ NO
- If yes, Please indicate whether the following have been attached: N/A  
☐ Servicing Options Report  
☐ Hydrogeological Report
13. Type of storm drainage:  
☐ Sewers  
☒ Ditches  
☐ Swales  
☐ Other (specify) \_\_\_\_\_
14. Current Use of the Subject Land: Open Space, Vacant
15. Length of Time Current Use has Continued: +50 Years
16. (a) Number and type of buildings or structures **existing** on the subject land and their distance from the front lot line, side lot lines and rear lot line, their height and their dimensions/floor area? No existing buildings or structures on the subject land  
☐ Detailed sketch attached
- (b) Date of Construction of existing buildings: N/A
17. Official Plan Land Use designation of subject land: Parks and Open Space
18. Current Zoning of subject land: Green Zone - Recreational (RG)

19. Nature and extent of rezoning requested: Zoning By-Law Amendment from Green Zone - Recreational (RG) to Rural Residential (RR) zone.
20. Reasons why re-zoning is requested: To permit the proposed development of a single detached residential dwelling on the subject land.
21. Proposed use of subject land: Single detached residential dwelling
22. Number and type of buildings or structures **proposed** to be built on the subject land and their distance from the front lot line, side lot lines and rear lot line, their height and their dimensions/floor area? One single detached residential dwelling
- ☐ Detailed sketch attached
23. Has the subject land ever been the subject of an application under Section 34 of the Act:  
☐ YES ☒ NO  
 If yes, indicate file number or details of previous application: N/A
24. Has the subject land ever been the subject of a Minister's Zoning Order:  
☐ YES ☒ NO  
 If yes, indicate the Ontario Regulation number of that Order: N/A
25. Is the subject land the subject of an application under the Planning Act for:  
☒ Consent to Sever ☐ Plan of Subdivision approval  
 If known, indicate the file number and status of the foregoing application: Concurrent
26. Has the subject land ever been the subject of an application for a minor variance under section 45 of the Planning Act?  
☐ YES ☒ NO
27. Is the application for an amendment to the zoning by-law consistent with policy statements issued under Subsection 3 (1) of the Act?  
☒ YES ☐ NO
28. (a) Is the subject land within the area of land designated under any Provincial Plan or plans?  
☐ YES ☒ NO  
 If yes, indicate what Provincial Plan or plans: N/A
- (b) Does the application conform to or does not conflict with the applicable Provincial Plan or plans? N/A ☐ Conforms ☐ Does Not Conform
29. Please submit a sketch showing in metric units the following:
- ☐ the boundaries and dimensions of the subject land;
  - ☐ the location, size, and type of all existing and proposed building and structures on the subject land, indicating their distance from the front lot line, rear lot line and side lot lines;
  - ☐ the approximate location of all natural and artificial features (*for example: buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks*) that,
    - (i). are located on the subject land that is adjacent to it, and
    - (ii). in the applicant's opinion, may affect the application;
  - ☐ the current uses of land that is adjacent to the subject land (*for example, residential, agricultural or commercial*);
  - ☐ the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
  - ☐ if access to the subject land will be by water only, the location of the parking and boat docking facilities to be used; and
  - ☐ the location and nature of any easement affecting the subject land.

### AUTHORIZATION

To: Clerk/Planner, Town of Kingsville

I/WE, the undersigned, being the registered owner(s) of the above lands hereby authorize:  
Dillon Consulting Limited

(Name of Solicitor or Authorized Agent)  
of the City of Windsor to:  
(Municipality where Solicitor or Authorized Agent resides)

1. Make an application on my/our behalf to the Council for the Town of Kingsville;
2. Appear on my behalf at any hearing(s) of the application; and
3. Provide any information or material required by Town Council relevant to the application

Pertaining to lands described as: Pt Lot 13, Concession 11  
(Municipal Address or Legal Description)

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Witness: \_\_\_\_\_ Name, Position (if Applicable)

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Witness: \_\_\_\_\_ Name, Position (if Applicable)

Dated at the \_\_\_\_\_ of \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_,  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

### PERMISSION TO ENTER PROPERTY

To: Clerk/Planner, Town of Kingsville

I hereby authorize the Planner, Director of Municipal Services or delegate and/or members of the staff of the Corporation of the Town of Kingsville to enter upon the subject lands and premises for the purpose of evaluating the merits of this application and subsequently to conduct any site inspections that may be required as a condition of approval. This is their authority for doing so.

Pertaining to lands described as: Pt Lot 13, Concession 11  
(Municipal Address or Legal Description)

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Witness: \_\_\_\_\_ Name, Position (if Applicable)

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Witness: \_\_\_\_\_ Name, Position (if Applicable)

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**DECLARATION (INDIVIDUAL)**

I \_\_\_\_\_ of the  
\_\_\_\_\_ of \_\_\_\_\_ in the County /  
District / Regional Municipality of \_\_\_\_\_ solemnly declare that all  
the statements contained in this application and any supporting documentation are true, and I make  
this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force  
and effect as if made under oath and by virtue of the Canada Evidence Act.

DECLARED before me at the Town  
of Kingsville, in the County of Essex,  
this \_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
A Commissioner, etc.

\_\_\_\_\_  
Signature of Registered Owner, or Authorized  
Solicitor or Agent

\* For Each Property Owner to Sign \*

**DECLARATION (OFFICER OF CORPORATION)**

I \_\_\_\_\_ of the  
\_\_\_\_\_ of \_\_\_\_\_ in the County /  
District / Regional Municipality of \_\_\_\_\_ am the \_\_\_\_\_  
of the owner of the property which is the subject of this application. I solemnly declare that all the  
statements contained in this application and any supporting documentation are true, and I make this  
solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and  
effect as if made under oath and by virtue of the Canada Evidence Act.

DECLARED before me at the Town  
of Kingsville, in the County of Essex,  
this \_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
A Commissioner, etc.

\_\_\_\_\_  
Signature of Registered Owner, or Authorized  
Solicitor or Agent

## Appendix B

### *Provincial Policy Statement - Policies*

## Part V: Policies

### 1.0 Building Strong Healthy Communities

Ontario is a vast province with urban, rural, and northern communities with diversity in population, economic activities, pace of growth, service levels and physical and natural conditions. Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

Accordingly:

#### 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) avoiding development and land use patterns that would prevent the efficient expansion of *settlement areas* in those areas which are adjacent or close to *settlement areas*;
- e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;
- f) improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society;
- g) ensuring that necessary *infrastructure*, electricity generation facilities and transmission and distribution systems, and *public service facilities* are or will be available to meet current and projected needs; and
- h) promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate.

- 1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 20 years. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a *provincial plan*, that time frame may be used for municipalities within the area.

Within *settlement areas*, sufficient land shall be made available through *intensification* and *redevelopment* and, if necessary, *designated growth areas*.

Nothing in policy 1.1.2 limits the planning for *infrastructure* and *public service facilities* beyond a 20-year time horizon.

### 1.1.3 Settlement Areas

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

The vitality of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

- 1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

- 1.1.3.2 Land use patterns within *settlement areas* shall be based on:

- a) densities and a mix of land uses which:
  - 1. efficiently use land and resources;
  - 2. are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
  - 3. minimize negative impacts to air quality and climate change, and promote energy efficiency;
  - 4. support *active transportation*;
  - 5. are *transit-supportive*, where transit is planned, exists or may be developed; and
  - 6. are *freight-supportive*; and
- b) a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

- c) in *prime agricultural areas*:
  - 1. the lands do not comprise *specialty crop areas*;
  - 2. alternative locations have been evaluated, and
    - i. there are no reasonable alternatives which avoid *prime agricultural areas*; and
    - ii. there are no reasonable alternatives on lower priority agricultural lands in *prime agricultural areas*;
- d) the new or expanding *settlement area* is in compliance with the *minimum distance separation formulae*; and
- e) impacts from new or expanding *settlement areas* on agricultural operations which are adjacent or close to the *settlement area* are mitigated to the extent feasible.

In determining the most appropriate direction for expansions to the boundaries of *settlement areas* or the identification of a *settlement area* by a planning authority, a planning authority shall apply the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

#### 1.1.4 Rural Areas in Municipalities

Rural areas are important to the economic success of the Province and our quality of life. Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. Rural areas and urban areas are interdependent in terms of markets, resources and amenities. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.

Ontario's rural areas have diverse population levels, natural resources, geographies and physical characteristics, and economies. Across rural Ontario, local circumstances vary by region. For example, northern Ontario's natural environment and vast geography offer different opportunities than the predominately agricultural areas of southern regions of the Province.

##### 1.1.4.1 Healthy, integrated and viable *rural areas* should be supported by:

- a) building upon rural character, and leveraging rural amenities and assets;
- b) promoting regeneration, including the redevelopment of *brownfield sites*;
- c) accommodating an appropriate range and mix of housing in rural *settlement areas*;
- d) encouraging the conservation and *redevelopment* of existing rural housing stock on *rural lands*;
- e) using rural *infrastructure* and *public service facilities* efficiently;
- f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;

- g) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;
  - h) conserving biodiversity and considering the ecological benefits provided by nature; and
  - i) providing opportunities for economic activities in *prime agricultural areas*, in accordance with policy 2.3.
- 1.1.4.2 In *rural areas*, *rural settlement areas* shall be the focus of growth and development and their vitality and regeneration shall be promoted.
- 1.1.4.3 When directing development in *rural settlement areas* in accordance with policy 1.1.3, planning authorities shall give consideration to rural characteristics, the scale of development and the provision of appropriate service levels.
- 1.1.4.4 Growth and development may be directed to *rural lands* in accordance with policy 1.1.5, including where a municipality does not have a *settlement area*.

