



November 16, 2022

Mr. George Robinson, Manager of Planning Services

Planning & Development Services Department
The Corporation of the Town of Kingsville
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Dear Mr. George Robinson:

RE: Application for Consent B-29-22, and Zoning By-Law Amendment ZBA-2022-16 292 COUNTY RD 27 W
ARN 371150000001200; PIN: 751660052
Applicant: Daniel & Nina Lavin

The Town of Kingsville has received an Application for Consent and an Application for a Zoning By-law Amendment for the subject property. The applicant is proposing a surplus dwelling severance and a zoning change from A1 to A2 for remnant farm field in accordance with surplus dwelling policies. The following is provided as a result of our review of Application for Consent B-29-22, and Zoning By-Law Amendment ZBA-2022-16.

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 West Part 7th Concession Road Drain and Scott Taylor 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 Section 28 of the *Conservation Authorities Act*.

It should be noted that any proposed future development on the parcel would be subject to setback restrictions from top of bank of the West Part 7th Concession Road Drain and Scott Taylor Drain. The setback is determined from a site specific analysis.

The above mentioned drains are municipal drains that fall under the jurisdiction of the Town of Kingsville. The municipal drain typically has an unregistered working space in which the municipality has the

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right to use to maintain or repair the drain. In addition, it is the owner's responsibility to obtain all necessary permits and/or clearances from the Town of Kingsville for any works to the drain (including access culverts). All inquiries regarding *Drainage Act* approvals should be made with the Drainage Superintendent of the Town of Kingsville.

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 in regards to Application for Consent B-29-22, and Zoning By-Law Amendment ZBA-2022-16.

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.

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FINAL RECOMMENDATION

ERCA has **no objections** to Application for Consent B-29-22, and Zoning By-Law Amendment ZBA-2022-16.

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

Sincerely,



Kathleen Schnekenburger
Resource Planner
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