

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

STAFF REPORT

DATE: August 10, 2021

TO: Committee of the Whole

FROM: Tyler Duval, Planning Consultant

SUBJECT: **BACKGROUND REPORT –ZONING BY-LAW AMENDMENT Z-05-21
CON 12 PT LOT 12 - 26R1440; PART 1
Pakenham Ward, Municipality of Mississippi Mills**

**CIVIC
ADDRESS:** 4676 Dark's Side Road, Pakenham

OWNER: 2755249 ONTARIO INC

AGENT: Tracy Zander, ZanderPlan Inc.

PURPOSE AND EFFECT

The purpose of the Zoning By-law Amendment application is to change the zoning of the subject lands from "Residential Third Density Special Exception 5" (R3-5) to "Residential Fourth Density Special Exception" (R4-X) to permit the conversion of the existing building into a 22-unit apartment dwelling. The special exception to the R4 Zone is to omit the standard requirements for *privacy yards* and *equipped children's play area*. The proposed zoning provisions are as follows:

1. Minimum lot area of 600 m²;
2. Minimum lot frontage of 30 m;
3. Minimum front yard setback of 5 m;
4. Minimum rear yard setback of 7.5 m;
5. Minimum interior side yard setback of 6 m
6. Minimum exterior side yard setback of 6 m;
7. Maximum building height of 11 m;
8. Maximum lot coverage of 45%
9. Courts: Where a building is in a court, the distance between opposing sidewalls of the building forming the court shall be not less than 12 m (39 ft);
10. Privacy Yards: Nil; and
11. Equipped Children's Play Area: Nil

DESCRIPTION OF SUBJECT LANDS

The subject property is situated in the northeast part of the Village of Pakenham on the eastern side of the Mississippi River with frontage along Dark's Side Road. The property is approximately 3.8 acres (1.5 hectares) in area, with 156 metres (511 feet) of frontage on Dark's Side Road

Located on the property is an unoccupied building which previously was used for long-term care and light industrial uses. The vacant building is serviced by private well and sanitary systems.

Land uses adjacent to the site are primarily agriculture, with some low density single detached dwellings along 12 Concession South Pakenham and Dark's Side Road.

SERVICING & INFRASTRUCTURE

The lot is serviced by private well and sanitary services.

The lot fronts onto Dark's Side Road with three (3) vehicular accesses.

There are no sidewalks along the frontage of the property; none are currently proposed to be added.

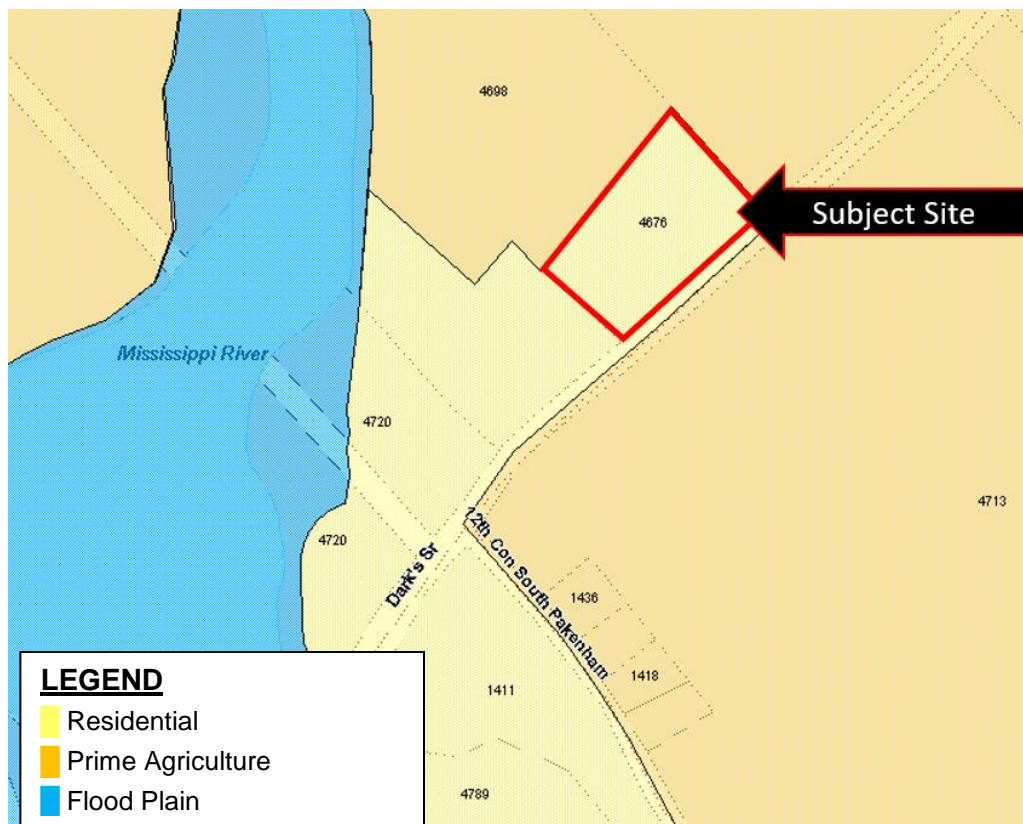
Figure 1 – Context Map



COMMUNITY OFFICIAL PLAN (COP)

Schedule C of the Official Plan identifies the subject lands as “Residential”.

Figure 2 – Community Official Plan Designation



3.6.1 Goal and Objectives

It is a goal of this Plan to:

Promote a balanced supply of housing to meet the present and future social and economic needs of all segments of the community.

