

**Report to
Rapport au:**

**Planning Committee / Comité de l'urbanisme
April 12, 2016 / 12 avril 2016**

**Agriculture and Rural Affairs Committee / Comité de l'agriculture et des affaires
rurales
April 15, 2016 / 15 avril 2016**

**and Council / et au Conseil
April 27, 2016 / 27 avril 2016**

**Submitted on March 17, 2016
Soumis le 17 mars 2016**

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Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE File Number: ACS2016-PAI-PGM-0032

SUBJECT: Official Plan and Zoning: Flood Plain Mapping Updates Phase 1

**OBJET: Plan officiel et zonage – Actualisation de la cartographie des zones
inondables – Phase 1**

REPORT RECOMMENDATIONS

That Planning Committee recommend Council:

- 1. Approve and adopt an amendment to Section 4.8.1 of the Official Plan concerning flood plain policies, as detailed in Document 1;**
- 2. Approve amendments to the flood plain overlay in Zoning By-law 2008-250, as shown in Document 3 and as detailed in Document 5; and**

That Agriculture and Rural Affairs Committee recommend Council approve amendments to Zoning By-law 2008-250, as shown in Document 2 and detailed in Document 4.

RECOMMANDATIONS DU RAPPORT

Que le Comité de l'urbanisme recommande au Conseil :

- 1. d'approuver et adopter des modifications au section 4.8.1 au Plan officiel précisée dan le document 1; et**
- 2. d'approuver des modifications au Règlement de zonage 2008-250 de la façon illustrée dans le document 3 et précisée dans le document 5.**

Que le Comité de l'agriculture et des affaires rurales recommande au Conseil d'approuver des modifications au Règlement de zonage 2008-250 de la façon illustrée dans le document 2 et précisée dans le document 4.

EXECUTIVE SUMMARY

Assumption and Analysis

This report recommends amendments to the Official Plan and Zoning By-law concerning flood plain policies and mapping. These amendments have been prepared in consultation with the Rideau Valley, Mississippi Valley and South Nation Conservation Authorities, and will apply the most up-to-date information available concerning the elevation of lands adjacent to watercourses.

Public Consultation

Public consultation was undertaken in accordance with the *Planning Act* and the Official Plan.

RÉSUMÉ

Hypothèse et analyse

Le présent rapport recommande des modifications au Plan officiel et au Règlement de zonage, qui ont trait aux politiques et à la cartographie s'appliquant aux plaines inondables. Ces modifications ont été préparées en consultation avec l'Office de protection de la nature de la vallée Rideau, l'Office de protection de la nature de la vallée Mississippi et Conservation de la Nation Sud, et appliqueront les données disponibles les plus à jour concernant l'élévation des terrains adjacents aux cours d'eau.

Consultation publique

Une consultation publique a été organisée conformément à la *Loi sur l'aménagement du territoire* et au Plan officiel.

BACKGROUND

The Province requires that the City have policies in the Official Plan and provisions in the Zoning By-law to prohibit development within the one-in-100-year flood plain. Amendments are proposed to update the flood plain policies and mapping in the Official Plan and Zoning By-law. This is the first of a series of zoning amendments in a multi-year program to implement updated flood plain mapping received from the conservation authorities in the Zoning By-law.

The City of Ottawa partnered with the three conservation authorities having jurisdiction in the city, the Mississippi Valley, Rideau Valley and South Nation Conservation Authorities, to update the flood plain mapping in the Zoning By-law. The updated mapping is based on the most accurate information available regarding the elevation of lands adjacent to watercourses. This topographical information was provided by the City to the conservation authorities who, in turn, generated updated flood plain mapping for use in the Zoning By-law.

DISCUSSION

The Provincial Policy Statement does not permit development in the one-in-100-year flood plain. Lands within the 100-year flood plain have a 1 per cent chance of flooding in any given year. The Official Plan includes policies that do not permit the construction of buildings and structures in the flood plain. The 100-year flood plain is shown in the Official Plan on Schedule K – Environmental Constraints. The flood plain policies in the

Official Plan are implemented in the Zoning By-law in Section 58(1) – Flood Plain Overlay and Section 58(4) – Area-specific provisions. The one-in-100-year flood plain is shown on the Zoning Map of the Zoning By-law as the Flood Plain Overlay.

Proposed Official Plan amendments:

Amendments are proposed to the flood plain policies in Section 4.8.1 of the Official Plan to distinguish between flood fringe areas and areas of reduced risk and to add new policies to allow amendments to the flood plain mapping in the Zoning By-law to occur without a companion amendment to update Schedule K of the Official Plan. The proposed amendments to the Official Plan are detailed in Document 1.

