

Maitland Valley Conservation Authority



Providing leadership to protect and enhance our water, forests and soils!

MEMORANDUM

TO: Bill White, CAO/Clerk, Town of Minto
CC: Terry Kuipers, Chief Building Official, Town of Minto
FROM: Brandi Walter, Environmental Planner / Regulations Officer
Maitland Valley Conservation Authority (MVCA)
DATE: June 1, 2016
SUBJECT: Application for Zoning By-law Amendment
Part Lot 22, Concession 1, Township of Minto, Palmerston
401, 411, 417, & 423 Jane Street

The Maitland Valley Conservation Authority (MVCA) has reviewed the above-noted application for zoning by-law amendment with regard for Provincial and Authority Policies and associated mapping related to Natural Heritage and Natural Hazards features in accordance with our Memorandum of Agreement for plan review with County of Wellington; and in accordance with our delegated responsibility for representing the “Provincial Interest” for natural hazards. Based on our review, we offer the following comments.

It is our understanding, the purpose and effect of the proposed amendment is to reduce setbacks to an urban standard, and possibly using “holding” to phase development. The intent is to make more efficient use of the existing lots, and to allow for pre-servicing of the lots during the upcoming reconstruction of Jane Street.

Natural Heritage:

There are no natural heritage features on or adjacent to the subject lands.

Natural Hazards:

The subject properties are located within the Regional Storm Floodplain. See attached map. This mapping was circulated to the County of Wellington in 2015 as part of MVCA’s regulatory floodplain mapping updates; and both the County and the Town of Minto were circulated the notice of public information session for the updates in 2015.

Section 3.1, Natural Hazard Policies of the Provincial Policy Statement (PPS, 2014) does not support new development within flooding hazards unless a two zone concept for floodplain management is

applied. To date, a two zone floodplain policy has not been formerly adopted by the County of Wellington or the Town of Minto for the Town of Palmerston, specifically for this section of lots.

As such, where a two zone concept is not applied, the entire floodplain is managed as floodway.

Section 3.1.2 of the PPS, 2015 states that *“Development and site alteration shall not be permitted within a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.”*

MVCA Regulated Lands:

MVCA regulates development (construction, filling, site alteration and grading) within floodplains plus 15 metres adjacent to the floodplain, pursuant to *Ontario Regulation 164/06 (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation)* made under the *Conservation Authorities Act (R.S.O. 1990, chapter C.27.)* Subject to *O. Regulation 164/06*, MVCA must review and approved proposed development within the floodplain.

MVCA's floodplain policies do not support development within in the floodway.

Report:

The current zoning application is to allow for residential development on the subject lands, which are located within floodway. As such, the application does not conform to Section 3.1, Natural Hazard Policies of the PPS, 2014.

Additionally, MVCA's Floodplain Policies made under *Ontario Regulation 164/06* do not support development within the floodway portion of the floodway.

Subject to the above comments, MVCA recommends the decision for this zoning amendment be deferred until the following recommendation is undertaken.

MVCA recommends the Town of Minto have the floodplain in Palmerston assessed to identify the hydraulic floodway and to assess if development will aggravate the existing flooding hazard on the properties or adjacent lands. If the study concludes no impact to the control of flooding or that the flooding hazard is not increased as a result of development, we recommend the Town move to adopt an official two zone concept for Palmerston if the Town wishes to proceed with development in this location.

MVCA can assist the Town of Minto with the process of floodplain review and proposed two-zone floodplain policies, as is our delegated role for represent the Provincial interest for natural hazards.

Fee:

MVCA has not received our \$225.00 fee for review of this application. We will invoice the applicant directly.

Thank you for the opportunity to comment at this time. Feel free to contact this office if you have any questions.