The following objectives are designed to implement the goal:

1. Promote and support development which provides for affordable, rental and/or increased density of housing types.

[...]

3. Ensure that land use policies and zoning do not establish barriers to a more balanced supply of housing.

[...].

5. Ensure that residential intensification, infilling and redevelopment within existing neighbourhoods is compatible with surrounding uses in terms of design.

[...]

Generally, “Residential” lands shall be used for low and medium density uses and accessory uses (Policy 3.6.2).

The Residential Land Use objectives instruct that the Municipality “*Promote and support development which provides for affordable, rental and/or increased density of housing types*” and where intensification is planned within existing neighbourhoods that the new development is “*compatible with surrounding uses in terms of design*”.

3.6.2 Residential Permitted Uses

Lands designated "Residential" shall be predominately used for low and medium density residential uses and associated accessory uses.

[...]

The COP permits medium density residential uses for lands in the Residential designation. The subject Zoning By-Law Amendment proposes a low-rise medium density apartment dwelling use for the subject lands.

3.6.5 Range of Housing Types

1. The Town shall support a wide range of housing types, zoning standards and subdivision design standards.

2. The Town has established the following housing mix targets:

- Low Density - 70%*
- Medium Density - 30%*

[...]

4. Medium density residential development shall include four-plex housing, townhouses, 3 storey apartments, converted dwellings of three or more units and similar multi-unit forms of housing. In general, medium density residential development shall have a maximum net density of 35 units per net hectare (15 units per net acre).

5. All medium density residential development proposals shall address the following criteria:

i. Proximity to shopping, parkland, health care, education and other community amenities;

- ii. compatibility with existing land uses in the immediate area and the historical character of existing buildings;*
- iii. designed with a maximum of three (3) stories and where possible, a building profile which conforms visually with the surrounding residential structures;*
- iv. availability of adequate off-street parking and appropriate access and circulation for vehicular traffic, including emergency vehicles*
- v. necessary buffering from abutting uses;*
- vi. suitable landscaping, lot grading, drainage and on-site amenities; and,*
- vii. the availability of full municipal services to accommodate the proposed density of development.*

6. Medium density residential development shall be placed in separate zones in the Zoning By-law and shall be subject to Site Plan Control.

7. The Municipality shall strive to maintain the existing mix of housing tenure. To this end, the Municipality establishes the following housing tenure targets:

- i. Ownership 70%*
- ii. Rental 30%*

As proposed, the gross density generated by the 22 units would be 14.7 units per hectare, whereas the maximum permitted density for a low-rise apartment is 35 UPH, as per Policy 3.6.5 (4).

ZONING BY-LAW #11-83

The subject property is proposed to be zoned “Residential Fourth Density Special Exception” (R4-X) in the Municipality of Mississippi Mills Zoning Bylaw 11-83. The Residential Fourth Density Zone permits a mix of residential uses including the proposed low-rise apartment dwelling.

The intent of the R4 Zone is to allow a range of residential uses to provide additional housing choices within the urban area of Almonte and rural settlement areas and villages as described in the Community Official Plan.

The following table represents the proposed developments adherence to the prescribed zone provisions:

Table 1 – Zone Provisions of the Residential Fourth Density Zone

Provisions	Dwelling, Apartment (low-rise)	Proposed Development (special exception)
Lot Area, Minimum (m ²)	600	15,000
Lot Frontage, Minimum (m)	30	156
Front Yard, Minimum (m)	5	10.1
Rear Yard, Minimum (m)	7.5	13.1
Side Yard, Minimum (m)	6	16.1
Exterior Side Yard, Minimum (m)	6	n/a
Maximum Height (m)	11	Existing building less 11 m
Lot Coverage, Maximum (%)	45	9.6
Courts	(a)	Existing 30 m court
Privacy Yards	(b)	Nil *
Equipped Children's Play Area	(c)	Nil *

* - criteria marked with * are the development standards where the special exception is applied

(a) Where a building is in a court, the distance between opposing sidewalls of the building forming the court shall be not less than 12 m (39 ft).

(b) Privacy yards with a minimum depth of 6 m (19.6 ft) which are clear and unobstructed by any parking area or driveway, other than a private driveway for the exclusive use of a dwelling unit, shall be provided adjoining any ground floor habitable room window, except for a dwelling containing less than 10 dwelling units, in which case a driveway shall be permitted to be within 3 m of an end wall in an interior side yard.

Within a privacy yard, an area with a minimum depth of 3 m (9.8 ft) unobstructed by any public or joint pedestrian access shall be provided adjoining any ground floor habitable room window.

For the purpose this provision a window shall be considered to be a ground floor window if any part of the glazing is less than 2.5 m (8.2 ft) above the adjacent finished grade.

(c) For dwelling houses which do not have a separate privacy yard for the exclusive use of each dwelling unit, a children's play area shall be provided.

The children's play area shall be a minimum of 4% of the lot area which may be included in the area calculated as required landscaped open space.

The children's play area shall be located not less than 6 m (19 6 ft) from a ground floor habitable room window and not in the front or exterior side yards.

