



September 20, 2018

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

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Dear Mr. Brown:

RE: Application for Site Plan Control SPA-13-18 ROAD 3 E & 609 Road 3 E
ARN 371135000003100, 371135000003190; PIN: 751690173, 751690160
Applicant: 2623991 Ontario Ltd.

The following is provided for your information and consideration as a result of our review of Application for Site Plan Control SPA-13-18. From the circulation we understand that the applicant is proposing to develop the above noted lands for a medical marihuana greenhouse operation. This facility will be undertaken in phases and will consist of a greenhouse, warehouse, bunkhouse, stormwater management facilities, and parking areas.

DELEGATED RESPONSIBILITY TO REPRESENT PROVINCIAL INTEREST IN NATURAL HAZARDS, (PPS, 2014) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards encompassed by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

The southern limit of the above noted lands is subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act*, (Ontario Regulation No. 158/06). This area of the property falls within the regulated area of the Jasperson 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.

We would advise the owners to submit an Application for Permit to this office along with the associated base cost fee of \$1750.00 (for the first hectare of the development), plus the additional \$400.00 per hectare for the remainder of the development. Submission of the application should be directed to the attention of Ms. Lisa Pavan, Administrative Associate: Watershed Management Services (lpavan@erca.org) or by telephone at 519-776-5209 ext. 346. An Application for Permit and our current fee schedule is available on our website www.erca.org.



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WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed 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 request inclusion of the following conditions in the Site Plan Control Agreement:

1. That the developer undertakes an engineering analysis to identify stormwater quality and quantity measures as necessary to control any increases in flows in downstream watercourses, up to and including the 1:100 year design storm, to the satisfaction of the Municipality and the Essex Region Conservation Authority.
2. That the developer installs stormwater management measures identified above, as part of the development of the site, to the satisfaction of the Municipality and the Essex Region Conservation Authority.
3. That the developer obtains the necessary permit or clearance from the Essex Region Conservation Authority prior to undertaking site alterations and/or construction activities.

The subject property is located within a significant groundwater recharge area (SGRA). Section 2.2.1 of the PPS 2014 states that: "Planning authorities shall protect, improve or restore the quality and quantity of water by: d) maintaining linkages and related functions among ground water features, hydrologic functions, natural heritage features and areas and surface water features including shoreline areas" and "e) implementing necessary restrictions on development and site alteration to:

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

In addition to the policies of the PPS 2014, the County of Essex Official Plan identifies Significant Groundwater Recharge Areas (SGRA) on Schedule C5. Section 2.5.2 b) of the County of Essex Official Plan states that: "Development and site alteration that may be a significant threat will only be permitted within an HVA or SGRA where it has been demonstrated by way of the preparation of a groundwater impact assessment that there will be no negative impact on the HVA or SGRA". The Essex Chatham Kent Groundwater Study was completed in 2004 by Dillon Consulting Ltd and Golder Associates Ltd, which delineated the highly vulnerable aquifers and significant recharge areas and provides background information for any further water budget or hydrologic study requirements.

It is recommended that the Municipality ensuring that these policies are addressed by the subject application and require that the



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applicant complete a groundwater impact assessment to the satisfaction of the Municipality.

We have concerns that the lot coverage and required grading works may pose a negative impact to the significant groundwater recharge area. The adjacent natural heritage feature may also have an established hydrogeological link to this significant groundwater recharge area that is as of yet undefined. Therefore, we recommend that a groundwater impact assessment (including a water budget) be considered as a study component in support of this application. Our office does not provide a service for the review of groundwater impact assessments and a consultant may be required by the Municipality to appropriately scope the study requirements for this project.

PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2014

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority.

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

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

We therefore ask that the following condition be also included in the Site Plan Control Agreement to satisfy Section 2.1.8 of the PPS:

The owner's consulting ecologist complete an Environmental Impact Assessment (EIA) to the satisfaction of the Planning Authority, in consultation with the Essex Region Conservation Authority.



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

Sincerely,

A handwritten signature in black ink, appearing to read 'Corinne', with a stylized flourish at the end.

Corinne Chiasson
Resource Planner
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