### **1.1.5 Rural Lands in Municipalities**

- 1.1.5.1 When directing development on *rural lands*, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.
- 1.1.5.2 On *rural lands* located in municipalities, permitted uses are:
- a) the management or use of resources;
  - b) resource-based recreational uses (including recreational dwellings);
  - c) limited residential development;
  - d) home occupations and home industries;
  - e) cemeteries; and
  - f) other rural land uses.
- 1.1.5.3 Recreational, tourism and other economic opportunities should be promoted.
- 1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.
- 1.1.5.5 Development shall be appropriate to the *infrastructure* which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this *infrastructure*.
- 1.1.5.6 Opportunities should be retained to locate new or expanding land uses that require separation from other uses.

- 1.1.5.7 Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.
- 1.1.5.8 *Agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices* should be promoted and protected in accordance with provincial standards.
- 1.1.5.9 New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the *minimum distance separation formulae*.

## **1.1.6 Territory Without Municipal Organization**

- 1.1.6.1 On *rural lands* located in territory without municipal organization, the focus of development activity shall be related to the sustainable management or use of resources and resource-based recreational uses (including recreational dwellings).
- 1.1.6.2 Development shall be appropriate to the *infrastructure* which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this *infrastructure*.
- 1.1.6.3 The establishment of new permanent townsites shall not be permitted.
- 1.1.6.4 In areas adjacent to and surrounding municipalities, only development that is related to the sustainable management or use of resources and resource-based recreational uses (including recreational dwellings) shall be permitted. Other uses may only be permitted if:
- a) the area forms part of a planning area;
  - b) the necessary *infrastructure* and *public service facilities* are planned or available to support the development and are financially viable over their life cycle; and
  - c) it has been determined, as part of a *comprehensive review*, that the impacts of development will not place an undue strain on the *public service facilities* and *infrastructure* provided by adjacent municipalities, regions and/or the Province.

## **1.2 Coordination**

- 1.2.1 A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies and boards including:



## 1.4 Housing

1.4.1 To provide for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents of the *regional market area*, planning authorities shall:

- a) maintain at all times the ability to accommodate residential growth for a minimum of 10 years through *residential intensification* and *redevelopment* and, if necessary, lands which are *designated and available* for residential development; and
- b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate *residential intensification* and *redevelopment*, and land in draft approved and registered plans.

1.4.2 Where planning is conducted by an upper-tier municipality:

- a) the land and unit supply maintained by the lower-tier municipality identified in policy 1.4.1 shall be based on and reflect the allocation of population and units by the upper-tier municipality; and
- b) the allocation of population and units by the upper-tier municipality shall be based on and reflect *provincial plans* where these exist.

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the *regional market area* by:

- a) establishing and implementing minimum targets for the provision of housing which is *affordable to low and moderate income households*. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;
- b) permitting and facilitating:
  - 1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including *special needs* requirements; and
  - 2. all forms of *residential intensification*, including second units, and *redevelopment* in accordance with policy 1.1.3.3;
- c) directing the development of new housing towards locations where appropriate levels of *infrastructure* and *public service facilities* are or will be available to support current and projected needs;
- d) promoting densities for new housing which efficiently use land, resources, *infrastructure* and *public service facilities*, and support the use

- of *active transportation* and transit in areas where it exists or is to be developed; and
- e) establishing development standards for *residential intensification, redevelopment* and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

## **1.5 Public Spaces, Recreation, Parks, Trails and Open Space**

### **1.5.1 Healthy, active communities should be promoted by:**

- a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate *active transportation* and community connectivity;
- b) planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for *recreation*, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;
- c) providing opportunities for public access to shorelines; and
- d) recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas.

## **1.6 Infrastructure and Public Service Facilities**

### **1.6.1 *Infrastructure*, electricity generation facilities and transmission and distribution systems, and *public service facilities* shall be provided in a coordinated, efficient and cost-effective manner that considers impacts from climate change while accommodating projected needs.**

Planning for *infrastructure*, electricity generation facilities and transmission and distribution systems, and *public service facilities* shall be coordinated and integrated with land use planning so that they are:

- a) financially viable over their life cycle, which may be demonstrated through asset management planning; and
- b) available to meet current and projected needs.

### **1.6.2 Planning authorities should promote *green infrastructure* to complement *infrastructure*.**

- b) *airports, rail facilities and marine facilities and sensitive land uses* are appropriately designed, buffered and/or separated from each other, in accordance with policy 1.2.6.

1.6.9.2 *Airports* shall be protected from incompatible land uses and development by:

- a) prohibiting new residential *development* and other sensitive land uses in areas near *airports* above 30 NEF/NEP;
- b) considering redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses in areas above 30 NEF/NEP only if it has been demonstrated that there will be no negative impacts on the long-term function of the *airport*; and
- c) discouraging land uses which may cause a potential aviation safety hazard.

## **1.6.10 Waste Management**

1.6.10.1 *Waste management systems* need to be provided that are of an appropriate size and type to accommodate present and future requirements, and facilitate, encourage and promote reduction, reuse and recycling objectives. Planning authorities should consider the implications of development and land use patterns on waste generation, management and diversion.

*Waste management systems* shall be located and designed in accordance with provincial legislation and standards.

## **1.6.11 Energy Supply**

1.6.11.1 Planning authorities should provide opportunities for the development of energy supply including electricity generation facilities and transmission and distribution systems, to accommodate current and projected needs.

1.6.11.2 Planning authorities should promote *renewable energy systems* and *alternative energy systems*, where feasible, in accordance with *provincial and federal requirements*.

## **1.7 Long-Term Economic Prosperity**

1.7.1 Long-term economic prosperity should be supported by:

- a) promoting opportunities for economic development and community investment-readiness;

- b) optimizing the long-term availability and use of land, resources, *infrastructure*, electricity generation facilities and transmission and distribution systems, and *public service facilities*;
- c) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;
- d) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including *built heritage resources* and *cultural heritage landscapes*;
- e) promoting the redevelopment of *brownfield sites*;
- f) providing for an efficient, cost-effective, reliable *multimodal transportation system* that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;
- g) providing opportunities for sustainable tourism development;
- h) providing opportunities to support local food, and promoting the sustainability of agri-food and agri-product businesses by protecting agricultural resources, and minimizing land use conflicts;
- i) promoting energy conservation and providing opportunities for development of *renewable energy systems* and *alternative energy systems*, including district energy;
- j) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature; and
- k) encouraging efficient and coordinated communications and telecommunications infrastructure.

## 1.8 Energy Conservation, Air Quality and Climate Change

1.8.1 Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and climate change adaptation through land use and development patterns which:

- a) promote compact form and a structure of nodes and corridors;
- b) promote the use of *active transportation* and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;
- c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future;
- d) focus freight-intensive land uses to areas well served by major highways, *airports*, *rail facilities* and *marine facilities*;
- e) improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;
- f) promote design and orientation which:

## 2.0 Wise Use and Management of Resources

Ontario's long-term prosperity, environmental health, and social well-being depend on conserving biodiversity, protecting the health of the Great Lakes, and protecting natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits.

Accordingly:

### 2.1 Natural Heritage

- 2.1.1 Natural features and areas shall be protected for the long term.
- 2.1.2 The diversity and connectivity of natural features in an area, and the long-term *ecological function* and biodiversity of *natural heritage systems*, should be maintained, restored or, where possible, improved, recognizing linkages between and among *natural heritage features and areas, surface water features* and *ground water features*.
- 2.1.3 *Natural heritage systems* shall be identified in Ecoregions 6E & 7E<sup>1</sup>, recognizing that *natural heritage systems* will vary in size and form in *settlement areas, rural areas, and prime agricultural areas*.
- 2.1.4 *Development and site alteration* shall not be permitted in:
  - a) *significant wetlands* in Ecoregions 5E, 6E and 7E<sup>1</sup>; and
  - b) *significant coastal wetlands*.
- 2.1.5 *Development and site alteration* shall not be permitted in:
  - a) *significant wetlands* in the Canadian Shield north of Ecoregions 5E, 6E and 7E<sup>1</sup>;
  - b) *significant woodlands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)<sup>1</sup>;
  - c) *significant valleylands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)<sup>1</sup>;
  - d) *significant wildlife habitat*;
  - e) *significant areas of natural and scientific interest*; and
  - f) *coastal wetlands* in Ecoregions 5E, 6E and 7E<sup>1</sup> that are not subject to policy 2.1.4(b)

unless it has been demonstrated that there will be no *negative impacts* on the natural features or their *ecological functions*.

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<sup>1</sup> Ecoregions 5E, 6E and 7E are shown on Figure 1.

- 2.1.6 *Development and site alteration* shall not be permitted in *fish habitat* except in accordance with *provincial and federal requirements*.
- 2.1.7 *Development and site alteration* shall not be permitted in *habitat of endangered species and threatened species*, except in accordance with *provincial and federal requirements*.
- 2.1.8 *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*.
- 2.1.9 Nothing in policy 2.1 is intended to limit the ability of *agricultural uses* to continue.