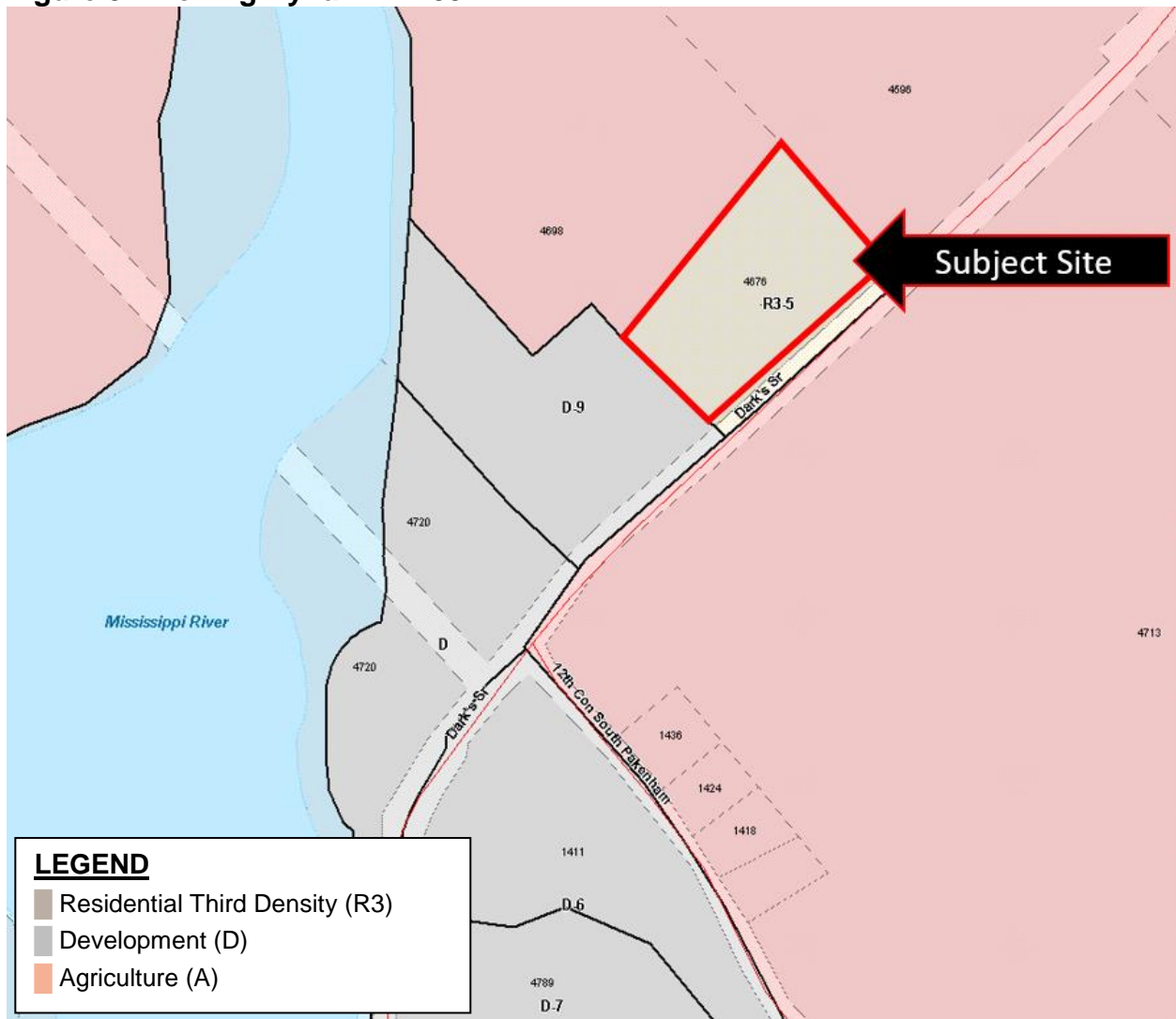
For the purpose of this provision, a window shall be considered to be a ground floor window if any part of the glazing is less than 2.5 m (8.2 ft) above the adjacent finish grade.

The proposed use will meet or exceed the minimum required parking as prescribe by the zoning by-law, as shown in Table 2 below.

Table 2 – Parking Requirements

Provisions	Dwelling, Apartment (low-rise)	Proposed Development
Minimum Parking Spaces (1.2 spaces per unit)	27 spaces	27 spaces
Minimum Visitor Parking Spaces (0.2 spaces per unit)	5 spaces	8 spaces
Minimum Accessible Parking Spaces (26-50 total spaces)	2 spaces	2 spaces

Figure 3 – Zoning By-law #11-83



The by-law has been drafted and is included in Attachment B of this report.

16.3 Special Provisions

16.3.X *Notwithstanding the provisions of the 'R4' Zone, on those lands delineated as 'R4-X' on Schedule 'A' to this By-law, shall be used in accordance with the following provisions:*

- i) *Privacy Yard: Nil*
- ii) *Equipped Children's Play Area: Nil*

PUBLIC COMMENTS RECEIVED:

Staff circulated the application in accordance with the provisions of the Planning Act. At the time of posting the staff report, five submissions from residents or resident groups have been received.

Comments were also received, at the time of preparation of this report, from the following Municipal Departments and external agencies:

- Clerk's Department
- Parks and Recreation
- Fire Services
- Building Department
- Enbridge Gas Inc.
- Leeds, Grenville and Lanark District Health Unit
- Mississippi Valley Conservation

All comments submitted by commenting agencies and members of the public will be collected, summarized and included in the final staff report received by municipal Council.

Attachment C of this background report includes all comments received to date.

A staff report analyzing the merits of the application will be prepared following the public meeting in order to fully consider any and all public comments received.

All of which is respectfully submitted,



Tyler Duval RPP, MCIP, M.PI.
Planning Consultant



Ken Kelly
Chief Administrative Officer

Attachments:

Attachment A – Proposed Site Plan

Attachment B – Draft By-Law

Attachment C – Comments Received

[illegible]

Attachment B – Draft By-Law

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

BY-LAW NO. 21-XXX

BEING a by-law to amend By-law No. 11-83 being the Zoning By-law for the Municipality of Mississippi Mills.

