



22-MM-MV; PMMZA-140

August 4, 2022

Jeffrey Ren, Planner
Town of Mississippi Mills
14 Bridge Street
Almonte, ON K0A 1A0

Dear Mr. Ren,

**Re: Zoning By-Law Amendment – Z-10-22
Pt. Lot 1, Con 4, Town of Mississippi Mills (Ramsay)
121 Montgomery Park Road
SULPHER**

Mississippi Valley Conservation Authority (MVCA) has been circulated the above noted application to conduct a review in terms of MVCA Regulations and Provincial Planning Policy for Natural Heritage and Natural Hazard issues. Specifically, the purpose of this review is to assess potential impacts of the proposed development on known natural heritage features on and adjacent to the subject property. These features could include wetlands, wildlife habitat and areas of natural and scientific interest. This review also includes an evaluation of the subject property for natural hazards such as unstable slopes and areas prone to flooding and erosion.

PROPOSAL

As per the notice, the purpose of the subject application is to rezone the property from Environmental Hazard Special Exception 'a' (EH-a) to Environmental Hazard Special Exception 'XX' (EH-XX) to permit the replacement of an existing dwelling with a new detached dwelling. The property is zoned EH because it is within the floodplain of Mississippi Lake. The special exception zoning pertains to the implementation of a "two-zone" floodplain policy for this area as described further on. The proposal is also seeking relief from a number of setback provisions (rear yard, front yard, side yard and deck projection).

The existing dwelling (119.5m²), decks (20.4m²) and garage (34.6m²), will be replaced with a new dwelling (115.3m²) and decks (26.9m²). The existing combined lot coverage of 37% will be reduced to a combined lot coverage of 31%. The replacement dwelling and decks will be located no closer to Mississippi Lake than the existing structures. The proposed side yard setback and front yard (overall setback) will be the same as the existing. The rear yard setback (dwelling) will be further reduced and an existing garage within the rear yard setback area will be removed.

Note regarding waterbody setback:

We note that under Section 37.4.1 of the Zoning By-law, the usual provision requiring a 30m setback from the high-water mark of a waterbody does not apply within the EH-a zone. MVCA generally recommends that

a 30m setback apply for all waterfront, regardless of the underlying zoning. We therefore take this opportunity to recommend that the Town consider removing provisions 37.4.1.(5) and 37.4.2 (5) when the Comprehensive Zoning By-law is next updated.

We also note that both the EH-a and EH-b zones, are subject to the provisions set out under R2 zoning, which provides for lot coverage of 30%. This is much higher the standard for other waterfront properties that are on private services, where the maximum lot coverage is generally 15%. We therefore recommend that the Town also consider amending the by-law to apply Limited Services Residential type provisions for lot coverage and yard setbacks within the EH zones.

PROPERTY CHARACTERISTICS

The subject property is a small 466m² (0.12 ac) parcel with frontage on the Mississippi Lake. Floodplain mapping shows that the entire property is within the 1:100 year flood plain and both the existing and proposed structure are located entirely within the flood fringe.

Leading into the property, parts of Montgomery Park Road do not meet with provincial and MVCA “safe access” standards, meaning that they may be rendered inaccessible to local traffic and emergency vehicles (fire, ambulance) during an extreme flood event. Access is deemed unsafe where the road would have greater than 0.3m depth of flooding during a 1:100 year flood event.

MVCA mapping also identifies a non-evaluated wetland that is located to the north of the property on the other side of Montgomery Park Road. The proposed development is outside of the wetland features but within the regulated adjacent lands.

The entire property is also located within the 30 metres of Mississippi Lake.

REVIEW

Waterbody Setback

While we recognize that the 30m waterbody setback does not apply in this location, the Provincial Policy Statement (PPS) and supporting guidelines recommend that development is not permitted within 30 m of fish habitat unless it has been determined that there will be no negative impacts. The 30m setback is intended to protect the waterbody from the effects of increased nutrients from overland runoff and allow room for a natural vegetation buffer. The natural vegetation buffer prevents shoreline erosion, excess warming of shallow waters and provides wildlife and aquatic habitat.

In order to limit the potential cumulative impact of development and pervious (hard) surfaces within the nearshore area, for expansions redevelopment and/or expansions within 30m of a waterbody, MVCA generally recommends that:

- the setback is maximized to the greatest extent possible;
- there is no further encroachment towards the water body; and
- any increase in footprint is limited in size.