## **2.2 Water**

- 2.2.1 Planning authorities shall protect, improve or restore the *quality and quantity of water* by:
- a) using the *watershed* as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;
  - b) minimizing potential *negative impacts*, including cross-jurisdictional and cross-*watershed* impacts;
  - c) identifying water resource systems consisting of *ground water features, hydrologic functions, natural heritage features and areas, and surface water features* including shoreline areas, which are necessary for the ecological and hydrological integrity of the *watershed*;
  - d) maintaining linkages and related functions among *ground water features, hydrologic functions, natural heritage features and areas, and surface water features* including shoreline areas;
  - 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*;
  - f) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality;
  - g) ensuring consideration of environmental lake capacity, where applicable; and

## 3.0 Protecting Public Health and Safety

Ontario's long-term prosperity, environmental health and social well-being depend on reducing the potential for public cost or risk to Ontario's residents from natural or human-made hazards.

Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.

Accordingly:

### 3.1 Natural Hazards

3.1.1 Development shall generally be directed to areas outside of:

- a) *hazardous lands* adjacent to the shorelines of the *Great Lakes - St. Lawrence River System* and *large inland lakes* which are impacted by *flooding hazards, erosion hazards and/or dynamic beach hazards*;
- b) *hazardous lands* adjacent to *river, stream and small inland lake systems* which are impacted by *flooding hazards and/or erosion hazards*; and
- c) *hazardous sites*.

3.1.2 *Development and site alteration* shall not be permitted within:

- a) *the dynamic beach hazard*;
- b) *defined portions of the flooding hazard along connecting channels* (the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers);
- c) areas that would be rendered inaccessible to people and vehicles during times of *flooding hazards, erosion hazards and/or dynamic beach hazards*, unless it has been demonstrated that the site has safe access appropriate for the nature of the *development* and the natural hazard; and
- d) a *floodway* regardless of whether the area of inundation contains high points of land not subject to flooding.

3.1.3 Planning authorities shall consider the potential impacts of climate change that may increase the risk associated with natural hazards.

- 3.1.4 Despite policy 3.1.2, *development* and *site alteration* may be permitted in certain areas associated with the *flooding hazard* along *river, stream and small inland lake systems*:
- a) in those exceptional situations where a *Special Policy Area* has been approved. The designation of a *Special Policy Area*, and any change or modification to the official plan policies, land use designations or boundaries applying to *Special Policy Area* lands, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources prior to the approval authority approving such changes or modifications; or
  - b) where the *development* is limited to uses which by their nature must locate within the *floodway*, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows.
- 3.1.5 *Development* shall not be permitted to locate in *hazardous lands* and *hazardous sites* where the use is:
- a) an *institutional use* including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools;
  - b) an *essential emergency service* such as that provided by fire, police and ambulance stations and electrical substations; or
  - c) uses associated with the disposal, manufacture, treatment or storage of *hazardous substances*.
- 3.1.6 Where the *two zone concept* for *flood plains* is applied, *development* and *site alteration* may be permitted in the *flood fringe*, subject to appropriate floodproofing to the *flooding hazard* elevation or another *flooding hazard* standard approved by the Minister of Natural Resources.
- 3.1.7 Further to policy 3.1.6, and except as prohibited in policies 3.1.2 and 3.1.5, *development* and *site alteration* may be permitted in those portions of *hazardous lands* and *hazardous sites* where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:
- a) *development* and *site alteration* is carried out in accordance with *floodproofing standards, protection works standards, and access standards*;
  - b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
  - c) new hazards are not created and existing hazards are not aggravated; and
  - d) no adverse environmental impacts will result.



## Appendix C

### *County of Essex – Official Plan Policies*

Local municipal Official Plans and implementing Zoning By-laws, will contain detailed policies and provisions relating to *second dwelling units* which generally support their creation, including but not limited to the following:

- i) Areas of the municipality where *second dwelling units* would be inappropriate such as floodprone areas or areas with inadequate servicing.
- ii) Minimum unit size, access and parking requirements.
- iii) Whether *second dwelling units* will be phased into new *developments*, at the time of *development/design/construction*.
- iv) The health and safety requirements for *second dwelling units* to be contained within an accessory structure.
- v) Garden suites.

### 3.3 AGRICULTURAL

This section contains the general directive, goals and policies for lands designated “Agricultural” on Schedule “A1” of this Plan. The “Agricultural” designation pertains to all of the lands that are not otherwise designated as “*Settlement Areas*” or “Natural Environment”. In addition, the policies in Section 3.4 of this Plan may also pertain to some of the lands designated “Agricultural”.

#### 3.3.1 General Directive

The vision for lands designated “Agricultural” is one which includes a viable agricultural community comprised of many types of agriculture such as cash crop farming, greenhouse farming, orchard farming, vineyard farming, mushroom farming and livestock farming. Essex County offers one of the most complex and technologically advanced agricultural areas in Ontario, and it is the intent of this Plan to protect this important resource for the long-term.

All lands outside of those designated as “*Settlement Areas*” and “Natural Environment” are considered the County’s *prime agricultural area* in accordance with Provincial Policy. The County promotes a diverse, innovative and economically strong agricultural industry and *settlement area* expansions, lot creation and the establishment of new uses will be carefully managed, and where necessary, restricted.

Because this County is rich in natural resources, it is also acknowledged that there is a need to permit other types of land use in the “Agricultural” designation such as the extraction of gas and oil and the extraction of mineral aggregate. These extractive uses are also permitted in accordance with Provincial Policy as interim

uses and agricultural rehabilitation is required, in accordance with Section 3.3.3.6 of this Plan.

The County's southern location provides the longest growing season for the entire Province. In addition to this, the mitigating effect of the Lake Erie and Lake St. Clair shorelines provide an overall climatic advantage for the growing of specialty crops. These climatic conditions, coupled with the high quality soils found here, means that the County has a high potential for a diverse variety of specialty crops to be grown equally in both greenhouses as well as in the field. Evidence of specialty crop production in the County is obvious, and necessary supporting *infrastructure* such as natural gas, hydro, irrigation and processors are constantly improving. Consequently, the County may identify *specialty crop areas* in consultation with the Province. If *specialty crop areas* are identified, this Plan will be amended to incorporate appropriate mapping and policies.

### 3.3.2 Goals

The following goals are established for those lands designated as "Agricultural" on Schedule "A1":

- a) To protect *prime agricultural areas* for agricultural purposes to ensure the continued long-term availability of this resource.
- b) To promote and protect *agricultural uses* and normal farm practices on lands within the "Agricultural" designation.
- c) To allow and encourage farm operators to engage in a wide range of agricultural activities.
- d) To restrict the type and amount of non-farm *development* in the "Agricultural" designation by encouraging non-farm uses to locate in the existing "Settlement Areas" identified on Schedule "A1".
- e) To only permit the expansions of existing *Primary Settlement Areas* onto lands designated "Agricultural" where demonstrated need for such an expansion has been justified either through a Local Comprehensive Review or a *comprehensive review*.
- f) To discourage lot creation in the "Agricultural" designation and establish a County-wide minimum farm parcel size that protects the agricultural land base from fragmentation. The minimum farm parcel size shall ensure that the size of new agricultural lots are appropriate for the type of *agricultural use(s)* common in the area and are sufficiently large enough to maintain flexibility for future changes in the type or size of agricultural operation.
- g) To ensure new farm and non-farm uses comply with the *Minimum Distance Separation Formulae*, as amended by the Province from time to time.

- h) To encourage the retention of woodlots as integral components of the farm operation for agroforestry and the other benefits *woodlands* provide.

### 3.3.3 Specific Agricultural Policies

The following specific policies are established for those lands shown as “Agricultural” on Schedule “A1”:

#### 3.3.3.1 Permitted Uses

The following uses are permitted within the “Agricultural” designation subject to the policies of this section:

- a) *Agricultural Uses, Secondary Uses and Agriculture-Related Uses.*
- b) Forestry, conservation uses, wildlife and fisheries management.
- c) *Watershed* management and flood and erosion control projects carried out or supervised by a public agency.
- d) A single detached dwelling in conjunction with an *agricultural use*, on an existing lot of record, and on a newly created lot approved as a *residence surplus to a farming operation*.
- e) Accessory farm accommodation, in accordance with Section 3.3.3.5 of this Plan.
- f) Passive recreational uses such as pedestrian trails.

#### 3.3.3.2 Secondary Uses

*Secondary uses* are secondary to the principal use of a property and may include, but are not limited to home occupations, home industries, and uses that produce value-added agricultural products from the farm operation on the property. The following policies apply to *secondary uses*:

- a) Local municipal Official Plans shall contain criteria for the establishment of *secondary uses* that ensure the following:
  - i) The use shall not hinder surrounding *agricultural uses*.
  - ii) The amount of land and size of the building devoted to the use is limited in proportion to the principal use and buildings on the property such that the use is clearly secondary to the principal use on the lot.
  - iii) Limits are established on the total number of employees, as well as the number of outside employees that do not reside on the property.

- iv) That the zoning or sign by-law regulate signage.
  - v) That the use does not change the agricultural character of the area.
  - vi) That the use does not create a safety hazard or become a public nuisance, particularly in regard to traffic, parking, noise, noxious odours or other emissions.
  - vii) Limits on outdoor storage.
- b) Home industry uses are occupations, trades, businesses, professions, or crafts that are secondary to the *agricultural use* or *agriculture-related use* or residential use on the property.

