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June 13, 2017

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

Dear Mr. Brown:

RE: Zoning By-Law Amendment ZBA-14-17  
169 PRINCE ALBERT ST N  
ARN 371111000001200; PIN: 751730308  
Applicant: 1552843 Ontario Ltd

The following is provided for your information and consideration as a result of our review of Zoning By-Law Amendment ZBA-14-17. The applicant is proposing to develop the subject lands with the creation of 3 new single family dwellings, and up to 27 townhouse dwelling units in up to five separate buildings. The current zoning is both R1.1 and R1.1(h) but the applicant is requesting that the zoning be amended to a higher density provision to permit the townhouse development. We understand that the proposed development will be subject to the Site Plan Control process, and any zoning change would be subject to a Holding provision until an acceptable site plan can be approved by Council.

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

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulations under the *Conservation Authorities Act*, (Ontario Regulation No. 158/06). The subject parcel falls within the regulated area of the Palmer Drain. The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by the regulations. It should also be noted that the owner will need to satisfy setback requirements from the floodplain hazard lands associated with the Palmer drain.

## **WATER RESOURCES MANAGEMENT**

We are concerned with the potential impact of the quality and quantity of runoff in the downstream watercourse due to future development on this site. We therefore ask to be circulated the Site Plan Control application for review. We will reserve to comment further on water resources management concerns until this development proceeds to the Site Plan Control stage.

Mr. Brown  
June 13, 2017

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

The subject property is within, and/or is adjacent to (within 120 metres of), a natural heritage feature that is identified as a significant woodland, significant valleyland, and/or significant wildlife habitat under the Provincial Policy Statement (PPS, 2014). In addition, the natural heritage feature may also support habitat of endangered species and threatened species. Section 2.1.5 of the PPS, 2014 states - Development and site alterations shall not be permitted in significant woodland...significant valleyland and significant wildlife habitat...unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. Section 2.1.8 of the PPS 2014 states – “Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.” The required demonstration of no negative impact, in accordance with the relevant PPS policies outlined above, is most effectively accomplished through the completion of an Environmental Impact Assessment (EIA). However, other options may exist as an adequate demonstration of no negative impact.

Our information also indicates that the subject property may support habitat of endangered species and threatened species. As per Section 2.1.7 of the PPS 2014 – “Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.” It is the proponent’s responsibility to exercise due diligence in ensuring that all issues related to the provincial Endangered Species Act and its regulations have been addressed. Please find attached a Technical Memorandum that outlines the process for contacting the Ministry of Natural Resources and Forestry regarding the Endangered Species Act. We would recommend that you initiate a Stage 1 Information Request as outlined in the Technical Memorandum. Further, we would recommend that you provide your communications with and from the Ministry of Natural Resources and Forestry to the respective Municipal staff contact. Per direction from the MNRF, the proponent remains responsible to ensure their correspondence with staff from the MNRF is shared with the respective Municipal staff, including confirmed details related to site plans and designs. Typically, the MNRF does not include Municipalities in their correspondence with proponents.

Therefore, prior to any site alterations and/or construction activities on the parcel to be severed, an EIA should be completed which will determine appropriate mitigation techniques from the natural area. The level of detail of such an EIA is dependent upon the scope of the future development proposal. We strongly recommended that prior to initiating an EIA that the applicant contacts our office to determine the scale and scope of the analysis.



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**FINAL RECOMMENDATION**

We recommend that the zoning application be subject to the following condition:

That the property owner retain a qualified environmental professional to prepare an Environmental Impact Assessment (EIA). The purpose of the EIA is to determine appropriate mitigation techniques from the adjacent natural area. This EIA should be completed to the satisfaction of the Municipality in consultation with the Conservation Authority.

We request to be circulated a copy of the decision of this application.

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

Sincerely,



Corinne Chiasson, *Resource Planner*  
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