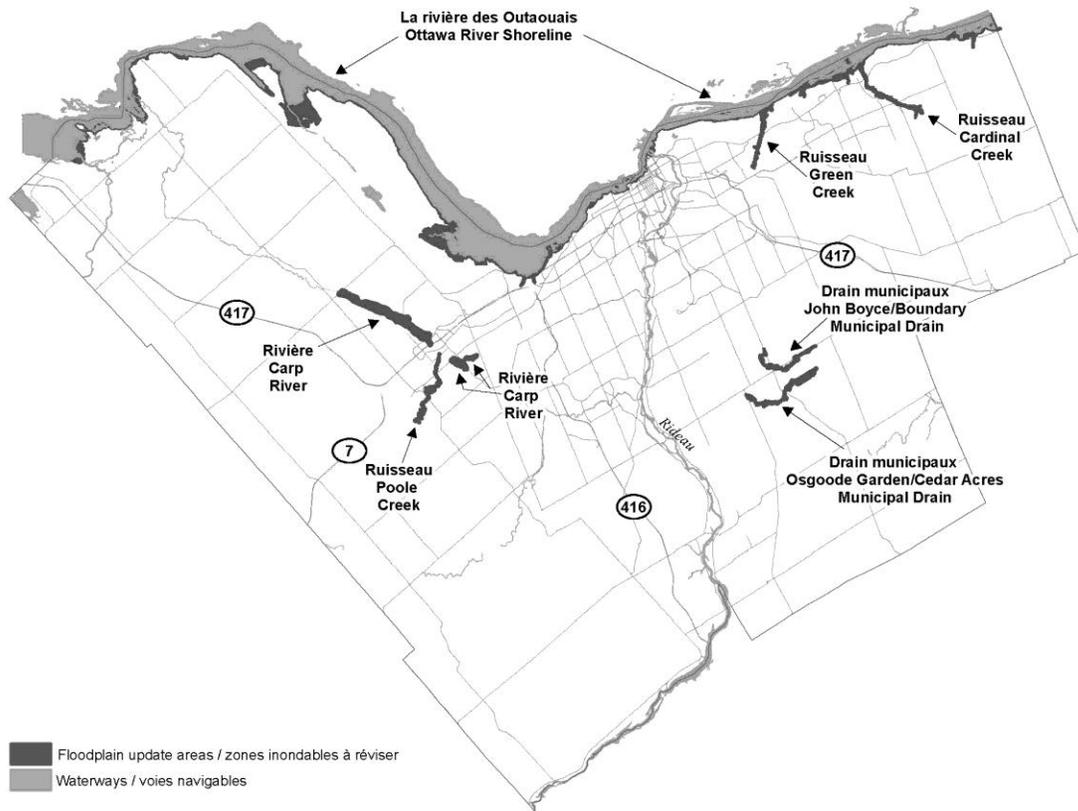
The amendments concerning flood fringe areas and areas of reduced risk are proposed to provide clarification regarding implementation of the policies for two-zone policy areas in the Official Plan. In keeping with the 2014 Provincial Policy Statement, Section 4.8.1 of the Official Plan includes policies for two-zone flood plain policy areas. These policies may be applied to existing communities where historical development has occurred, where the flood plain is broad and generally flat. In these areas, the flood plain can be divided into a floodway and a flood fringe. The floodway is the inner portion of the flood plain where flood depths and velocities are most severe. The flood fringe is the outer portion of the flood plain, where flood depths and velocities are generally less severe. The two-zone policies permit development in the flood fringe portion of the flood plain, subject to certain restrictions, and are implemented through the area-specific provisions in Section 58(4) of the Zoning By-law. The area-specific provisions permit development according to the provisions of the underlying zone; however, certain uses are not permitted, such as hospitals, daycare centres, emergency services and industrial uses that involve hazardous substances.

The proposed amendment will include new policies to distinguish between areas of reduced risk and flood fringe areas, and will clarify that the two-zone policies for flood fringe areas may also apply to areas of reduced risk. Areas of reduced risk are areas of historical development within the flood plain that are protected by flood control works. However, these areas are not located in the flood fringe portion of the flood plain. There are three areas of reduced risk currently included on Schedule K as two-zone policy areas: Brewer Park; Windsor Park, and Kingsview Park. These areas are subject to the area-specific provisions in the Zoning By-law in Section 58(4). Each of these locations is protected by a flood control work but is not located in the flood fringe portion of the flood plain.

Additional amendments are proposed to the policies in Section 4.8.1 to confirm an Official Plan amendment is not needed each time the flood plain mapping in the Zoning By-law is amended. Instead, the new policies will permit Schedule K to be brought up to date at the time of a comprehensive review or through an omnibus Official Plan amendment at a later date. This approach is proposed because most of the detailed amendments to the flood plain mapping are not distinguishable on Schedule K.