Home industry uses shall generally be confined to an outbuilding within the existing farm-building cluster and include but are not limited to small engine repair, woodworking and metal working.

Home industry uses shall generally not exceed 90 square metres; however, local Official Plans may provide for larger home industry uses subject to the establishment of policies that:

- i) Demonstrate that the increased size of the use is not more appropriately located within a *settlement area*.
- ii) Balance the needs of the home industry with the needs of other businesses in the community that contribute to the vitality and mixture of uses within *settlement areas* and bear the financial risks of site specific operations that are not shared by the relatively insulated home industry.
- iii) Ensure compatibility with adjacent or nearby uses by preventing *adverse effects*.

### 3.3.3.3 Agriculture-Related Uses

*Agriculture-related uses* are farm-related commercial and farm-related industrial uses that are small-scale and directly related to the farm operation and are required in close proximity to the farm operation. Examples include but are not limited to the following:

- a) Seed, pesticide, fertilizer storage (including distribution).
- b) Agricultural storage and processing facilities involving the storage and processing of crops and/or livestock from a local farm operation in the area.

- c) Fruit/vegetable/flower stands & farm markets that retail produce derived from the principal *agricultural use* on the property.
- d) Wineries, breweries and associated uses, which are secondary and directly related to the principal *agricultural use* on the property.

Local municipal Official Plans shall contain policies for *agriculture-related uses*.

#### **3.3.3.4 Lot Creation**

The County shall undertake an Agricultural Lot Size Study to determine the minimum parcel size for all types of agricultural lots, including, but not limited to, new lots for *agricultural uses*, *specialty crop areas*, and *agriculture-related uses*. Until such time as this Study is approved by County *Council* and implemented by amendment to this Plan, existing agricultural lot creation policies at the local level shall remain in effect.

However, lot creation in the “Agricultural” designation is discouraged and will only be permitted in accordance with Provincial Policy, local Official Plan policies and the following:

- a) Lot creation to accommodate an *agricultural use* shall only be considered where the lots proposed are of a size appropriate for the type of *agricultural uses* common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations. These agricultural lots shall also comply with the *Minimum Distance Separation Formulae*.
- b) Lot creation to accommodate an *agriculture-related use* shall only be considered where the use is compatible with surrounding agricultural operations and the new lot is limited to a minimum size needed to accommodate the use and appropriate sewage and water services. These agriculture-related lots shall also comply with the *Minimum Distance Separation Formulae*.
- c) Lot creation to accommodate a habitable *residence surplus to a farming operation* as a result of farm consolidation is permitted subject to the local Zoning By-law being amended, to prohibit new residential dwellings on the vacant remnant parcel of farmland created by the severance.

In order to maintain County-wide consistency in the implementation of this policy, farm consolidation will be interpreted to permit both contiguous and non-contiguous farm parcel consolidations.

*Local municipalities* may establish a minimum lot size for the remnant farm parcel in accordance with this Policy.

- d) Lot creation to permit new *infrastructure* uses is permitted where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.
- e) Lot adjustments for legal or technical reasons, such as for easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot are also permitted.

In order to maintain County-wide consistency in the implementation of this policy, lot line adjustments will be interpreted to prohibit the creation of new residential or non-farm parcels.

### 3.3.3.5 Accessory Farm Accommodation

Accessory farm accommodation is permitted for full time or seasonal farm help where:

- a) The size and/or nature of the farm operations makes the employment of such help necessary.
- b) Such additional dwellings do not have a *significant* effect on the tillable area of the farm or its viability.
- c) Permitted in the local Official Plan.
- d) The lands are appropriately zoned.

The preferred method for accommodating accessory farm accommodation is within temporary structures such as garden suites. In addition, future severances of the lands that are the site of accessory farm accommodation shall not be permitted.

### 3.3.3.6 Mineral Resources

The extraction of mineral resources (including non-metallic *mineral* resources, *petroleum resources* and *mineral aggregate resources*) is also permitted on lands within the “Agricultural” designation, in the general locations shown on Schedule “E1”, as an interim land use provided rehabilitation of the site will be carried out whereby substantially the same area and the same average soil quality for agriculture are restored. Complete agricultural rehabilitation is not required if:

- a) There is a substantial quantity of *mineral aggregate resources* below the water table warranting extraction or the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible.
- b) Other alternative locations have been considered and found unsuitable. The consideration of other alternative locations shall include *mineral* resources on land with Canada Land Inventory Class 4 to 7 soils, *mineral* resources on

lands identified as designated growth areas, and *mineral* resources on Class 1 to 3 lands where rehabilitation is feasible. Where no other alternatives are found, *prime agricultural lands* shall be protected in this order of priority: *specialty crop areas*, Canada Land Inventory Classes 1, 2 and 3.

- c) Agricultural rehabilitation in remaining areas will be maximized.

### 3.3.4 General Agricultural Policies

The following general policies are established for those lands shown as “Agricultural” on Schedule “A1”:

- a) All *development* within the “Agricultural” designation shall be in accordance with the *Minimum Distance Separation Formulae* as established in Provincial Policy. However, in accordance with the Formulae, it is the policy of this Plan that local municipal Official Plans will establish local approaches to handling the options available under the Formulae for the following:
  - i) The application of MDS I to *development* on existing lots of record.
  - ii) Application of MDS I to surplus farm dwelling severances.
  - iii) Application of MDS I after a catastrophe.
  - iv) Application of MDS I within *settlement areas*.
  - v) Application of MDS II within *settlement areas*.
  - vi) Application of MDS II after a catastrophe.
  - vii) Application of MDS II to closed cemeteries or cemeteries which receive a low level of visitation.
- b) In *prime agricultural areas*, *agricultural uses* and normal farm practices will be promoted and protected.
- c) The removal of land from the “Agricultural” designation shall only be considered for expansions, or identification of *settlement areas* and limited non-residential uses, provided that the following conditions are met:
  - i) the land does not comprise a *specialty crop area*;
  - ii) there is a demonstrated need within the planning horizon for additional agricultural land to be designated to accommodate the proposed use;
  - iii) there are no reasonable alternative locations which avoid the “Agricultural” designation;



- iv) there are no reasonable alternative locations in the “Agricultural” designation with a lower priority Canada Land Inventory soils classification; and
  - v) impacts from any new or expanding non-agricultural use on surrounding agricultural operations and lands should be mitigated to the extent feasible.
- d) Some of the policies contained within Section 3.4, Natural Environment, of this Plan may also pertain to lands designated “Agricultural”.
  - e) Normal farm practices, including but not limited to, agroforestry and spraying, are permitted on all lands designated “Agricultural”. If tree harvesting is to occur it should be based on acceptable forest management practices. Advice from a qualified specialist and the use of woodlot management plans by landowners are recommended.

### 3.4 NATURAL ENVIRONMENT

This section contains the general directive, goals and policies for the County of Essex *natural heritage system*. The components of the *natural heritage system* are listed in Table 3, and where appropriate, mapped on the Schedules to this Plan. For ease of review, the *natural heritage system* is found on the following Schedules to this Plan:

- a) Lands designated “Natural Environment” are mapped on Schedule “A1”, while Schedule “B1” contains a breakdown of the features within this designation. Lands designated “Natural Environment” are a Provincially *significant wetland* or are *significant* terrestrial features that are designated as a *natural heritage feature* in a local Official Plan, or meet 5 out of 11 of the *natural heritage feature* criteria outlined in the Essex Region Natural Heritage System Strategy (ERNHSS) prepared by the Essex Region Conservation Authority.
- b) Schedule “B2” contains an overlay of secondary priority *natural heritage features* in the County that meet 1 to 4 of the 11 criteria outlined in the ERNHSS report.
- c) Schedule “B3” contains an overlay of Restoration Opportunities including priority and secondary restoration lands that meet either 3 to 5 (Priority) or 1-2 (Secondary) of the 11 criteria outlined in the ERNHSS report.

## Appendix D

### *Town of Kingsville – Official Plan Policies*

development or re-development. The impact of such development plans on the character of the surrounding area will also be considered; &

- g) new institutional and emergency service facilities will not be permitted to locate within Natural Hazard Areas.

Land severances that would result in the creation of a new lot for institutional purposes may be permitted by the consent granting authority provided it conforms to the Official Plan, it is consistent with the Provincial Policy and the subject property has been successfully rezoned where required.

#### **3.4.1 Schools**

Kingsville students attend four elementary schools under the jurisdiction of the Greater Essex County District School Board, one elementary school under the jurisdiction of the Windsor-Essex Catholic District School Board. In addition, Kingsville students attend one secondary school which is operated by the Greater Essex County District School Board and one secondary school under the jurisdiction of the Windsor-Essex Catholic District School Board located in Leamington. There are also two private schools operating in Kingsville.

### **3.5 PARKS AND OPEN SPACE**

Lands designated "Parks and Open Space" are areas that are currently used for this purpose. The following goals and policies apply to lands so designated on Schedules "A", "A-1" and "A-2".

#### **Goals**

The following goals are established for those lands designated "Parks and Open Space" as depicted on Schedules "A", "A-1" and "A-2" of this Plan:

- a) to ensure that the Town maintains an adequate supply of open space;
- b) to ensure that open space areas are provided in suitable locations so as to maximize their accessibility for area residents;
- c) to secure additional public beach and waterfront parkland.