We note that these objectives are generally addressed here, as the proposed development is no closer to the shoreline than the existing and there is limited opportunity to improve upon the setback due to the limited lot depth and the location of the septic on the road side of the dwelling. The redevelopment will also reduce the overall lot coverage from 37% to 31%.

Non-evaluated Regulated Wetland

As noted, MVCA mapping identifies a non-evaluated wetland that is located to the north of the property. The proposed development is outside of the wetland feature but is partly within the regulated adjacent lands that extend 30m from the wetland boundary. Under MVCA regulations policies, replacement of an existing structure within 30m of a non-evaluated regulated wetland is permitted provided it encroaches no closer to the wetland than the existing development. The proposed development meets with the applicable policy requirements.

No other natural heritage features or associated setbacks are identified within the property.

Flood Hazard

The floodplain in this area is regulated by MVCA under Ontario Regulation 153/06. At this location, the MVCA Regulation Limit extends 15m landward of the 1:100 year flood line. As described in Section 3.1.6.1.5 of the Mississippi Mills Official Plan, the Mississippi Lake floodplain is managed under a “Two-Zone” (floodway/flood fringe) flood plain policy, in accordance with Section 3.1.6 of the Provincial Policy Statement (PPS 2020). The existing and proposed structure are located entirely within the flood fringe where flood depths and velocities are less severe than in the floodway. The PPS, municipal planning documents (Official Plan and Zoning By-law) and MVCA’s regulation policies allow for development and site alteration within the flood fringe of a two-zone area, subject to certain restrictions and requirements aimed at protecting people and property from flood hazards. Also, in accordance with MVCA floodplain policies, where there is not safe access, replacement of an existing structure may be permitted subject to appropriate floodproofing of the new structure.

RECOMMENDATIONS AND CONCLUSION

The following is a summary of the key considerations that have factored into our recommendations:

- The structure is located within the flood fringe part of the Mississippi Lake Two-Zone area, where the applicable policies allow for the proposed development subject to floodproofing requirements.
- The property does not have safe access due to parts of Montgomery Park Road being subject to greater than 0.3m depth of flooding during a 1:100 yr. flood event. Where there is not safe access, MVCA policies allow for the replacement of an existing dwelling subject to floodproofing.
- The proposed addition is located within the 30m Regulation Limit of the wetland. Under MVCA Regulation Policies, the replacement dwelling is permitted on the basis that it is located no closer to the wetland than the existing development. It is also separated from the wetland by a road.
- The development will result in an overall decrease in lot coverage from 37% to 31% which is viewed as a net gain within the floodplain and the 30m waterfront areas.
- Under Ontario Regulation 153/06, a permit is required from MVCA for the development that is proposed. Through the MVCA permit process the replacement dwelling will be required to meet with all current floodproofing standards

Based on the above, MVCA has no objection to the subject application provided the following mitigation measures are implemented:

1. The shoreline area should be naturalized to the greatest extent possible with a vegetated buffer of native plant species. This should take the form of a 3 m wide vegetated strip (measured landward from the lake and/or retaining wall) along the shoreline area.

2. Sediment control measures shall be implemented throughout the construction process (mainly the placement of a sediment barrier such as staked straw bales between exposed soil and the lake). The sediment barrier should remain in place until all disturbed areas have been stabilized and re-vegetated.
3. Excavated material shall be disposed of well away from the water.
4. Regular pick-up of construction debris is also encouraged to prevent construction debris from blowing into the lake.
5. Natural drainage patterns on the site shall not be substantially altered such that additional run-off is directed into the lake or onto neighboring properties. In order to achieve this, eaves troughing shall be installed. The eaves troughing shall be outlet away from the lake to a leach pit or well-vegetated area to allow for maximum infiltration.
6. Pursuant to Ontario Regulation 153/06 – “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”, a permit is required from MVCA for the proposed works.

NOTES

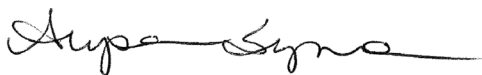
A review for Species at Risk was not conducted. We suggest contacting the Ministry of the Environment, Conservation and Parks should you require a review in this regard.

In addition, we advise consultation with Fisheries and Oceans Canada (DFO) fisheriesprotection@dfo-mpo.gc.ca prior to conducting any work within the lake, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.

Pursuant to Ontario Regulation 153/06 - “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”, written permission is required from MVCA prior to any development, both construction and lot grading, within the Regulation Limit of the floodplain and wetland; or for any alterations to the shoreline of the lake.

Should questions arise please do not hesitate to call. Please advise us of the Committee’s decision in this matter.

Yours truly,



Alyson Symon
Environmental Planner