



planning@erca.org

P.519.776.5209

F.519.776.8688

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

May 06, 2021

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: Application for Draft Plan of Subdivision / Zoning By-law Amendment:  
Municipal File. No. SUB/01/2021 (County File: 37-T-21002) & ZBA/08/2021  
COUNTY RD 20 S (Creekview Blvd, E of Golfview Dr, W of Cottage Grove)  
ARN 371127000001750, 371127000001400, 371127000001110,  
371127000001010; PIN: 751840721, 751840732, 751840720  
Applicant: 1646322 Ontario Ltd

The following is provided for your information and consideration in regard to the circulated Applications for a Draft Plan of Subdivision and Zoning By-law Amendment.

We understand that the subject property is designated Lakeshore Residential West by the Official Plan and zoned Lakeshore Residential Exception 31 & 32 (h), Parkland (PG) and Neighbourhood Commercial Exception 2 – holding (C1-2(h) under the Kingsville Comprehensive Zoning By-law.

It is our understanding that the previous Draft Plan of Subdivision, 37-T-12005 and related Zoning By-law Amendment Application, received Ontario Municipal Board approval, on September 16, 2015, as per Case No. PL140547 and that the County issued final approval, as ordered by the OMB, however that approval lapsed in 2018. This has required the applicant to resubmit for draft approval. The approved zoning remains in place, however, there are some minor amendments needed to reflect adjustments to the plan and address side yard requirements for townhouse development. The revised draft plan that has been submitted, proposes a total of 642 lots for a mix of single detached, semi-detached and townhouse dwellings.

Our concerns regarding the proposed Valente Subdivision were reflected in condition numbers 11, 12, 13, 19 and 23 of the original draft plan approval, on September 16, 2015, as per Case No. PL140547 and we acknowledge that our requirements will be addressed through the implementing subdivision agreement. Upon review of the revisions now being circulated, we can confirm that our previous conditions listed in the Ontario Municipal Board Decision on September 16, 2015, as per Case No. PL140547, (the original Draft Plan of Subdivision Application 37-T-12005), will still apply, with some minor modifications, to reflect the newly submitted Draft Plan, including a requirement, that any

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previously submitted reports and / or studies be updated or revised accordingly, based on any comments received through the application's recent circulation and that any of these reports and / or studies be finalized to the satisfaction of the Essex Region Conservation Authority.

For convenience we provide the following update for the proposed Draft Plan of Subdivision and Zoning By-law Amendment and review of the new proposed subdivision layout.

**DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF 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*.

The above noted lands (the most southern portion of 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 Lake Erie. 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 Section 28 of the *Conservation Authorities Act*.

**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, 2020)**

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 acknowledge that the previous Draft Approval included reference to a Stormwater Management Report, prepared for 1646322 Ontario Ltd. Due to the proposed revised lot and street layout plan, we would advise the owner's engineering consultant to review and re-assess the stormwater management report, to include the new changes in layout, stormwater overland flow direction, and lot coverage.



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We therefore request inclusion of the following conditions in the Subdivision 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.

### **CONSERVATION AUTHORITIES AS LANDOWNERS**

We also note, that the circulated layout plan identifies an access road that would cross the property (Chrysler Canada Greenway) which is owned and managed by the Essex Region Conservation Authority. Prior to any construction and/or site alteration activities adjacent to this property, please contact Kevin Money, Director of Conservation Services at (519) 776-5209 ext. 351.

### **PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020**

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the *Planning Act*. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

We note that the subject property is adjacent to (within 120 m of) a natural heritage feature that may meet the criteria for significance under the PPS. Section 2.1.8 of the PPS, 2020 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.”

Our information indicates that the subject property may support habitat of endangered species and threatened species. As per Section 2.1.7 of the PPS, 2020 –  
*“Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with*



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*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 Ontario *Endangered Species Act*. Prior to initiating any proposed works on this property, it is the proponent's responsibility to contact the Species at Risk Branch of the Ontario Ministry of Environment, Conservation & Parks (MECP) to ensure all issues related to the *Endangered Species Act* are addressed. All inquiries regarding the *Endangered Species Act* should be made with Permissions and Compliance Section of the MECP (e-mail address: [SAROntario@ontario.ca](mailto:SAROntario@ontario.ca)).

### **FINAL RECOMMENDATION**

We have no objections to this Draft Plan of Subdivision and Zoning By-law Amendment, at this time. We will also ask the County of Essex or the approval authority, in this case, to forward a copy of the Notice of Decision and Subdivision Agreement for our records. We also request a copy of the Notice of Passing of the implementing Zoning By-law Amendment from the Municipality.

If you should have any questions or require any additional information, please do not hesitate to contact the undersigned.

Sincerely,



Kim Darroch, B.A., M.PL., RPP, MCIP  
*Team Lead, Planning Services*  
/kd