WHEREAS the Council of the Corporation of the Municipality of Mississippi Mills passed Zoning Bylaw 11-83, known as the Zoning By-law, to regulate the development and use of lands within the Municipality;

NOW THEREFORE the Council of the Corporation of the Municipality of Mississippi Mills pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, Chapter P.13, enacts as follows:

1. That Schedule 'D' to By-law No. 11-83, as amended, is hereby further amended by changing thereon from the "Residential Third Density – Special Exception 5" (R3-5) to "Residential Fourth – Density Special Exception" (R4-X) for the lands identified on the attached Schedule 'A', which are legally known as CON 12 PT LOT 12 - 26R1440; PART 1, Village of Pakenham, Municipality of Mississippi Mills.
2. That Section 16 to By-law No. 11-83, as amended, is hereby further amended by adding the following Subsection to Section 16.3:
 "16.3.X *Notwithstanding the provisions of the 'R4' Zone, on those lands delineated as 'R4-X' on Schedule 'A' to this By-law, shall be used in accordance with the following provisions:*

 i) Privacy Yard: Nil
 ii) Equipped Children's Play Area: Nil
3. This By-Law takes effect from the date of passage by Council and comes into force and effect pursuant to the provisions of the *Planning Act*, R.S.O. 1990, Chapter P.13.

BY-LAW read, passed, signed and sealed in open Council this **X day of XXX, 2021.**

Christa Lowry, Mayor

Cynthia Moyle, Acting Clerk

Appendix C – Comments Received

Submission #1

From:

David and Christina Humber (1411 12th Con South Pakenham)

Michael O'Brien and Leslie Murray (1418 12th Con South Pakenham)

Christopher Hobbs and Chantal Comeau (1424 12th Con South Pakenham)

Bruce and Ro Orok (1371 12th Con South Pakenham)

John and Leigh Gorman (4789 Dark's Side Road)

.....

RE: Dark Side Road - Zoning Meeting May 4, 2021

David Humber [REDACTED]

Tue 4/27/2021 9:32 PM

To: Mills Planner <mplanner@mississippimills.ca>

3 attachments (4 MB)

Dillon planning report FINAL.pdf; Dillon site plan.pdf; Z-05-21-Dillon_PM_Zoning-Notice.pdf;

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Day,

After examining the zoning change request, planning report and site plans, I would like to raise an objection to the zoning amendment on behalf of the residents of Pakenham 12th Concession South and Dark's Side Road. We feel the rezoning of the former Country View Lodge to support a 22 unit affordable housing low-rise is not appropriate based on the following points;

- The Mississippi Mills Community Official Plan.
 - The rezoning of the former 4676 Dark's Side Road does not fit within the Residential Goals and Objectives in section 3.6.1, Residential Conversion Policy in section 3.6.8, or section 2.5.2 Smart Growth concepts presented in the COP.
 - This rezoning would create yet another specific by-law supporting the special exception to the R4 Zone is to omit the standard requirements for privacy yards and equipped children's play area.
 - The current neighbourhood is mixed agriculture and rural residential a high-density low-rise apartment complex does not fit the existing neighbourhood.
- Infrastructure impacts to the neighbourhood.
 - Dark's Side Road and Pakenham Concession 12 South are both in poor condition with limited lighting, limited signage for speed, farm vehicles and children.
 - With no sidewalks, bike lanes, or amenities within walking distance it is reasonable to expect a significant increase in vehicle traffic. Potentially 22 additional cars. This is additionally problematic with no recreational services located at 4676 Dark's Side Road or any apparent indication there would be based on the zoning request and planning documents residents are forced to drive everywhere increasing the traffic in the area.
 - There does not appear to be sufficient off-street parking or lighting for such parking at 4676 Dark's Side Road.
 - Telecommunications with Mississippi Mills and specifically Pakenham are limited at best, it is reasonable to expect a significant strain on the existing infrastructure, and this is not addressed in the planning report
 - With an increase in residents it is reasonable to expect a negative impact on the local aquifer supplying the lodge and or it's neighbours.
- Environmental impacts to the neighbourhood.
 - There is an overlap with infrastructure items, increase in traffic, increased water usage that have environmental impacts to the neighbouring farms and homes.
 - Increased water usage leads to increase septic usage and drainage requirements that could negatively impact neighbouring properties and farms and the Mississippi River.
 - The Community Official Plan suggests that with such a substantial change, a proper environmental impact assessment would need to be completed prior to this zoning change being approved.

.....

- None of the above items are addressed satisfactorily within the ZanderPlan Report dated March 5, 2021.

We would also provide the following questions that need to be answered prior to considering removal of any objection to the zoning change.

- How does this rezoning fit into the Community Official Plan, Residential Goals and Objectives, Residential Conversion Policy, or "Smart Growth"
- How does the town see this rezoning fitting the existing neighbourhood?
- Has there been an impact assessment/traffic study been completed on the roads supplying 4676 Dark's Side Road? Is it available?
- Will on street parking be prohibited in and around 4676 Dark's Side Road.
- Has an Environmental Impact Assessment been completed for allowing a 22 apartment dwelling? Is it available?
- As indicated in this article <https://www.insideottawavalley.com/news-story/8991809-pakenham-seniors-home-hit-with-several-regulation-orders/> there were several issues with the facility prior to ownership changing. How many of these items have been addressed?
- Are there any Building Permits issued for the facility? Are they available?

