

Appendix B – ERCA Comment

Essex Region Conservation

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September 19, 2018

Ms. Kristina Brcic, Town Planner
The Corporation of the Town of Kingsville
2021 Division Road North
Kingsville ON N9Y 2Y9

Dear Ms. Brcic:

RE: Zoning By-Law Amendment ZBA-28-18
1577 ROAD 3 W
ARN 37113800001200; PIN: 751710086
Applicant: Vanderheyden for the Estate of Egbert Kruis

The following is provided for your information and consideration as a result of our review of Zoning By-Law Amendment ZBA-28-18. We understand that the purpose of this Zoning By-law Amendment is as a result of a conditional approval for previous Consent Application B-06-18, for the creation of a surplus dwelling. This amendment will change the zoning of the retained farmland from Agricultural (A1) Zone, to Agricultural (A2) Zone, which will prohibit future dwellings from being constructed on the farmplot.

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 above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act*, (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Nelson Drain and Thorpe Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by the regulations.

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.

Our office has reviewed the proposal and has no concerns relating to stormwater management.



Ms. Brcic
September 19, 2018

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

Section 2.1.4 of the PPS 2014 states – “Development and site alteration shall not be permitted in “significant wetlands ...” and “significant coastal wetlands.”

Section 2.1.5 of the PPS, 2014 states - Development and site alterations shall not be permitted in significant woodland... and significant wildlife habitat... and significant area of natural and scientific interest...unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

Section 2.1.6 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.”

Section 2.1.7 of the PPS 2014 states – “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.

We acknowledge that the purpose of this application for Zoning Amendment is as a result of conditional Consent B-06-18, which specified that future dwellings would be prohibited on the retained farmland parcel. As previously noted in our correspondence dated May 30, 2018, regarding B-06-18, it is our opinion, that the successful re-zoning of this parcel to Agricultural (A2) would show a demonstration of no negative impact on the adjacent natural heritage feature. No Environmental Impact Assessment is required in this case as no development is intended for the retained farmland. We therefore advise there are no outstanding natural heritage concerns associated with this application.

FINAL RECOMMENDATION

We have no objections to this Zoning Amendment.



Ms. Brcic
September 19, 2018

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

Sincerely,



Corinne Chiasson
Resource Planner
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