



**MEMORANDUM**

**TO:** Annilene McRobb, Deputy Clerk, Town of Minto, via email  
**CC:** Jeff Metzger, Applicant, via mail and email  
**FROM:** Brandi Walter, Environmental Planner / Regulations Officer  
Maitland Valley Conservation Authority (MVCA)  
**DATE:** October 30, 2018  
**SUBJECT:** Zoning By-Law Amendment  
Lots 76, 77, 78 & 79, Caswell & Clements Survey, Town of Minto,  
Geographic Town of Palmerston, County of Wellington  
401, 411, 417 & 423 Jane Street

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The Maitland Valley Conservation Authority (MVCA) has reviewed the above-noted application with regard for Provincial Policies and associated mapping related to Natural Hazard features in accordance with our Memorandum of Understanding for plan review with County of Wellington; and in accordance with our delegated responsibility for representing the "Provincial Interest" for natural hazards; and with regard for *Ontario Regulation 164/06*. Based on our review, we offer the following comments.

It is our understanding the purpose of the application is to modify the Agricultural Site Specific (A-113) Zone on the subject properties to address phasing and the orderly future development of the properties. The rezoning is a condition of severance application B76/18 and B77/18, which has been granted provisional consent by the Wellington County Land Division Committee.

**Natural Hazards**

The subject property is affected by regional floodplain. MVCA has provided previous comments on this development for applications B76/18 & B77/18, minor variance application MV-2018-03; and we have provided technical input for the Site Plan and Development Agreement. Attached are copies of our comments for the above-noted applications.

To summarize, our review of this application and previous applications is with regard for the impact of the development to the floodplain; and to provide recommendations for mitigating the hazard on the subject property. Provided all our recommendations as noted in the attached correspondence are adhered to, the development will be in conformance with Section 3.1 of the Natural Hazard Policies of the Provincial Policy Statement, (PPS), 2014.

**MVCA Ontario Regulation 164/06**

Floodplains plus 15 metres from the boundary of the floodplain are MVCA regulated areas, pursuant to *Ontario Regulation 164/06* made under the *Conservation Authorities Act (R.S.O., 1990, chapter C.27)*. Subject to the Regulation, development (construction, reconstruction, filling, grading), alteration and interference within Authority regulated lands requires

permission from MVCA, prior to undertaking the work. As such, filling, site grading and construction of residences on the vacant lands requires a permit from MVCA prior to doing the work.

### **Report**

MVCA has no objection to the proposed zoning amendment for the subject property. Provided development occurs as previously recommended in the attached correspondence, the application is in conformance with the Natural Hazard Policies of the PPS, 2014.

### **MVCA Fees**

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

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



**MEMORANDUM**

**TO:** Deborah, Turchet, Secretary – Treasurer, County of Wellington  
Planning and Land Division Committee, via email  
**CC:** Linda Redmond, Manager of Planning and Environment, via email  
Jeff Metzger, Applicant, via email and mail  
**FROM:** Brandi Walter, Environmental Planner / Regulations Officer  
Maitland Valley Conservation Authority (MVCA)  
**DATE:** July 23, 2018  
**SUBJECT:** Applications for Consent: B76-18 and B77-18  
Lots 76 – 79, Caswell & Clements Survey, Town of Minto, Geographic  
Township of Palmerston, County of Wellington

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The Maitland Valley Conservation Authority (MVCA) has reviewed the above-noted applications for consent with regard for Provincial Policies and associated mapping related to Natural Hazards features in accordance with our Memorandum of Understanding for plan review with County of Wellington; and in accordance with our delegated responsibility for representing the “Provincial Interest” for natural hazards; and with regard for *Ontario Regulation 164/06*. Based on our review, we offer the following comments.

It is our understanding the purpose of the applications are for lot line adjustment of vacant land to be added to abutting urban residential lots owned by Cathryn Robinson as shown on the sketch submitted with the application.

**Natural Hazards**

The subject properties are affected by a regional floodplain as shown on the attached map. Lots 76 to 79 are located within the floodplain.

**Background:**

The MVCA has reviewed Triton Engineering’s Jane Street Floodline Impact Assessment (September 6, 2016) and attached Site Plan (Triton Engineering, Dwg. No. 01, Revised Sept, 2017, A6837) for Lots 76 to 79 to assess the impact of development on the flood hazard. Based on our review of the above information, we are satisfied with Triton Engineering’s conclusion that there will be no significant impact on the flood elevations should development and site grading occur in accordance with the attached site plan.