Proposed Zoning By-law amendments:

Updates to the Flood Plain Overlay on the Zoning Map are proposed, affecting lands adjacent to the following watercourses, as shown on the key map below: the Ottawa River shoreline; portions of the Carp River; Poole Creek; Green Creek; Cardinal Creek; John Boyce Municipal Drain, and; Osgoode Garden/Cedar Acres Municipal Drain. Zoning details are included in Document 2 – Zoning details for review by the Agriculture and Rural Affairs Committee, and Document 3 – Zoning details for review by Planning Committee. Zoning maps showing the current and proposed boundaries of the flood plain overlay in the Zoning By-law are included in Document 4 – Zoning Maps for consideration by the Agriculture and Rural Affairs Committee and Document 5 – Zoning Maps for consideration by Planning Committee. Key maps are included at the beginning of Documents 4 and 5.



The updated flood plain mapping is based on data collected using LIDAR technology. LIDAR (an acronym for “Light Detection and Ranging” or “Light and Radar”) is a remote sensing system using pulses of light to determine the elevation of land. The results of the LIDAR mapping were field verified and the conservation authorities have advised that the accuracy of the data exceeds established standards for flood plain mapping.

The LIDAR data represents the most accurate information available at this time regarding the elevation of lands adjacent to watercourses. However, in the event a property owner undertakes a site-specific survey to determine the elevation of lands adjacent to a watercourse, and the conservation authority reviews and accepts these elevations, the City will initiate a zoning amendment to revise the flood plain overlay.

The next phase of zoning amendments to update the flood plain mapping will be brought to Planning Committee, Agriculture and Rural Affairs Committee and Council in mid-2017 and will affect lands adjacent to the Rideau River between Rideau Falls and Hog’s Back, Huntley Creek, Feedmill Creek, Cassidy Creek, McCooye Creek, Grays Creek, Marshall Seguin Creek and Devine (South Indian) Creek.

Provincial Policy Statement

Staff have reviewed the report recommendations and have determined they are consistent with the Provincial Policy Statement, 2014.

RURAL IMPLICATIONS

The zoning amendments will ensure the most up-to-date information is used to determine the boundaries of the flood plain in the rural area.

CONSULTATION

Public notification was undertaken in accordance with the Council-approved Public Notification and Public Consultation Policy.

COMMENTS BY THE WARD COUNCILLORS

Ward Councillors are aware of the proposed amendments.

LEGAL IMPLICATIONS

There are no legal impediments to adopting the recommendations in this report. Should the matter be appealed to the Ontario Municipal Board, it is anticipated that the hearing could be conducted through a combination of staff resources and those from the Conservation Authorities. As a City-initiated amendment, there would be no appeal rights should the Official Plan amendment and Zoning By-laws not be adopted.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications association with the recommendation in this report.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

There are no accessibility implications associated with this report.

ENVIRONMENTAL IMPLICATIONS

These amendments will ensure the most up-to-date flood plain mapping is implemented in the Zoning By-law, and that development is directed away from the flood plain.

TERM OF COUNCIL PRIORITIES

This report addresses the following Term of Council Priority:

SE1 – Improve the client experience through established service expectations.

SUPPORTING DOCUMENTATION

Document 1 Proposed Official Plan Amendment

Document 2 Zoning Details for review by Agriculture and Rural Affairs Committee

Document 3 Zoning Details for review by Planning Committee

Document 4 Zoning Maps for review by Agriculture and Rural Affairs Committee
(attached separately)

Document 5 Zoning Maps for review by Planning Committee *(attached separately)*

Document 6 Consultation Details

DISPOSITION

City Clerk and Solicitor Department, Legislative Services, to notify Program Manager, Assessment, Financial Services Branch (Mail Code: 26-76), and all those who requested notification of City Council's decision.

Planning and Growth Management Department to prepare the implementing by-law, forward to Legal Services and undertake the statutory notification.

Legal Services to forward the implementing by-law to City Council.



Official Plan Amendment XX to the Official Plan for the City of Ottawa

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PART A – THE PREAMBLE

PART A – THE PREAMBLE introduces the actual amendment but does not constitute part of Amendment No. XX to the Official Plan for the City of Ottawa.

PART B – THE AMENDMENT constitutes Amendment XX to the Official Plan for the City of Ottawa.

1. Purpose

This amendment will add new policies to Section 4.8.1 to distinguish between two-zone policy areas and areas of reduced risk. In addition, a new policy will be added to allow the flood plain overlay in the Zoning By-law to be amended without also doing an Official Plan amendment to update Schedule K.

2. Location

This amendment will apply to lands located within the one-in-100-year flood plain, city-wide.

3. Background

The Provincial Policy Statement does not permit development to occur on lands within the one-in-100-year flood plain. Lands within the 100-year flood plain have a 1 per cent chance of flooding in any given year. The City has policies in the Official Plan and provisions in the Zoning By-law to prohibit the construction of buildings and structures within the 100-year flood plain. The 100-year flood plain is shown in the Official Plan on Schedule K-Environmental Constraints. The flood plain overlay represents the 100-year flood plain in the Zoning By-law.