#### **Policies**

The following policies are established for those lands designated "Parks and Open Space" on Schedules "A", "A-1" and "A-2" of this Plan:

- a) within the area designated “Parks and Open Space”, the predominant use of land shall be for active or passive parks, public or private recreational uses and facilities including golf courses, private clubs, picnic areas and conservation lands;
- b) indoor recreational facilities shall only be permitted as accessory uses to the major outdoor recreational uses, the general intent of this Plan being to keep these areas open and free from buildings and structures except those which are incidental and accessory to the open space use;
- c) cemeteries shall also be permitted within the area designated “Parks and Open Space”;
- d) it shall be the policy of the Town to acquire additional neighbourhood parkland where necessary to maintain a total supply generally of 2 hectares per 1,000 population. In addition, the Town shall promote the development of linear parks for multi-purpose trails;
- e) the Town will require a 5% parkland dedication or a cash-in-lieu payment as a condition of the approval of every future residential development proposal. Land to be conveyed to the Town for park purposes shall be accepted only if the property is suitable for park purposes and needed in the immediate area. The Town will amend these policies at a later date if it decides that a parkland dedication of more than 5% is necessary for proposals involving medium and high density residential development according to the provisions of the Planning Act. Furthermore, the Town will, whenever necessary and feasible, utilize parkland dedication requirements pursuant to the *Planning Act* to ensure the conservation of cultural heritage resources.
- f) where any lands designated as “Parks and Open Space” are under private ownership, this Plan does not intend that the land will necessarily remain as “Parks and Open Space” indefinitely. Nor shall it be construed as implying that “Parks and Open Space” areas are free and open to the general public or that they will be purchased by the Town. If there are proposals to develop any such lands that are in private ownership, and the Town or other public agency does not wish to purchase such lands in order to maintain the open space, then an application for the re-designation of such land for other purposes will be given due consideration by the Town;

- g) the Town will continue to support the development and maintenance of recreational facilities, the acquisition, beautification and maintenance of public open space and the development of recreation programs in accordance with community needs and availability of resources;
- h) the Town shall periodically assess the role of municipal parks and open spaces in providing for local needs, and may, if it is deemed beneficial, alter the size of a particular park or change the types of facilities or programs provided;
- i) the Town will endeavour to work with neighbourhood residents, service clubs and organizations, interested groups and government agencies in meeting parks and open space needs of the community;
- j) the Town will seek the cooperation of the Boards of Education having jurisdiction in the community, to maximize the use of school facilities for recreational purposes during off-school hours;
- k) where possible, parkland should be located in conjunction with stormwater management facilities to achieve maximum area of open space. Stormwater management facilities and lands conveyed for public walkways will not form any part of the required parkland dedication, as they are deemed public services and rights of way under the Planning Act;
- l) new and existing recreational uses shall be appropriately zoned in the implementing Zoning By-law and physical expansions to existing recreational uses which are limited to the confines of the current zoning shall be permitted; however expansions into the "Agriculture" designation would require an amendment to this Plan;
- m) Surplus lands on the golf course located on County Road 20, west of Kingsville in this designation have been developed residentially in accordance with the Plan of Condominium approved by the Ministry of Municipal Affairs and subject to the terms and provisions of a Development Agreement with the Township. In addition to the use of the lands for recreational purposes which is predominantly the existing golf course, as permitted by these policies, the lands may be used to provide for the accommodation of the public as a hotel. Development of the lands for the use as a hotel will be subject to a zoning by-law amendment, in accordance with the criteria established in subsection 6.15 of this Plan and will be subject to site plan control.

## SECTION 5 HUMAN-MADE AND NATURAL HAZARDS

Section 5 contains policies pertaining to human-made and natural hazards as defined in the Provincial Policy Statement 2005. Human-made hazards are lands related to, or in proximity of, resource extraction and/or processing of: oil, gas and salt, petroleum, and mineral aggregates. Natural hazards are lands adjacent to shorelines and inland watercourses impacted by flooding or erosion where property may be unsafe for development due to naturally occurring processes. The majority of the human-made and natural hazards occur within the rural areas of the Town in lands designated “Agriculture”.

### 5.1 HUMAN-MADE HAZARDS

Development on, abutting or adjacent to lands affected by mine hazards, oil, gas and salt hazards; or former mineral mining operations, mineral aggregate operations or petroleum resource extraction operations may be permitted if remediation measures to address, and mitigate known or suspected contaminants or hazardous conditions are underway or have been completed.

Contaminated sites shall be restored as necessary prior to any activity on a site associated with a proposed use such that there will be no adverse effect. In particular, any development application proposing to redevelop a contaminated site or develop lands adjacent to a contaminated site must include information pertaining to the following:

- a) past and present uses of the site;
- b) a soil report prepared in accordance with the Record of Site Condition Regulation O.Reg 153/04, as amended of the *Environmental Protection Act* for the restoration and cleanup of contaminated sites. The report shall indicate whether the site is to be restored prior to approvals being granted or prior to development occurring. Development will not be permitted until the site has been restored in accordance with Provincial guidelines and legislation;
- c) an acknowledgement of the requirement that the site restoration is to occur in accordance with Ministry of Environment’s requirements specified in Ontario Regulation 153/04 of the *Environmental Protection Act* as may be revised from time to time as a ‘Record of Site Condition’;

- d) where contamination has been identified, a letter from the Ministry of the Environment acknowledging filing of a 'Record of Site Condition' prior to the development approvals being granted
- e) there will be no change in property use for any of the property use changes specified in Section 14 of Regulation 153/04, as amended of the Environmental Protection Act, save and except the exemptions provided for by Section 15 of Regulation 153/04, unless a Record of Site Condition has been obtained and filed.

#### **5.1.1 Unplugged Oil and Natural Gas Wells**

- a) Unplugged oil and natural gas wells must be decommissioned (plugged) in accordance with Ministry of Natural Resource's Oil, Gas and Salt Resources Act regulations and Provincial Operating Standards. A licence pursuant to section 10. of the Oil, Gas and Salt Resources Act, is required in order to perform any work on a well. It is recommended that although development may not be proposed near an unplugged well, landowners should decommission (plug) the wells and associated works for safety purposes.
- b) Development on, or adjacent to oil, gas and salt hazards or former petroleum operations will be permitted only when rehabilitation measures to address and mitigate known and suspected hazards are underway or have been completed. Prior to the issuance of a building permit, landowners proposing to develop a site with an abandoned well, must reference the "Record of Site Condition Regulation, O. Reg. 153/04" as amended by the Environmental Protection Act and must decommission the well and associated works.

### **5.2 NATURAL HAZARDS**

Lake Erie and the various watersheds of the Town of Kingsville, represent dynamic water systems that are impacted throughout the year by climate and precipitation. At certain periods of the year, the areas in and around Lake Erie and Kingsville's creeks are susceptible to flooding and/or erosion. These potential flooding and erosion events are natural hazards to development. The inland watercourse areas which are susceptible to flooding are identified as "Floodplain Development Control Area", while the floodplain of Lake Erie for the Town is identified as the "Lake Erie Floodprone Area"

on Schedule “C” to this Plan. Schedule “C” depicts the extent of the Natural Hazards lands for the Town as a visual representation only, when considering development the exact boundaries of these lands should be confirmed in consultation with the Essex Region Conservation Authority. The land uses permitted within Natural Hazards are determined by the underlying land use designation watercourses identified on Schedule “A”, “A-1” and “A-2” and are subject to the overlying policies of this Section, with exception to the Floodway of inland watercourses. Development within Natural Hazard lands must be capable of satisfying provincial hazard management issues.

### **5.2.1 WATERCOURSE HAZARD LANDS (Floodplain Development Control Area)**

As the flooding of watercourses creates a hazard with respect to creeks and other water tributaries, the Essex Region Conservation Authority has adopted a two zone approach for regulating floodplains. A floodplain contains two distinct areas, 1) a floodway and 2) a flood fringe. The two zone concept distinguishes between areas where development and site alteration may be permitted or where development is prohibited. Development and site alteration is not permitted within the floodway. Development and site alteration may be permitted within the flood fringe where the development is capable of satisfying Provincial floodplain hazard management issues under the jurisdiction of the Essex Region Conservation Authority.

#### **Floodway**

The floodway includes the channel and the lands immediately adjacent to the channel area that is characterized by deeper, faster moving water in a flood event. The floodway is the more hazardous portion of the floodplain and development and site alteration are not permitted within it. For areas where channels have been constructed or existing channels have been modified, the floodway width typically varies from 8 metres to 15 metres on both sides of the channel depending on the depth of the channel present. In low lying areas adjacent to natural watercourses the limit of the floodway could extend significantly wider than the 15 metres on both sides of the channel and will be determined based on the Essex Region Conservation Authority criteria, a site specific analysis and the nature of the individual watercourse. The Essex Region Conservation Authority will utilize specific policies in determining the extent of the floodway mapping based on standardized criteria. The extent of the floodway may be different for various reaches of individual watercourse.



