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March 02, 2021

Ms. Jabbour, Secretary-Treasurer/Planner
Committee of Adjustment
Town of Essex
33 Talbot Street South
Essex, ON N8M 1A8

Dear Ms. Jabbour:

RE: Zoning By-Law Amendment ZBA-01-21
COUNTY RD 50 (BREEZEWAY DR)
ARN 375461000006400; PIN: 751860068
Applicant: KIWANIS CLUB OF WINDSOR

The following is provided as a result of our review of Zoning By-Law Amendment ZBA-01-21. The applicants have submitted an application for site specific zoning by-law amendment to allow for a reduction in the minimum lot area from 4000 square metres to 1850 square metres to permit residential infilling for four (4) residential lots.

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 Dolson Creek. 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*.

Ms. Jabbour
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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.

The subject property is within, and/or is adjacent to (within 120 metres of), a natural heritage feature that is identified as a significant wildlife habitat under the Provincial Policy Statement (PPS).

Section 2.15 of the PPS states - Development and site alterations shall not be permitted in and significant wildlife habitat...unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

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, based on our review of the subject application, it is our recommendation to the Municipality that an Environmental Impact Assessment is not required for this site specific zoning by-law amendment. However, the PPS policies that addresses natural features can be addressed in any subsequent consent application.



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FINAL RECOMMENDATION

With the review of background information and aerial photograph, ERCA notes that there is a natural feature on the subject site. The PPS policies that addresses natural features can be addressed in any subsequent consent application. Therefore, we do not have any objection to this current site specific zoning by-law application.

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

Sincerely,



Vitra Chodha
Resource Planner
/vc