The City of Ottawa partnered with the three conservation authorities having jurisdiction in the city, the Mississippi Valley, Rideau Valley and South Nation conservation authorities, to commence a multi-year program of updates to the flood plain mapping in the Official Plan and Zoning By-law. The updated mapping is based on the most accurate information available regarding the elevation of lands adjacent to watercourses. This topographical information was provided by the City to the conservation authorities who, in turn, generated updated flood plain mapping for use in the Official Plan and Zoning By-law.

4. Rationale

In keeping with policies in the 2014 Provincial Policy Statement, the two-zone policies in Section 4.8.1 permit minor forms of development in the flood fringe portion of the flood plain, subject to conditions. The flood fringe is that portion of the flood plain where flood depths and velocities are generally less severe. These two-zone policies, which are intended to be applied to lands in the flood fringe, have also been applied to areas of reduced risk. Areas of reduced risk are lands within the flood plain that are protected by flood control works, but are not in the flood fringe portion of the flood plain. The proposed amendment will include new policies to distinguish between areas of reduced risk and flood fringe areas, and will clarify that the two-zone policies also apply to areas of reduced risk. Currently, the following areas of reduced risk are subject to the two-zone policies: Brewer Park; Windsor Park; and Kingsview Park.

Amendments are proposed to the policies in Section 4.8.1 to confirm an Official Plan amendment is not needed each time the flood plain mapping in the Zoning By-law is amended. Instead, Schedule K will be brought up to date at the time of a comprehensive review or through an omnibus Official Plan amendment at a later date. This approach is proposed because most of the detailed amendments to the flood plain mapping would not be distinguishable at the scale of Official Plan Schedule K.

PART B – THE AMENDMENT

1. Introduction

All of this part of this document entitled Part B – The Amendment consisting of the following text constitutes Amendment No. XX to the Official Plan for the City of Ottawa.

2. Details

The following changes are hereby made to the Official Plan for the City of Ottawa:

- 2.1 Section 4.8.1 is amended by deleting policies 2, 3, 5.(e) and 7 and replacing them with the following policies:
 2. The extent of the one-in-100-year flood will be determined by consulting flood plain maps prepared by the Mississippi Valley, Rideau Valley, and South Nation Conservation Authorities and, in conjunction with the conservation authorities, by considering other information such as land surveys and engineering drawings that provide detailed site-specific geodetic elevation information prepared by an Ontario Land Surveyor or a qualified Professional Engineer. The City will map the most up to date information as the flood plain overlay in the Comprehensive Zoning By-law. The flood plain information on Schedule K of the Official Plan will be updated at the time of a comprehensive review or at the time technical corrections are made to the Plan, through an omnibus Official Plan amendment.
 3. The policies for flood plains also apply to areas where flood plains exist or are identified by engineering studies but are not mapped by the conservation authorities and therefore may not be identified on Schedule K or as an overlay in the Comprehensive Zoning By-law. Applicants may be required to undertake the necessary studies in advance of development review to delineate the extent of the one-in-100-year flood plain in these instances.
 5. (e) Uses permitted in the flood fringe or areas of reduced risk in accordance with Policy 10 in Two-Zone Flood Plain Policy Areas below.
 7. A limited number of Two-Zone Flood Plain Policy Areas are designated on Schedule K. In these areas, the flood plain is divided into two zones: a floodway and a flood fringe. The use of the two-zone concept may allow for some new development within the identified flood fringe areas of the flood

plain that can be safely developed with no adverse impacts. An area of reduced risk, which is an area protected by flood control works, may also be identified in a Two-Zone Flood Plain Policy Area in this plan and will be subject to the same policies applying to the flood fringe in a Two-Zone Flood Plain Policy Area.

3. Implementation and Interpretation

Implementation and interpretation of this Amendment shall be in accordance with the policies of the Official Plan for the City of Ottawa.

**Document 2 – Zoning Details for review by Agriculture and Rural Affairs
Committee**

Amend the Flood Plain Overlay on the Zoning Map as shown in the maps included in Document 4 – Zoning Maps for review by Agriculture and Rural Affairs Committee.

Document 3 – Zoning Details for review by Planning Committee

Amend the Flood Plain Overlay on the Zoning Map as shown in Document 5 – Zoning Maps for review by Planning Committee.

Document 6 – Consultation Details

Notification and Consultation Process

Notification and public consultation was undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments.

Public Comments and Responses

A number of requests for clarification were received. The conservation authority partners suggested minor technical amendments to the draft Official Plan amendment and these were incorporated in the final draft included in this report.

Community Organization Comments and Responses

A comment in support of the proposed zoning amendments was received from the Katimavik Hazeldean Community Association.