## **Flood Fringe**

Lands identified as a Flood Fringe by the Essex Region Conservation Authority are areas being susceptible to flooding under regulatory flood conditions (1:100 year) or the maximum observed for the Ruscom River and are subject to Ontario Regulations 158/06, as amended and implemented by the Essex Region Conservation Authority. As such, the requirement to obtain a permit will be necessary in advance of any development occurring. Development shall only be permitted if:

- a) It is identified that the development will not adversely affect the existing flood levels and/or flow of the specific waterway;
- b) floodproofing of buildings and/or structures is undertaken;
- c) a permit is issued by the Essex Region Conservation Authority which may require environmental and other technical studies in advance of a permit being issued; and
- d) all development is in accordance with the underlying land use designation(s).

## **Watercourse Setbacks**

For any inland watercourses, as shown on Schedule “C” of this Plan, where engineered flood lines are not available, the Town, in consultation with the Essex Region Conservation Authority will incorporate appropriate building setbacks from the top of bank such watercourses, into the Zoning By-law. When determining such setbacks, the Town shall take into consideration the type of watercourse, bank stability, angle of bank slope and other relative aspects. In evaluating development applications for lands adjacent to any watercourse or drain, the Town, in consultation with the Essex Region Conservation Authority, may request the proponent to establish appropriate floodproofing elevations, and such floodproofing requirements shall be implemented through the Zoning By-law, development agreements and any permit required to be issued by the Essex Region Conservation Authority.

Development setbacks are the preferred method for protecting new development as opposed to relying on structural and non-structural protection measures that require maintenance and upgrading overtime.

### 7.3 CONSENTS

In considering applications for consent, Council and the Committee of Adjustment shall have regard to the policies of this Plan, to those matters outlined in Section 53(2) of the Planning Act and to the following general and specific policies:

- a) three new lots or fewer may be created by consent provided: the proposed use is permitted in this Plan, the Town is satisfied that a plan of subdivision is not required, adequate access can be provided, adequate potable water supply, sanitary sewage treatment and disposal and stormwater management can be provided in accordance with this Plan, all to the satisfaction of the Town, and the proposed lots comply with the Zoning By-law;
- b) consents should be granted only when the land fronts on an existing public road which is of a reasonable standard acceptable to the Town and/or the Ministry of Transportation or the County of Essex or are on an existing private road or right-of-way in a “Residential” designation and satisfy all other requirements of this Plan;
- c) consents should be used as a vehicle to provide for infilling in existing built-up areas between residential lots on the same side of the road;
- d) the size of any parcel of land created by consent should be appropriate for the use proposed, considering the public services available and the soil conditions, and in no case should any parcel be created which does not conform to the minimum provisions of the implementing Zoning By-law. The consent granting authority may exercise its powers under Section 53(2) of the Planning Act when reviewing the appropriateness of the proposed shape, size, or configuration of any proposed lot;
- e) consents should not be granted adjacent to a road where traffic hazards due to limited sight lines on curves would be created or proximity to intersections;
- f) regard should be had to the compatibility of the proposed use with uses in adjacent areas and the potential effects of such use on the surrounding area;
- g) a cultural heritage and/or archaeological resource assessment may be required for any lands to be subdivided. The assessment and the conservation of any significant cultural heritage resources identified through the assessment may be a condition of any consent;

- h) consents for mortgage purposes, not in the “Agriculture” designation, may be allowed if the use of land does not change as a result of the mortgage. The Committee of Adjustment shall use Section 50(16) of the Planning Act to ensure that once the mortgage has been discharged, a further consent would be required to transfer or sell off the parcel that was subject to the mortgage;
- i) consents for lot adjustments or minor boundary changes are permitted provided both parcels comply with the provisions of the implementing Zoning By-law and the consent is granted conditional to Section 50(3) or (5) of the Planning Act;
- j) the division of land will only be allowed when it has been established that soil and drainage conditions for all parcels involved are suitable:
  - i) to permit the proper siting of a building;
  - ii) to obtain a sufficient and potable water supply;
  - iii) to provide adequate means of potable water supply, sanitary sewage treatment and disposal, and stormwater management in accordance with the provisions of this Plan, to the satisfaction of the Town and the statutory approval authority having jurisdiction;
- k) when considering consents involving lands within 120 metres of any lands designated Mineral Aggregate Resource area, the Committee of Adjustment will give consideration to possible incompatibilities which could result from the noise, dust, vibration and traffic associated with the Mineral Aggregate Resource use;
- l) the Town’s policy shall be to require one application fee per new lot created. Notwithstanding, only one application outlining all of the lots to be created need to be submitted. Such application shall have a corresponding series of numbers relative to the number of new lots being created. It shall be the Town’s policy to deny consent applications that only remit one fee but by applying for a new lot in the middle of an existing lot attempt to create two new lots with one application;
- m) when granting consent applications or plans of subdivision, Council and the Committee of Adjustment will give consideration to the following requirements which may be included as part of the consent:
  - i) that all Realty and Business Taxes are to be paid in full;
  - ii) a development charge is to be paid to the Town to cover present and future community services;

- iii) up to 5 percent of the value of the lot is to be conveyed to the Town for its park fund;
- iv) any road widening is required to be dedicated to the Town, County or Province;
- v) the Town's implementing Zoning By-law is to be amended to permit the proposed use, if necessary, prior to any certificate under Section 53(21) of the Planning Act being endorsed on the transfer deeds;
- vi) that the applicant enter into an Agreement to construct and/or maintain any drainage facilities servicing the agricultural sector which traverse the subject property;
- vii) that the applicant, if required, agree to construct and/or maintain fences around the proposed lot;
- viii) that access to the property be constructed to the satisfaction and requirements of the Town and other appropriate agencies;
- ix) that for the purposes of a consent, the provision of a survey of the smaller of the two lots may be acceptable provided it satisfies the requirements of the Registry Act and the regulations thereto;
- x) that the intent of the Town shall be to discourage scattered and isolated residential development throughout the Town except where specific land division policies dictate otherwise;
- xi) that ribbon and strip development along the local road system will be discouraged except where specific land use policies dictate otherwise.

### **7.3.1 Agriculture Land Division**

The following specific policies shall apply to those lands designated "Agriculture" on Schedule "A" of this Plan.

All division of land shall occur through the consent process and such consents shall only be permitted if in accordance with the policies outlined below.

## Appendix E

### *Town of Kingsville – Zoning By-Law Policies*

SUBSECTION 6.6 RURAL RESIDENTIAL (RR)	
<b>a) Permitted Uses</b>	
i) <b>Main use</b>	Residential; One <i>Home occupation</i> One <i>Bed and breakfast</i>
ii) <b>Accessory use</b>	One <i>greenhouse</i> One fruit and vegetable stand <i>Accessory uses</i>
<b>b) Permitted Buildings and Structures</b>	
i) <b>Permitted Buildings and Structures</b>	One <i>single detached dwelling</i> <i>Accessory structures</i>
<b>c) Regulations</b>	
i) <b>Lot area</b> ( <i>minimum</i> )	a) 2,000 m <sup>2</sup> (21,500 ft <sup>2</sup> ) if residence is not connected to all 3 municipal services (water/sewer/storm);  b) 1,400 m <sup>2</sup> (15,070 ft <sup>2</sup> ) for a <i>single detached</i> residence on full municipal services.
ii) <b>Lot frontage</b> ( <i>minimum</i> )	30 m (100 ft)
iii) <b>Interior Side yard</b> ( <i>minimum</i> )	1.5 m
iv) <b>Front yard Setback</b> ( <i>minimum</i> )	15 m
v) <b>Exterior Side yard</b> ( <i>minimum</i> )	4.6 m
vi) <b>Rear yard</b> ( <i>minimum</i> )	15 m
vii) <b>Lot coverage</b> ( <i>maximum</i> )	40 % <i>maximum</i> including <i>accessory buildings/structures</i>
viii) <b>Main building height</b> ( <i>minimum</i> )	11 m (36 ft)

#### d) Supplementary Regulations

- i) Each *dwelling shall* be connected to full municipal services (storm water services, potable water services, sanitary services) and electrical services as approved by The *Corporation* or any other authority having jurisdiction.
- ii) The following supplementary regulations *shall* also apply to lands *zoned* (RR):
  - Subsection 3: Definitions
  - Subsection 4: General Land *Uses* (ie: *Home occupations*)
  - Subsection 5: General Property Regulations (ie: municipal drain *setbacks*)
  - Subsection 6/7: Parking Regulations
- iii) Subsection 4.15 *Floodplain Development Control Area shall* apply in whole or in part to lands situated within the following restricted areas shown on Schedule "A":
  - 1. *Natural Environment Zone* – Subsection 11.1;
  - 2. *Wetland Zone* – Subsection 11.2,&
  - 3. *ERCA Floodplain Development Control Area*

#### 4.15 Floodplain Development Control Area

The Floodplain *Developmental* Control Area as shown on Schedule “A” of this By-law is that area which lies within the regulatory (1:100 Year) floodplain of the adjacent *watercourse*. Within this area, the extent of the *floodway* and floodplain can be determined from the definition of *Floodway* contained in Section 3 of this By-law. *Development* within the *Floodway*, with the exception of a permeable *fence*, is prohibited. That area within the *Floodplain Development Control Area* but outside of the *Floodway* shall only be developed in accordance with the provisions of the underlying *zones* and shall be flood proofed to the satisfaction of the Essex Region *Conservation authority* to ensure that *building openings* are located above the elevation of the 1:100 Year flood level at the *building* location as detailed in Ontario Regulation 147/90, as amended, and Ontario Regulation 535/91 Schedule 2, Mapping Sheets 1 to 9, 13 to 16, 20, 22, 25 and 26, dated February, 1981, all of which are on file at the *office* of the Essex Region *Conservation authority*.