Should Council proceed with the rezoning without addressing the above items in full, we will be filing a Notice of Appeal to the Local Planning Appeal Tribunal.

Thank you,

Signed on behalf of;

David and Christina Humber, 1411 12th Concession South Pakenham

Michael O'Brien and Leslie Murray, 1418 12th Concession South Pakenham

Christopher Hobbs and Chantal Comeau, 1424 12th Concession South Pakenham

Bruce and Ro Orok, 1371 12th Concession South Pakenham

John and Leigh Gorman, 4789 Dark's Side Road

—
David Humber

From: Roxanne Sweeney <rsweeney@mississippimills.ca>

Sent: April 19, 2021 3:59 PM

To: David Humber <[REDACTED]>

Cc: Mills Planner <mplanner@mississippimills.ca>

Subject: Dark Side Road - Zoning Meeting May 4, 2021

Hi Mr. Humber –

Please submit your written comments/questions to Tyler Duval. I have cc'd Tyler Duval on this e-mail.

Planning staff during the public meeting portion will either read the comments or if received in advance of the agenda provide the comments in the agenda.

Council and COW meetings are also available through live stream.

<https://events.mississippimills.ca/council>

.....

Thanks,

Roxanne Sweeney
Municipality of Mississippi Mills
613-256-2064 ext 209

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From: David Humber [REDACTED]
Sent: Wednesday, April 14, 2021 9:04 PM
To: Roxanne Sweeney <rsweeney@mississippimills.ca>
Subject: Zoning Meeting May 4, 2021

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good evening,

I am enquiring about the registration process for submitting comments prior to, or during, the zoning meeting scheduled for May 4, 2021. I have attached the zoning notification for 4676 Dark's Side Road, Pakenham for clarification.

https://www.mississippimills.ca/en/municipal-hall/resources/Documents/By-laws/Z-05-21-Dillon_PM_Zoning-Notice.pdf

Thank you,

--

David Humber
[REDACTED]

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.....

Submission #2

From:

Keith Bean (4596 Dark's SD)

.....

FW: Public Meeting regarding Z-05-21 Dillon 4676 Dark's Side Road

Roxanne Sweeney <rsweeney@mississippimills.ca>

Mon 5/3/2021 12:17 PM

To: Mills Planner <mplanner@mississippimills.ca>; Jennifer Russell <jrussell@mississippimills.ca>

-----Original Message-----

From: Keith Bean

Sent: Monday, May 3, 2021 11:48 AM

To: Roxanne Sweeney <rsweeney@mississippimills.ca>

Cc:

Subject: Public Meeting regarding Z-05-21 Dillon 4676 Dark's Side Road

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Roxanne

I would like to formally submit some questions and concerns about the proposed 22 unit apartment project at 4676 Dark's Side Road

To start, I have a lot of respect for Tim and Lori's vision and passion for this project.

If the building had been put up for sale through normal channels I would have purchased it, if only to have quiet enjoyment of my own property.

My fields about the subject property on the North and East sides. The fields are awesome clay and are tilled. They have been in corn and soybeans since I bought the property in 2018.

I have three fears:

1. With 80 plus occupants possible, the water needs will be much higher than ever before, if the wells draw more and more water from the aquifer and the water is eventually contaminated from pesticides or fertilizer used on my property am I liable?
2. We are fencing and preparing to raise Polled Herefords. If we need to wean cattle or make any other farm noises, will we have to deal with stress of noise complaints?
3. If we need to spread manure, again, will have stressful calls from authorities even if we are in the right?

I hate to bring up these points, but looking ahead we may be dealing with different owners than Tim and Lori who may not understand country life.

I think residential apartments is a big difference, even from previous use as a seniors home that would have one resident per unit and few cars to park.

.....

What strain will the Municipality have if water or septic fail and the building has 80 or so residents to find a place for. Is there a tank if water needs to be hauled in?

What happens if my fields get contaminated because the septic beds are overtaxed? Is the developer responsible or whoever is in current ownership or is it the municipality for approving the septic system?

I spoke with a planner and had them review the proposal. They suggested it is not a far jump from R3 to R4. In reality though, a seniors home that is properly managed is different than a residential unit with 22 families, all from different walks of life.

In summary I will deal with the planning dept decision but I felt I needed to make my thoughts known

Thank you for allowing me to submit.

Keith Bean
4596 Dark's Side Road
Pakenham, ON



.....

Submission #3

From:

Jeanna Barr (4713 Dark's SR)

Fwd: Dark's Side Road Public Meeting

Roxanne Sweeney <rsweeney@mississippimills.ca>

Mon 4/26/2021 8:04 PM

To: Mills Planner <mplanner@mississippimills.ca>; Marc Rivet <mrivet@jlrichards.ca>

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From: jeanne [REDACTED] >

Sent: Sunday, April 25, 2021 1:23:48 PM

To: Roxanne Sweeney <rsweeney@mississippimills.ca>

Subject: Dark's Side Road Public Meeting

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I would like to be informed of the information on this public meeting. I have read the concerns of other residents in the area, some points do need addressing.

Please send information on this subject to me at [REDACTED]

Thank you,

Jeanne Barr

.....

Submission #4

From:

Tracy Julian (375 Tait McKenzie Dr)

.....