**MVCA Ontario Regulation 164/06**

Floodplains plus 15 metres from the boundary of the floodplain are MVCA regulated areas, pursuant to *Ontario Regulation 164/06* made under the *Conservation Authorities Act (R.S.O., 1990, chapter C.27)*. Subject to the Regulation, development (construction, reconstruction,

filling, grading), alteration and interference within Authority regulated lands requires permission from MVCA, prior to undertaking the work. As such, filling, site grading and construction of residences on the vacant lands will require a permit from MVCA prior to doing the work. Filling and site grading must be undertaken in accordance with the aforementioned site plan. Any deviation from the site plan must be assessed for impact to the flood elevation.

### **Report**

Please see attached MVCA Memorandum, dated October 26, 2017. This memorandum addresses the site plan/proposed development for lots 76 to 79 and it's conformity with Section 3.1, Natural Hazard Policies of the PPS, 2014. In accordance with above-noted memorandum, MVCA has no objection to applications B76/18 and B77/18.

### **MVCA Fees**

We have not received payment for our review of these applications. The fee for MVCA review is \$337.50. We will invoice the applicant directly.

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

**MEMORANDUM**

**TO:** Bill White, CAO/Clerk, Town of Minto via email  
**CC:** Linda Redmond, Manager of Planning and Environment, via email  
**FROM:** Brandi Walter, Environmental Planner / Regulations Officer  
Maitland Valley Conservation Authority (MVCA)  
**DATE:** August 30, 2018  
**SUBJECT:** Application for Minor Variance: MV-2018-03  
Part Lot 22, Concession 1, SVY MARY CASWELLS, Lot 77  
Town of Minto, Palmerston, 411 Jane Street

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The Maitland Valley Conservation Authority (MVCA) has reviewed the above-noted application for minor variance with regard for Provincial Policies and associated mapping related to Natural Hazards features in accordance with our Memorandum of Understanding for plan review with County of Wellington; and in accordance with our delegated responsibility for representing the “Provincial Interest” for natural hazards; and with regard for *Ontario Regulation 164/06*. Based on our review, we offer the following comments.

It is our understanding the purpose of the application is to permit the construction of an accessory structure 1.29 metres higher and 67.67 metres squared larger than permitted in the zoning by-law.

**Natural Hazards**

The subject property is affected by regional floodplain.

**Background:**

The MVCA has reviewed Triton Engineering’s Jane Street Floodline Impact Assessment (September 6, 2016) and attached Site Plan (Triton Engineering, Dwg. No. 01, Revised Sept, 2017, A6837) for Lots 76 to 79 to assess the impact of development on the flood hazard. Based on our review of the above information, we are satisfied with Triton Engineering’s conclusion that there will be no significant impact on the flood elevations should development and site grading occur in accordance with the attached site plan.

With respect to the proposed accessory structure on the subject property, the finished floor should be located above the floodplain elevation as approved by the MVCA. This will ensure no damage to life and property in the event of a regional storm event.

**MVCA Ontario Regulation 164/06**

Floodplains plus 15 metres from the boundary of the floodplain are MVCA regulated areas, pursuant to *Ontario Regulation 164/06* made under the *Conservation Authorities Act (R.S.O., 1990, chapter C.27)*. Subject to the Regulation, development (construction, reconstruction,

filling, grading), alteration and interference within Authority regulated lands requires permission from MVCA, prior to undertaking the work. As such, filling, site grading and construction will require a permit from MVCA prior to doing the work. Filling and site grading must be undertaken in accordance with the aforementioned site plan. Any deviation from the site plan must be assessed for impact to the flood elevation.

In April, 2018, MVCA issued a permit for the construction of a residence on the subject property. The site plan approved as part of MVCA's permission included the location for an accessory structure. See attached plan.

### **Report**

The MVCA has no objection to the minor variance application, provided the structure is floodproofed to the regional floodplain and is constructed in conformance with MVCA's permit No DEV08/2018. Should the above recommendations be adhered to, the application will be in general conformance with Section 3.1 of the PPS, 2014.

### **MVCA Fees**

We have not received payment for our review of these applications. The fee for MVCA review is \$175.00. We will invoice the applicant directly.

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

## **MEMORANDUM**

**TO:** Bill White, CAO/Clerk, Town of Minto, via email  
**CC:** Linda Redmond, Manager of Planning and Development, County of Wellington via email  
Terry Kuipers, CBO, Town of Minto, via email  
Chris Clark, Triton Engineering Services Ltd., via email  
Jeff Metzger, Applicant, via email  
Erin Gouthro, Resource Planner / Regulations Officer, via email  
**FROM:** Brandi Walter, Environmental Planner/Regulations Officer, MVCA  
**DATE:** October 26, 2017  
**SUBJECT:** Site Plan and Jane Street Development Agreement  
Part Lot 22, Concession 1, Town of Minto, former Geographic Town of Palmerston, County of Wellington, 401, 411, 417, and 423 Jane Street

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The Maitland Valley Conservation Authority (MVCA) has reviewed Triton Engineering Services Ltd. Site Plan A6837 (September 2017); and the draft development agreement between the Robinson's, Metzger and Town of Minto. Based on our review, we offer the following comments.

