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April 30, 2020

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

Dear Mr. Brown:

RE: Zoning By-Law Amendment ZBA-07-2020 & Site Plan Control Amendment SPA-05-2020 - 140 MAIN ST E

ARN 371122000000100; PIN: 751750603

Applicant: Jeremy Capussi

The following is provided as a result of our review of Zoning By-Law Amendment ZBA-07-2020 & Site Plan Control Amendment SPA-05-2020. The purpose of the application is to amend a previous circulation for site plan approval to change the use of the first floor from commercial to residential as well as amending the provision of an amenity area on the fourth floor. The revisions to the site plan necessitate an amendment to the zoning provisions of the subject property.

**DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES ASSOCIATED WITH THE CONSERVATION AUTHORITIES ACT**

The following comments reflect our role as representing the provincial interest in natural hazards as outlined 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*.

We have reviewed our floodline mapping for this area and it has been determined this site is **not** located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the *Conservation Authorities Act*). As a result, a permit is not required from ERCA for issues related to Section 28 of the *Conservation Authorities Act*, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservations Authorities Act*, (Ontario Regulation No. 158/06).

**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.

**SECTION 1.6.6.7 Stormwater Management (PPS, 2014)**



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ERCA has concerns with the potential impact of the quality and quantity of runoff in the downstream watercourse due to the proposed development on this site. ERCA recommends that stormwater quality and stormwater quantity will need to be addressed up to and including the 1:100 year storm event and be in accordance with the guidance provided by the Stormwater Management Planning and Guidance Manual, prepared by the Ministry of the Environment (MOE, March 2003) and the "Windsor-Essex Region Stormwater Management Standards Manual".

We further recommend that the stormwater management analysis be completed to the satisfaction of the Municipality. We do not require further consultation on this file with respect to stormwater management. Our office recognizes that the submission of the stormwater management plan by the consultant is required to comply with the regional standards and that the subject lands will outlet into an existing municipal sewer.

#### **PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS**

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.

Our information also indicates that the subject property may support habitat of endangered species and threatened species. Specifically, this is associated with the existing trees and vegetation on the site as represented by aerial photography. 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". All species listed as endangered or threatened (aquatic species, plants, mammals, birds, reptiles, amphibians, etc.) as well as their related habitats, are protected under the provincial Endangered Species Act. Prior to any proposed works on this property, contact should be made with the Species at Risk Branch of the Ministry of Environment, Conservation and Parks (MECP) to confirm any issues with respect to the Endangered Species Act on this property. It is the proponent's responsibility to ensure all issues related to the Endangered Species Act are addressed.

Our review of the application confirms that all other aspects of the natural heritage policies of the PPS 2014 have been addressed, we would therefore have no objections to this application.

#### **FINAL RECOMMENDATION**

Our office has no objection to the requested amendment to the zoning by-law or revision to the application for site plan control.



Mr. Brown  
April 30, 2020

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

Sincerely,

A handwritten signature in blue ink that reads "Mike Nelson".

Michael Nelson, BSc, MSc (Planning)  
*Watershed Planner*  
/mn