Objection to Rezoning

Tracy Julian [REDACTED] >

Tue 5/4/2021 6:54 PM

To: Mills Planner <mplanner@mississippimills.ca>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

SUBJECT: BACKGROUND REPORT –ZONING BY-LAW AMENDMENT Z-05-21 CON 12
PT LOT 12 - 26R1440; PART 1 Pakenham Ward, Municipality of Mississippi Mills CIVIC
ADDRESS: 4676 Dark's Side Road, Pakenham

I will be objecting to this zoning bylaw amendment. My objections are due to the following:

- There is no report on whether any Affordable rental units will be provided in this new development of 22 units. (Affordable as defined in the Provincial Policy statement and the price point provided annually by the Ministry of Municipal Affairs and Housing)
- The new development will not be conforming to our Community Official Plan in regards to our Affordable Housing policy.

Thank you, Tracy Julian

.....

Submission #5

From:

Nathan Bourgeault and Alana Petrie (4698 Dark's SR)

.....

Nathan Bourgeault and Alana Petrie
4698 Darks Side Road
Pakenham, ON K0A 2X0

April 28, 2021

RE: Zoning Amendment Application Z-05-21

To Whom It May Concern,

Please find attached our comments regarding the proposed rezoning of 4676 Dark's Side Road, Pakenham from "Residential Third Density Special Exception 5" (R3-5) to "Residential Fourth Density Special Exception"(R4-X) to permit the conversion of the existing building into a 22-unit apartment dwelling.

After reviewing the zoning change request, planning report and site plans, I would like to raise the following concerns regarding the proposed rezoning. I would request that comments in **bold** be addressed prior to our consent being given for the proposed zoning amendment.

1. The planning report submitted to support the zoning application notes "*The property includes an unoccupied institutional building which previously housed fifty five seniors*" (Page 1). It is noted that under the R3-5 zoning the permitted use is for a maximum of 10 residents in a retirement home or group home Type A.
 - a. **Is there a variance to the R3-5 zoning which allowed for an exceedance of the maximum occupancy?**
 - b. **What is the current permitted maximum number of residents as per the R3-5 zoning?**
 - c. If there is not a variance to the R3-5 zoning permitted uses, then the fact the previous owners were in violation of their permitted use is not relevant to this application.
2. The planning report and site plan submitted to support the zoning application notes "*There is a cedar and pine treeline that runs along the property's frontage onto*

.....

- d. Burden of maintaining existing privacy features (hedges) fall on neighboring landowner (4698 Darks Side Rd).
 - e. **We would like to propose the site plan be updated to reflect proper location of cedar hedges and existing privacy features.**
 - f. **Also, we would ask that a permanent privacy fence be installed along the shared property boundary with 4698 Darks Side Rd.**
3. The planning report submitted to support the zoning application notes "*The applicant is intending to re-use the existing unoccupied building and plans to contain all twenty twenty-two units within the structure at this time.*" (Page 3)
- a. Based on the language it is indicative that there may be plans to expand this facility beyond the proposed 22 units at a later date.
 - b. **Are there any provisions in the zoning by-law or the R4-X zoning which would require further public consultation prior to any future developments on the existing site?**
4. The planning report submitted to support the zoning application notes in numerous locations access to pre-existing infrastructure being sufficient to support the proposed 22 units.
- a. **Are there any studies, reports or impact assessments which support these statements regarding existing infrastructure being adequate?**
 - b. Roads:
 - i. Currently both Darks Side Road and 12th Concession are in poor condition with limited lighting, no sidewalks, bike lanes and limited signage for speed, farm vehicles and children.
 - ii. **Are there any plans by the municipality for upgrade or repair of both access roads to accommodate the additional traffic?**
 - iii. As seen in previous years during maintenance closures on Kinburn Side Rd the additional traffic on Darks Side Road has a negative impact to both road quality and safety.
 - c. Well Water:
 - i. **Has an inspection of the existing well located on the proposed site been completed?**
-

- ii. **Is there sufficient flow available within the well and local aquifer to support the increased residents living in the neighborhood?**
 - iii. Have water quality issues been resolved since boil water order from local health unit in February of 2017?
- d. Sewage:
 - i. **Has an inspection been completed of the septic infrastructure on the proposed site and is it sufficient for the additional residents?**
 - ii. Have issues with septic tank identified by previous owners been resolved?
- e. Fire
 - i. The site plan and planners report do not identify any fire safety measures such as fire routes, provisions for fire water, sprinklers, etc.
 - ii. Have fire safety concerns raised by Mississippi Mills Fire department in 2018 been resolved?
- f. Broadband:
 - i. The municipality of Mississippi Mills has identified internet access as an essential service for Canadians. This has only become more evident during the COVID-19 pandemic with an increased demand of remote work and schooling, online shopping, health care and communication with family members.
(<https://www.mississippimills.ca/en/municipal-hall/broadband-access.aspx>).
 - ii. Currently the options for internet access (DSL, dial-up and LTE) in the village of Pakenham (specifically on the eastern shore of the Mississippi River) are strained specifically during prime hours (daytime and evening hours).
 - iii. The planning report submitted to support the application does not mention the supply of broadband internet access for the 22 units and the impact these additional units will have on the existing supply of reliable broadband internet for homes and businesses in the Village of Pakenham.
 - iv. **It is requested that as part of this zoning application provisions be included for the supply of broadband internet to**

.....

the homes and businesses in the neighborhood to reduce the impact on existing residents.

Note: We understand that the municipality is currently working with Federal and Provincial agencies to improve the access to broadband in rural areas. Even though this neighborhood technically falls within the Village of Pakenham it is woefully underserved and cannot support the existing population let alone the additional burden of 22 rental units.

This addition burden will have real impacts on our ability to earn a living, manage our business, receive an education, and communicate with family members. The Municipality has identified broadband access the resulting "digital divide" as a key area of concern for rural areas.

This development without any immediate investment in infrastructure will only further this divide.

