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September 09, 2021

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

Dear Ms. Brcic:

RE: Application for Consent B-17-21 & and Zoning By-Law Amendment ZBA-22-21 Amendment  
177 COUNTY RD 14 E  
ARN 371155000000500; PIN: 751550118  
Applicant: David & Anna Dyck

The following is provided as a result of our review of Application for Consent B-17-21 and Zoning By-Law Amendment ZBA-22-21. The subject land is approximately 19.6 ha (48.5 ac.) in area and contains one single detached dwelling and five outbuildings. It is proposed that the dwelling is surplus to the farming operation of the owner, whose qualifying home base of farming operations is located in Ruthven. It is proposed that the dwelling and 5 outbuildings be severed on a 0.5 ha (1.3 ac.) lot.

### **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 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 Orton Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

### **RISK MANAGEMENT AND SOURCE PROTECTION PLAN**

The subject property may lie wholly or partially within the Event Based Area (EBA) of the Essex Region Source Protection Plan, which came into effect October 1, 2015. The Source Protection Plan was developed to provide measures to protect Essex Region's municipal drinking water sources. As a result of these policies, new projects in these areas may require approval by the Essex Region Risk Management Official (RMO) to ensure that appropriate actions are taken to mitigate any potential drinking



Ms. Brcic  
September 09, 2021

water threats. Should your proposal require the installation of fuel storage on the site, please contact the RMO to ensure the handling and storage of fuel will not pose a significant risk to local sources of municipal drinking water. The Essex Region's Risk Management Official can be reached by email at [riskmanagement@erca.org](mailto:riskmanagement@erca.org) or 519-776-5209 ext 214. If a Risk Management Plan has previously been negotiated on this property, it will be the responsibility of the new owner to contact the Essex Region Risk Management Official to establish an updated Risk Management Plan. For any questions regarding Source Water Protection and the applicable source protection plan policies that may apply to the site, please contact the Essex Region Risk Management Official.

### **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)**

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

### **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."

Notwithstanding the above noted references to the PPS policies, we note that the purpose of this application for consent is to sever off a surplus dwelling lot only, and that there will be no change in land use. We also acknowledge that the retained lot will be subject to a re-zoning that will prohibit future dwellings on the subject parcel. Based upon this, therefore it is our recommendation to the Municipality that a further demonstration of no negative impact is not required.



Ms. Brcic  
September 09, 2021

**FINAL RECOMMENDATION**

With the review of background information and aerial photograph, ERCA has no objection to this application for Consent and Zoning By-Law Amendment.

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

Sincerely,



Vitra Chodha, E.P  
*Resource Planner*  
/vc

