



planning@erca.org

P.519.776.5209

F.519.776.8688

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

February 22, 2023

Mr. George Robinson, 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. George Robinson:

RE: Application for Site Plan Control SPA 2023-3 - 1666 & 1678 DIVISION RD N
ARN 371135000001000 & 371135000000900; PIN: 751750325 & 751750324
Applicant: Liovas Holdings Ltd

The Town of Kingsville has received a second submission of the Site Plan Control for the subject property. The applicant is proposing the construction of a multiple dwelling building and parking area. The following is provided as a result of our review of the Site Plan Control SPA 2023-3.

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 Division Road 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 Division Road 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. Building setbacks are applicable. 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 drains, including the proposed enclosure. All inquiries regarding *Drainage Act* approvals should be made with the Drainage Superintendent of the Town of Kingsville.

We understand that this development is subject to a future Zoning By-Law Amendment and Plan of Condominium. ERCA requests to be



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circulated on this application and will provide further comment at that time.

Stormwater Management

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 therefore request inclusion of the following conditions in the Development 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.

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

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

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*.



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A stormwater management plan is required to the satisfaction of the Municipality and ERCA.

ERCA requests to be circulated on the future Application for Zoning By-Law Amendment and Plan of Condominium.

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

Sincerely,



Kathleen Schnekenburger
Resource Planner
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