5. The planning report submitted to support the zoning application notes in numerous locations that the proposed development is located within the Village of Pakenham. Although it is noted as such in current zoning maps, from a practical perspective it is located on the eastern shore of the Mississippi River and does not have easy access to many of the amenities located in the Village of Pakenham proper.
 - a. Currently the bridge providing access to the Village of Pakenham does not have a provision for pedestrian access. And there are no sidewalks or walking paths between the proposed development and the bridge. Any access to the village would require vehicle access as public transportation does not service the area.
 - b. In the event that the bridge is closed for maintenance purposes, the proposed development (and surrounding area) will be restricted from accessing the Village of Pakenham and will be forced to travel a great distance to access basic amenities.
6. The site plan submitted as part of the rezoning application indicates a large open storage area on the eastern portion of the property.

.....

on Darks Side Rd and the bridge crossing the Mississippi River, is it reasonable to exempt this development from these requirements?

- b. Although the planners report does specify that the target demographic is seniors (Page 4) there does not appear to be any requirement which would exclude visitors with children or units being rented to a young family with children.
- c. **What is the justification for these exemptions and what alternatives will the residents (and visitors) of the proposed development be offered to offset these requirements?**

After lengthy review of the proposed rezoning plan, planners report, proposed site plan and existing municipal zoning by-laws we cannot support this application for rezoning. As such we would like to formally raise an objection to the zoning amendment.

Our chief concerns are related to the increased traffic along Dark's Side Road, the increased burden on infrastructure (both physical and digital infrastructure) and the loss of privacy along our shared property boundary due to increased vehicular traffic and lack of privacy fencing.

The most pressing concern is the lack of digital infrastructure in place to support this rezoning application. We strongly believe that without an immediate investment in broadband infrastructure this development will have devastating impact on both existing residents and the residents of the proposed development.

Should Council proceed with the rezoning without addressing the items in bold, we will be filing a Notice of Appeal to the Local Planning Appeal Tribunal.

Regards,



Nathan Bourgeault, M.Eng., P.Eng., PMP



Alana Petrie, M.Sc, PT,

Property Owners: 4698 Darks Side Rd, Pakenham, Ontario, K0A 2X0

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Appendix A – Photos of Property



Figure 1- Photo from 4698 Darks Side Rd principal residence showing alignment with access driveway.

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Figure 3-Photo (looking North-East towards proposed development) showing cedar hedge on outside of chain link fence.

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Figure 4-Photo (looking along property line towards road) showing cedar hedges on outside of fence

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Figure 5-Satellite image showing proposed driveway alignment with principal residence.

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Re: Comments Re: Zoning amendment application: Z-05-21

Nathan Bourgeault [REDACTED]

Mon 5/3/2021 6:57 AM

To: Mills Planner <mplanner@mississippimills.ca>; Roxanne Sweeney <rsweeney@mississippimills.ca>

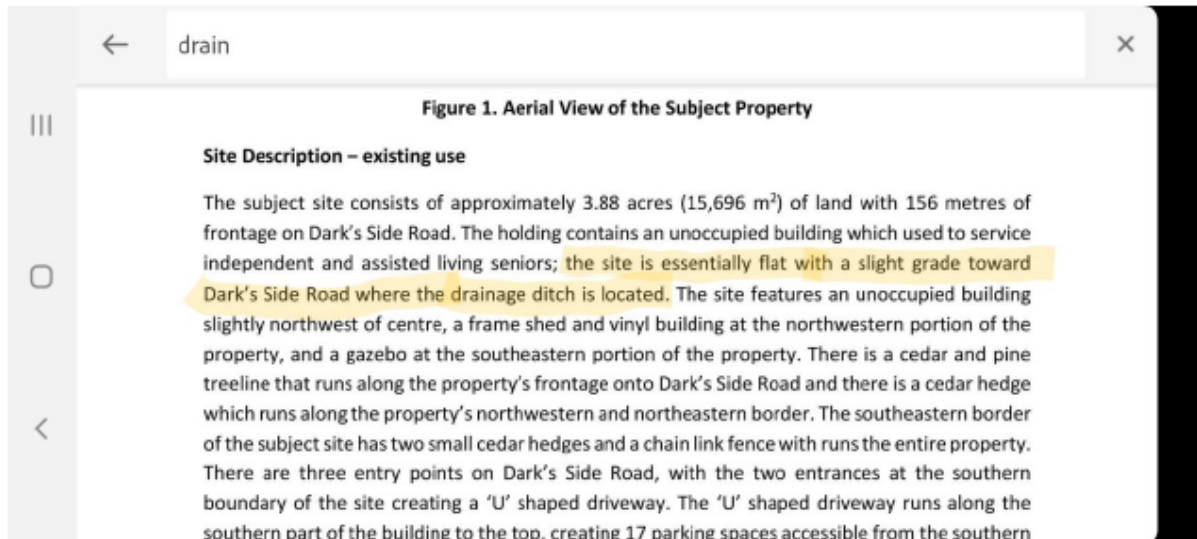
Cc: Jennifer Russell <jrussell@mississippimills.ca>; Cynthia Mowle <cmowle@mississippimills.ca>; [REDACTED]

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Tyler

In addition to my previous comments I would like to add that the planners report by Zaderplan also misidentifies the site drainage.

In their report they note the site is flat with a slight grade towards the ditch at road.



This is not the case as the rear of the property grades towards my property and the farm land behind. This is pretty evident by standing on the back corner of the lot or along the lot line. There is actually a drainage ditch which runs on my property from the property line towards the north west. This is a concern as any issues with that septic tank or field bed will drain directly into our prime recreational area of our property.

