



## Appendix B

February 21, 2019

Mr. George Robinson, Town Planner  
The Corporation of the Town of Kingsville  
2021 Division Road North  
Kingsville, Ontario, N9Y 2Y9

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360 Fairview Avenue West  
Suite 311, Essex, ON N8M 1Y6

Dear Mr. Robinson:

RE: Zoning By-Law Amendment ZBA-02-19  
1288 ROAD 2 W  
ARN 371138000000220; PIN: 751710102  
Applicant: Benji Mastronardi 2616856 Ontario Ltd

The following is provided as a result of our review of Zoning By-Law Amendment ZBA-02-19. We acknowledge that the purpose of this Zoning By-law Amendment is as a result of a provision that was placed on Consent B-11-18. As a condition of the consent, it was required that the retained parcel be rezoned to "Agriculture - Restricted (A2)" to prohibit the construction of future dwellings.

### **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 2nd Concession Branch of the Henderson Drain and Henderson Drain East Branch. 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 - Storm Water Management**

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 at this time.



Mr. Robinson  
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**NATURAL HERITAGE POLICIES OF THE PPS, 2014**

The subject property is adjacent to (within 120 metres of), two natural heritage features that are identified as significant woodlands under the Provincial Policy Statement (PPS, 2014). The subject property also contains fence row features that may contain habitat of Species at Risk or Endangered Species.

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.”

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.

Notwithstanding the above references to the PPS, due to the purpose of the application we advise that a demonstration of no negative impact on the adjacent natural feature is not required for this application. There will be no change in land use (agricultural), and no development is being proposed as a result of this application. The restrictive rezoning of the property also ensures that no dwellings can be constructed on the retained farmland, or therefore within 120 metres of the adjacent woodlots. We advise that this application is consistent with the natural heritage policies of the PPS.

**FINAL RECOMMENDATION**

We have no objections to this application for Zoning By-law Amendment.

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

Sincerely,



Corinne Chiasson  
Resource Planner  
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