#### 4.16 Greenhouse Facilities

The following regulations shall apply to *greenhouse facilities* in the *Corporation*:

- a) *seasonal worker housing*, as defined under subsection 3.10.28, shall only be permitted for *greenhouses* with an area of greater than 1.2 ha growing area;
- b) the *seasonal worker housing* must be located on the same *lot* as the *greenhouse facility*;
- c) A *landscape buffering* and a *minimum* separation of 10 m (33 ft.) is required between the *greenhouse* and any residences;
- d) bicycle racks shall be provided for all *seasonal worker housing* and at each *greenhouse facility*;
- e) parking shall have a *minimum* separation of 10 m (33 ft.) from any residence;
- f) *driveways* and *driveway entrances* shall have a *minimum setback* of 2 m (6.5 ft.) from the side or rear *lot lines*;
- g) loading areas will have a *minimum* of 15 m (50 ft.) *setback* from all *lot lines*.

#### 4.17 Hazardous Uses

Unless otherwise specifically provided by this by-law, no new *dwelling* or other *sensitive land use* shall be permitted within 150 m (493 ft.) of a *lot* on which a sewage lagoon is located on the *lot* or within 500 m (1,641 ft.) of a *Landfill Zone*. This shall not apply to the replacement of a lawfully existing *dwelling*, provided such *dwelling* is located no closer to the sewage lagoon or *landfill* than as existing.



## Appendix F

### *Species at Risk – Information Request*



# MEMO

**TO:** District Planner, Ministry of Natural Resources and Forestry, Aylmer District Office  
**FROM:** Brad McLeod, Dillon Consulting Limited  
**cc:** Allen Benson, Dillon Consulting Limited  
**DATE:** March 19, 2018  
**SUBJECT:** Stage 1: Species at Risk Information Request for the Proposed Bellevue Golf Planning Services Development located in the Town of Kingsville, Ontario  
**OUR FILE:** File #17-6585

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## EXECUTIVE SUMMARY

A desktop background review and preliminary site assessment were conducted for the property located on the north side of Road 11, east of County Road 27 East, in the Town of Kingsville, to determine potential for impacts to Species at Risk (SAR) and/or SAR habitat as a result of the proposed residential development. See **Appendix A**.

The land use within the proposed development area ('project location') is vacant with mowed grasses. As a result, the preliminary field survey noted that there is minimal potential for SAR or SAR habitat within the project location and no incidental SAR observations were recorded. Although no specific SAR, or SAR habitat was identified within the project location, general mitigation measures will be implemented throughout the construction phase to prevent potential impacts to incidental SAR and other wildlife species within the general vicinity of the proposed development.

Based on the information available to us and described within the following memo, Dillon is of the opinion that there is a low likelihood that the proposed development will impact SAR and/or SAR habitat.

## **1. Introduction**

Dillon Consulting Limited (Dillon) has been retained by Pratt Fitch & Jones Limited to conduct environmental consulting services, which involves an assessment of potential impacts to the natural environment. The purpose of this memo is to provide information about the project and request further information regarding Species at Risk (SAR) from the Ministry of Natural Resources and Forestry (MNRF). The format for this memo follows the *Technical Memo: Aylmer District Species at Risk Screening Process* (April 2017).

The purpose of this Stage 1: Information Request is to:

- Provide information about the project;
- Request any additional SAR and/or natural heritage information, if available;
- Screen for potential effects to SAR;

## **DILLON CONSULTING LIMITED**

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- Provide information to the MNRF that will assist in the determination of whether there is a *Low Likelihood*, or *High Likelihood* for SAR species and/or habitat to occur and be impacted; and,
- If there is a *High Likelihood*, to clearly identify the SAR species and/or habitat for which specific additional field assessments are recommended and indicate if there are specific MNRF protocols to follow, or whether MNRF approval for survey methodologies and timing windows is required.

## 2. Proponent Information

The proponent is Pratt Fitch & Jones Limited and Dillon is the agent working on behalf of the proponent.

Proponent Information: Pratt Fitch & Jones Limited  
436 Belle River Road  
Woodslee, Ontario  
NOR 1V0  
info@bellevuegolf.ca

## 3. Detailed Property Location Information

The property boundary is provided in **Appendix A**, enclosed.

The property is located on the north side of Road 11, east of County Road 27 East, in the Town of Kingsville, Essex County, Ontario. The property is legally described as “Part Lot 13, Concession 11”. The property is bordered: to the north by Bellevue Golf Club; to the east by single-detached, residential dwellings; to the south by a forested floodplain of the Belle River that is designated as Floodplain Development Control Area by Essex Region Conservation Authority; and, to the west by the Belle River itself and associated floodplain.

## 4. Photo Documentation of the Property

Photos were taken during a site visit on February 28, 2018. Please refer to **Appendix B**, enclosed.

## 5. General Description of all Proposed Activities and Extent of Development Footprint

The proposed activities are slated to develop the property for one, single-detached, residential dwelling.

It is anticipated that the proposed disturbance area required is approximately 0.37 ha. A detailed description of the proposed activities may be required to be presented in an Environmental Impact Assessment (EIA) and can be made available to MNRF, if requested.

## 6. NHIC Search Results, and Preliminary SAR and Existing Conditions Survey

A search of the Natural Heritage Information Centre (NHIC) was conducted in February 2018 to obtain records of SAR and to preliminarily determine if SAR may be impacted by the proposed activities. No occurrence records for species protected under the Endangered Species Act (ESA), 2007 from the last 20 years were found for the 1 km square that encompasses the property (square: 17LG5769) and adjacent areas.

A preliminary SAR and existing conditions site investigation was conducted on February 28, 2018 to document potential existing terrestrial and aquatic environment conditions and record incidental observations of SAR and potential SAR habitat. Although the site investigation was conducted outside of preferred timing windows, the property is dominated by mowed grasses and has low potential for SAR and/or SAR habitat. Due to Dillon's familiarity with SAR in the Town of Kingsville and Essex County, field staff actively searched for the following SAR species:

- Blanding's Turtle (*Emydoidea blandingii*)
- Butler's Gartersnake (*Thamnophis butleri*)
- Eastern Foxsnake (*Pantherophis gloydi*)
- Massasauga (*Sistrurus catenatus*)
- Spiny Softshell (*Apalone spinifera*)
- American Chestnut (*Castanea dentata*)
- Blue Ash (*Fraxinus quadrangulata*)
- Butternut (*Juglans cinerea*)
- Colicroot (*Aletris farinosa*)
- Dense Blazing Star (*Liatris spicata*)
- Dwarf Hackberry (*Celtis tenuifolia*)
- Eastern Prairie-fringed Orchid (*Platanthera leucophaea*)
- Red Mulberry (*Morus rubra*)
- Willowleaf Aster (*Symphotrichum praealtum*)

Our assessment of SAR and/or habitat was based on knowledge of natural history and habitat requirements of SAR, and observations of dormant plants, incidental wildlife observations, vegetation identified within the property, and indicators of wildlife use (e.g. scat, burrows, tracks, etc.)

Field investigations revealed that the property is dominated by mowed grasses (*Poa* sp.). The hedgerow located along the southern property boundary, is White Oak (*Quercus alba*) dominant. To the west of the property, the Belle River has wooded slopes. Due to the fact that this wooded area is approximately 20 m from the western property boundary, no impacts to the wooded area are anticipated.

Considering the state of the property (i.e. mowed lawn), the preliminary SAR field survey noted that potential SAR habitat does not exist on the property and no incidental SAR observations were recorded.

## 7. Timing and Duration of Proposed Activities

Construction is anticipated to begin summer 2018 and end summer 2019.

## 8. Summary of Past Correspondence with MNRF about the Property

To the best of Dillon's knowledge, there has been no past correspondence with MNRF regarding this property.

## 9. Type and Status of Municipal Planning Process

An application for Consent to Sever is required to enable the creation of a single residential lot on the property. The proponent is requesting that the vacant lands identified be severed from the abutting Bellevue Golf Club to permit the proposed residential development.

An Official Plan Amendment application is also required to permit the proposed residential use on the property. The proponent is requesting an amendment from existing "Parks and Open Space" designation

to a “site-specific Parks and Open Space” designation to enable the proposed development of a single-detached, residential dwelling.

Finally, a Zoning By-Law Amendment application is required to rezone the property to permit the proposed residential use. The proponent is requesting an amendment from the existing “Green Zone – Recreational (RG)” zone to a “Rural Residential (RR)” zone to permit the proposed residential development.