Given the elementary errors made in the planning report I'm having a hard time trusting any of the information provided especially when it is referring to infrastructure capacity.

You mentioned previously that all concerns related to servicing will be dealt with prior to issuance of a building permit (related to septic and water capacity). I am wondering if building permits have been issued as they have started construction on the site and there is currently 5-6 camper trailers on the site housing their construction crews.

.....

Please add my concerns regarding the planners reports errors with respect to site drainage to my submission.

Also please advise regarding the issuance of building permits.

Regards,

Nathan and Alana
[REDACTED]

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From: Nathan Bourgeault [REDACTED]
Sent: Wednesday, April 28, 2021, 3:16 p.m.
To: Mills Planner; Roxanne Sweeney
Cc: Jennifer Russell; Cynthia Moyle; [REDACTED]
Subject: Comments Re: Zoning amendment application: Z-05-21

Tyler

Please find attached our comments regarding the pending zoning amendment in advance of the public meeting to be held May 4, 2021.

Please note we currently do not support this rezoning application as there are a number of outstanding concerns (see bold items in attached) which we feel need to be addressed before this project should be given approval.

If you have any questions or can follow upon any of the issues please do not hesitate to reach out to me.

[REDACTED]

[REDACTED]

[REDACTED]

in

.....

Clerk's Department

No comment.

Parks and Recreation

No issues.

Fire Services

While the fire department has no objection to the change of use, there are known issues that affect fire protection. Not all issues are Fire Code related but may impact the safety of responders. Please note the following concerns from the fire department regarding:

1. We understand that the septic system may have been condemned and there is an open pit in the yard. This has been identified as a known hazard on the north side of the structure by the department. Fire department planning limits firefighters from working on that side of the building until repairs are performed and the grounds are made safe. Has the local health unit been involved to review and approve the system as it exists?
2. The fire department access must be evaluated as there is limited access to firefighting when entering the property. Department access routes must be reviewed to ensure compliance with the Building Code. Current access limits fire protection services to the rear portion of the structure.
3. We are unclear where parking will be provided for residents and the pending impact to response apparatus.
4. There is no water supply at this location for the pending risk. The fire department will not approve any reduction of fire protection requirements required by the building code including any onsite water supply.
5. The previous transition to a Vulnerable Occupancy was the primary cause of concern. The Vulnerable Occupancy definition in the Building Code requires a significant increase in fire protection requirements. The fire department will enforce the Fire Code if there is a change in the business model from residential to vulnerable occupancy when admitting residents.

Building Department

No objection to the proposal.

Phase 1 ESA would be required before we can issue a building permit.

Mississippi Valley Conservation Authority

A cursory review of the above noted application revealed no issues with regard to Mississippi Valley Conservation Authority's plan input and review program. We have therefore screened this application out of our formal review process.

We note that if Site Plan Control is required, with a SWMP, we will provide a review upon request by the municipality

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Enbridge Gas Inc.

Enbridge Gas Inc. does not object to the proposed application however, we reserve the right to amend our development conditions.

Leeds, Grenville and Lanark District Health Unit

From a Part 8 sewage system perspective it appears that the daily sewage design flow is exceeding 10,000 litres per day, therefore it will fall under MOECP approval.

Please contact the Ministry of Environment, Conservation and Parks for comment regarding sewage disposal and approvals.

Canada Post

Thank you for contacting Canada Post regarding plans for a new development in Pakenham. Please see Canada Post's feedback regarding the proposal, below. If the Dwellings all have separate entrances they will be serviced by Community mail boxes supplied by CPC. If the property is multi dwelling with common entrance refer to # 3.

Service type and location

1. Canada Post will provide mail delivery service to the development through centralized Community Mail Boxes (CMBs).
2. Given the number and the layout in the development there should 2 CMB modules located on or near the property
3. If the development includes plans for (a) multi-unit building(s) with a common indoor entrance, the developer must supply, install and maintain the mail delivery equipment within these buildings to Canada Post's specifications.

Municipal requirements

1. Please update our office if the project description changes so that we may determine the impact (if any).
2. Should this subdivision application be approved, please provide notification of the new civic addresses as soon as possible.

Developer timeline and installation

1. Please provide Canada Post with the excavation date for the first foundation/first phase as well as the date development work is scheduled to begin. Finally, please provide the expected installation date(s) for the CMB(s),

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Additional Developer Requirements:

- The developer will consult with Canada Post to determine suitable permanent locations for the Community Mail Boxes. The developer will then indicate these locations on the appropriate servicing plans.
- The developer agrees, prior to offering any units for sale, to display a map on the wall of the sales office in a place readily accessible to potential homeowners that indicates the location of all Community Mail Boxes within the development, as approved by Canada Post.
- The developer agrees to include in all offers of purchase and sale a statement which advises the purchaser that mail will be delivered via Community Mail Box. The developer also agrees to note the locations of all Community Mail Boxes within the development, and to notify affected homeowners of any established easements granted to Canada Post to permit access to the Community Mail Box.
- The developer will provide a suitable and safe temporary site for a Community Mail Box until curbs, sidewalks and final grading are completed at the permanent Community Mail Box locations. Canada Post will provide mail delivery to new residents as soon as the homes are occupied.
- The developer agrees to provide the following for each Community Mail Box site and to include these requirements on the appropriate servicing plans:
 - Any required walkway across the boulevard, per municipal standards
 - Any required curb depressions for wheelchair access, with an opening of at least two meters (consult Canada Post for detailed specifications)

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