



## Appendix C

March 14, 2023

### **Mr. George Robinson, Manager of Planning Services**

Planning & Development Services Department  
The Corporation of the Town of Kingsville  
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360 Fairview Avenue West  
Suite 311, Essex, ON N8M 1Y6

Dear Mr. George Robinson:

RE: Pre-submission Consultation for ZBA-2023-6 & B-2023-1  
Surplus Farm Dwelling Severance & Re-Zoning;1520 ROAD 5 W  
ARN 371144000002800; PIN: 751670085  
Applicant: Clark Law

The Town of Kingsville has requested a pre-consultation for an application for a surplus farm dwelling severance and rezoning. We understand that the property is currently a ~102 acre property with 1 residential dwelling, fronting on North side of Road 5 West, and accessory buildings. If the application is approved, the existing house site with Garage will be sold and the farm will be retained. The applicant proposes creating an easement for mutual access for both severed and retained parcels and to create a utility easement over a portion of the retained farm parcel to accommodate services. The following provided in response to our review of the Pre-submission Consultation for ZBA-2023-6 & B-2023-1.

### **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 partially falls within the regulated area of the Morgan Drain and Thurston 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*.

The Morgan Drain is a municipal drain that falls under the jurisdiction of the Town of Kingsville. The municipal drain typically has an unregistered working space in which the municipality has the 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 (ie. access culvert).



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All inquiries regarding *Drainage Act* approvals should be made with the Drainage Superintendent of the Town of Kingsville.

**NATURAL HERITAGE**

Please be advised that pursuant to Bill 23 and regulations enacted as a result, Planning Authorities are now solely responsible for ensuring consistency with section 2.1 (i.e., natural heritage policies) of the 2020 Provincial Policy Statement (PPS). Effective January 1, 2023, the current amended *Conservation Authorities Act*, specifically sections 21.1.1 (1.1) and 21.1.2 (1.1), prohibit Conservation Authority staff from providing this service. Should Planning Authorities lack internal expertise, they have the option to outsource this function to consulting firms.

**FINAL RECOMMENDATION**

We advise that pursuant to Bill 23 and regulations enacted as a result, Planning Authorities are now solely responsible for ensuring consistency with section 2.1 (i.e., natural heritage policies) of the 2020 PPS.

ERCA has no objection to ZBA-2023-6 & B-2023-1.

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

Sincerely,



Kathleen Schnekenburger  
Resource Planner  
/ks