## 10. Additional Information (Setbacks, Mitigation Measures, Approaches, etc.)

As the property contains no natural features, there is low potential for SAR habitat, and impacts to wildlife species within the general area are not anticipated. Also, as noted above, no impacts are anticipated for the wooded area to the west, adjacent to the Belle River, as it is approximately 20 m from the development boundary (**Figure 2**). During the construction phase, general mitigation measures for erosion and sediment control (ESC) will be installed and monitored throughout the construction period. These measures will serve the dual purpose of both isolating the site by providing a general barrier and to prevent SAR from entering the property. General construction and SAR mitigation practices will also be required for construction staff such as:

- Silt fencing should be installed around the development area in order to control erosion during construction and to exclude any potential snakes, turtles, and other wildlife from entering the construction area. In order for the silt fencing to be an effective barrier, it should be buried at a depth of 20cm;
- Species listed as Endangered or Threatened on the Species at Risk in Ontario (SARO) List that is present at the property, must be protected from all harm and harassment;
- Prior to conducting any work on site, all on-site personnel must be made aware of the potential presence of SAR on site, and the protection afforded to them under the ESA;
- Any SAR that is incidentally encountered on the property must be allowed to leave on its own accord. Activities within 30 m should cease until the individual disperses. Construction machinery/equipment must maintain a minimum operation distance of 30 m from the individual until it disperses the property on its own accord;
- Should on-site personnel be unable to allow an incidentally-encountered SAR individual to disperse from the active construction area on its own accord, MNRF Aylmer District staff must be contacted immediately for additional guidance;
- Any SAR individual that is present on the property should be reported to MNRF Aylmer District staff within 48 hours of the observation, or the next working day, whichever comes first;
- If an injured, or deceased SAR is found, the individual must be placed in a non-airtight container that is maintained at an appropriate temperature, and MNRF Aylmer District staff must be contacted immediately for additional guidance;
- Construction- and vegetation-clearing equipment that is left idle for over one hour, or is parked overnight on the property between April 1<sup>st</sup> and October 31<sup>st</sup>, must be surveyed for the presence of SAR snakes before re-ignition. This visual examination should include all lower components of the machinery, including operational extensions and running gear;
- Removal of vegetation should be limited to the smallest extent possible and should be conducted between August 31<sup>st</sup> and October 31<sup>st</sup>, when SAR snake individuals are active and

most able to flee areas of disturbance, or between December 1<sup>st</sup> and March 30<sup>th</sup>, when SAR snake individuals are over-wintering;

- Care should be taken when working around, or removing habitat features such as rock piles, brush piles, fallen, or rotten trees, or logs, partially-buried debris, and leaf and mulch piles where snakes may seek cover, or deposit eggs; and,
- During the active snake season (March to November), individuals may find and occupy material and equipment stored on site; therefore, a clean, debris-free work site should be maintained (e.g. storage of flat materials like plywood and rubber mats in open areas should be avoided).

As mentioned in **Section 5** of this memo, an EIA may be required for this proposed development and can be made available to MNRF, if requested.

If it is determined that other agencies such as Fisheries and Oceans Canada (DFO) and/or the Conservation Authority should be consulted for this project, this will be completed under separate cover.

### **CLOSING**

We trust that this information meets and in some cases exceeds the requirements of a Stage 1 SAR Information Request. As discussed above, we kindly ask for:

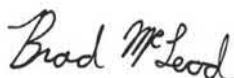
- Additional SAR and natural heritage information, including Restricted Records and limits of Regulated Habitat, if available;
- Screen for potential effects to SAR;
- A decision on whether there is a *Low Likelihood*, or *High Likelihood* for SAR species and/or habitat to occur and be impacted; and,
- If there is a *High Likelihood*, to clearly identify the SAR species and/or habitat for which specific additional field assessments are recommended, and indicate if there are specific MNRF protocols to follow, or whether MNRF approval for survey methodologies and timing windows are required.

Based on the information available to us and described within this memo, Dillon is of the opinion that there is a Low Likelihood that the proposed development will impact SAR species and/or habitat, and we would request that a Letter to Proponent (LOA) be prepared for this project as outlined in the *Technical Memo: Aylmer District Species at Risk Screening Process* (April 2017).

Please do not hesitate to call (519)-948-4243 ext. 3250 if you have any questions.

Sincerely,

**Dillon Consulting Limited**



Brad McLeod, MS  
Biologist

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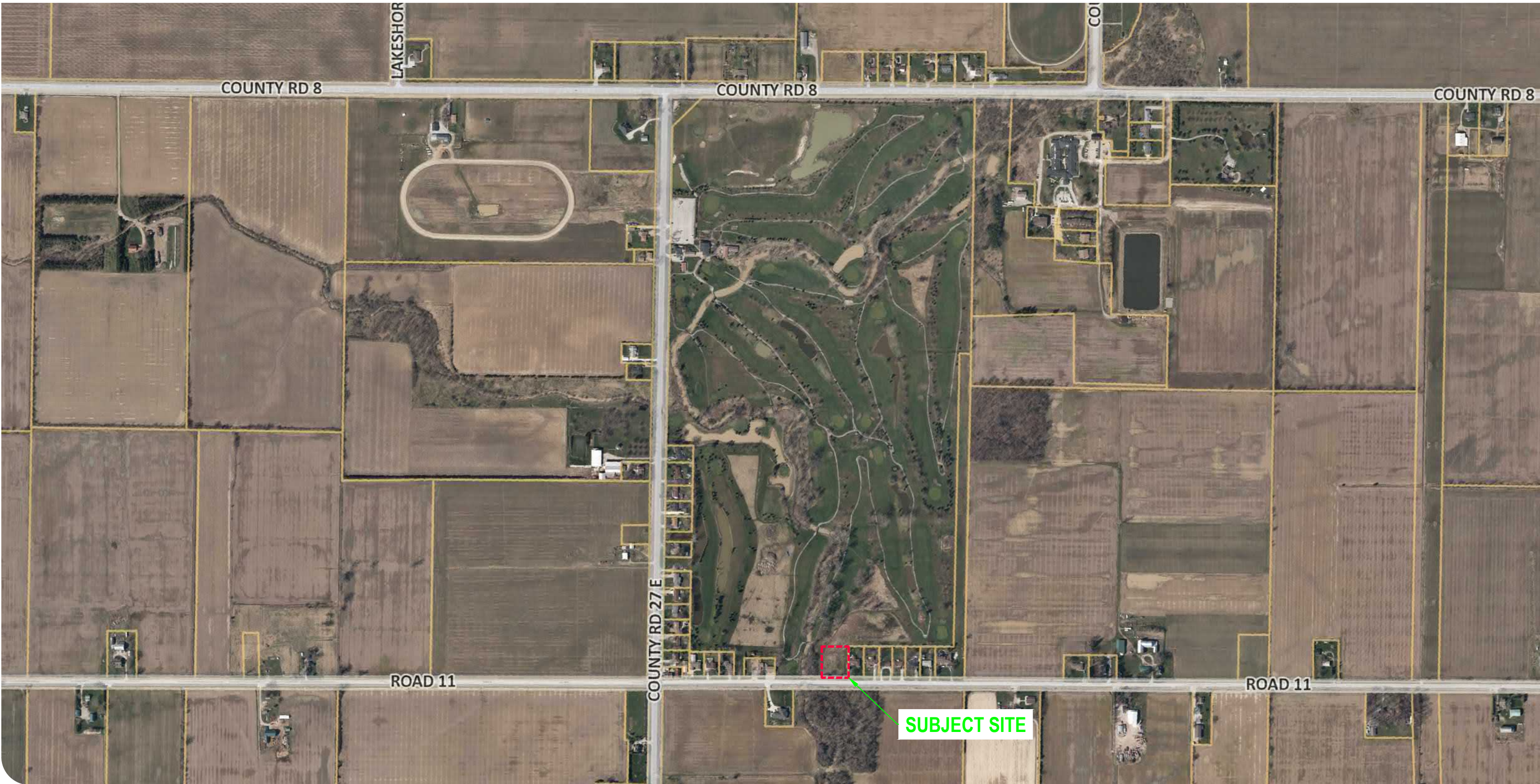
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Appendix A: Project Location and Site Plan


Appendix B: Site Photos

## **Appendix A: Project Location and Site Plan**





**BELLEVUE GOLF CLUB**  
SPECIES AT RISK: INFORMATION REQUEST

 SUBJECT SITE UNDER APPLICATION

SOURCE: COUNTY OF ESSEX GIS MAPPING (2017)

File Location:  
c:\projectwise\working directory\active\32krk\d0625511\figure 1.0 - location  
map.dwg  
March, 12, 2018 9:12 AM

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CREATED BY: KRK  
CHECKED BY: BTM  
DESIGNED BY: KRK/BTM

SCALE: NTS



PROJECT: 17 6585  
STATUS: FINAL  
DATE: 03/07/2018

**FIGURE 1.0**  
LOCATION MAP





**BELLEVIEW GOLF CLUB**  
SPECIES AT RISK: INFORMATION REQUEST



SUBJECT LANDS



PARCEL FABRIC

SOURCE: ESSEX REGION CONSERVATION AUTHORITY AERIAL PHOTOGRAPHY (2017)

File Location:  
c:\projectwise\working directory\active\32krk\d0625511\figure 5 - conceptual site  
plan.dwg  
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DESIGNED BY: VALENTE

SCALE: NTS



PROJECT: 17-6585  
STATUS: FINAL  
DATE: 03/16/2018

**FIGURE 2.0**  
SITE PLAN



## **Appendix B: Site Photos**

**Photograph  
1**

February  
28, 2018

Looking  
west from  
the  
southeast  
corner of  
the  
property.

Note:  
hedgerow  
running  
parallel to  
Road 11 on  
left side of  
photo.



**Photograph  
2**

February  
28, 2018

Looking  
north from  
near the  
southwest  
corner of  
the  
property.

Note:  
evidence of  
tree  
harvest and  
burn pile.



**Photograph  
3**

February  
28, 2018

Looking  
northeast  
from the  
southwest  
corner of  
the  
property.