### Site Plan A6837 (September 2017):

The grading plan shows less fill than originally proposed in Triton Engineering's Jane Street Floodline Impact Assessment (September, 6, 2016). As such, we are satisfied the impact to the floodplain elevation is less than originally proposed, which was concluded by Triton and our peer reviewer to not be significant. The finished grades of lots 1 to 9 are above the floodplain. As such floodproofing future residences is feasible.

We are further satisfied that the grading plan demonstrates safe ingress and egress to an area outside of the floodplain. New structures proposed on lots 3 to 6 should be located South the 3 metre emergency access.

### Development Agreement:

In order to conform to Section 3.1, Natural Hazard Policies of the Provincial Policy Statement, 2014, we recommend the Development Agreement be amended to include the following:

1. A condition should be included to ensure all structures on lots 3 to 6 do not encroach onto the 3 metre wide emergency access.

2. Another condition should include text that residences be floodproofed to the satisfaction of the Town of Minto.
3. Condition 2 c) should be amended from *“The Owner or Purchaser obtaining approval from the Maitland Valley Conservation Authority for the home to be located on the subject lands”* to:

*“The Owner or Purchaser obtaining approval from the Maitland Valley Conservation Authority for filling, grading and construction on the subject lands”.*

The purpose of MVCA approval is to ensure filling, grading and construction is as proposed on the site plan in order to not have an impact on the control of flooding (i.e. floodplain elevations).

4. Text should be included in the conditions to require a permit from MVCA for filling, grading and construction of all lots on the subject property.

Natural Hazard Policies, Provincial Policy Statement (PPS), 2014:

As noted in MVCA’s memorandum, June 1, 2016 (attached), for zoning by-law amendment, the floodplain is regarded as “floodway” on the subject property. In general, the natural hazard policies of the PPS do not support development within a floodway. However, the above-mentioned Triton Engineering Floodline Impact Assessment concluded the impact to the flood elevation from the proposed development is not significant (approximately 10 mm increase). Therefore, development on the subject property, as proposed, conforms to the intent of the PPS natural hazard policies, whereby development and site alteration should not create new hazards or aggravate existing hazards.

Secondly, the PPS does not support development where vehicles and people do not have a way of safely entering and exiting an area during times of flooding. However, the Triton Engineering Site Plan A6837 demonstrates future development would have safe ingress and egress. As such, development on this property in accordance with the Site Plan meets the general intent of the PPS natural hazard policies with respect to safe ingress and egress.

Lastly, the PPS natural hazard policies require development to be floodproofed, specifically in locations where a two zone concept for flood plains is applied. It is important to note, a two-zone floodplain management concept has not been officially designated for Palmerston in municipal or county planning documents. However, it has been concluded above that floodproofing the development by way of filling and construction methodology is feasible and would not have significant impact on the flood elevations or impact adjacent properties.

In conclusion, development proposed for the subject property meets the general intent of Section 3.1, natural hazard policies of the PPS. There should be no risk to public health or safety or of property damage, nor is the development going to create a new or aggravate the existing flood



hazard. As such, MVCA can support the proposed development, provided development occurs as per the Triton Engineering Site Plan A6837, September 2016, and as per MVCA's recommendations for amendments to the development agreement.

MVCA Ontario Regulation 164/06:

In principal, MVCA supports proposed development on the subject property because it has been concluded that development will not have an impact on the control of flooding. However, permission must be obtained via formal application to MVCA, prior to starting the work. A MVCA permit will be required for filling, grading and construction on each individual lot.

Recommendation:

As noted above, MVCA supports development on the property, provided development occurs as per the Triton Engineering Site Plan A6837, September 2016, and as per MVCA's recommendations for amendments to the development agreement. It is our opinion the development meets the general intent of Section 3.1, natural hazard policies of the PPS with regard to public safety, floodproofing and impact to the existing flood hazard.

However, we strongly recommend the Town of Minto adopt a two zone floodplain management concept for Palmerston; and that the County of Wellington Official Plan schedules and Town of Minto mapping be updated to recognize the existing flood hazard with corresponding policies for development in the Palmerston floodplain. MVCA would be pleased to assist with this proposal.

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





