



2025-05-22

File Number: 1155-25

Colin Kelly, Town of Kingsville  
2021 Division Road North  
Kingsville, ON  
N9Y 2Y9

RE: Rezone to Industrial  
1529 UNION AVE  
Municipal File Number: ZBA-2025-3

The Town of Kingsville has received Application for Zoning By-law Amendment ZBA-2025-3 and an Application for Consent for the above noted subject property. Our office understands that the Applicant is proposing to rezone the property from A1 to MG to support the construction of a reservoir. The applicants propose to remove the existing greenhouse structure with the exception of the house and a small portion of the greenhouse, which are proposed to be severed off from the subject property. The subject property is proposed to merge with the Union lands to the north.

**NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES UNDER THE CONSERVATION AUTHORITIES ACT.**  
**O. REG 686/21**

The following comments reflect ERCA's role in protecting people and property from the threats of natural hazards and regulating development hazards lands under Section 28 of the Conservation Authorities Act.

The portion of the lands proposed to be severed off containing a house an existing greenhouse are not within the ERCA's Limit of Regulated Area. However, the portion of the subject lands proposed for development as a reservoir and proposed to merge with the existing Union lands to the north and west are subject to our Regulation under the Conservation Authorities Act (Ontario Regulation No. 41/24). The parcel falls within the regulated area of the Albert Gunning Drain. The property owner will be required to obtain an approval 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. Further, our office previously requested that a stormwater management plan be designed and implemented to the satisfaction of ERCA and the Municipality for the proposed development.

In addition, 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 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). 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.

We note that there is an existing Risk Management Plan (RMP) for 1529 Union Ave issued to Totaro Farms on April 2, 2020. The RMP indicates that there is a 68,000L fuel tank onsite and there are outstanding Risk Management Measures that need to be addressed, specifically, proof of adherence to applicable regulations and provision of copies of regular tank inspections. The proponent should be made aware of this RMP and that it will need to be amended to reflect current ownership and address the outstanding measures.

From a Source Water perspective, there are no policies specifically for gas wells. The petroleum well on this site is labelled as the Jasperson-A.J. Gunning No. 1 well and listed as an abandoned natural gas well with records from 1921 to 1954. The proponent is aware of this gas well and should ensure that it remains properly capped to prevent contamination of groundwater. The property is not located within a Significant Groundwater Recharge Area nor a Highly Vulnerable Aquifer.

## **FINAL RECOMMENDATION**

Our office has no objection to ZBA-2025-3 and the associated Application for Consent. As noted above, the property owner will be required to obtain an approval 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. Our office requests that a stormwater management plan be designed and implemented to the satisfaction of ERCA and the Municipality for the proposed development.

Sincerely,

*Alicia Good*

Alicia Good  
Watershed Planner