

Conservation Partners Partenaires de conservation



October 25th, 2013
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Ottawa File: ACS2013-PAI-PGM-0140

Mr. Bruce Finlay MCIP, RPP
Planning and Infrastructure Portfolio
Planning and Growth Management
City Hall, City of Ottawa
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OTTAWA, ON
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SUBJECT: Building a Liveable Ottawa - Official Plan and Master Plan (Five Year Review)
Supplementary comment

Dear Ms. Snedden:

This letter is supplementary to our letter regarding the draft Official Plan policies dated September 19th, 2013 and is further to a package sent to the infrastructure group dated October 11th. Since this time a question has arisen concerning a proposed City policy which would provide clarity on the placement of stormwater facilities in the flood plain. Section 3.1 (Generally Permitted Uses) of the draft policies indicates that:

11. Stormwater management facilities are defined as infrastructure that stores and/or treats surface water runoff but does not include storm outfalls or outfall channels. Notwithstanding policy 10, stormwater management facilities that are authorized under the requirements of the *Environmental Assessment Act* may be permitted in all land use designations of this Plan provided that the facility is located entirely outside the limits of the regulatory floodplain identified in mapping approved by a Conservation Authority or the limits of any regulatory floodplain delineated by the developer of the proposed facility and approved by the Conservation Authority.

The CA comments provided did not address this proposed policy as it was our intent, in commenting, to address gaps that we identified in the proposed policies. The recommended policy on stormwater management facilities was not seen as a gap and, in fact, was a position that we both supported and have practiced for some time. We viewed it as complimentary to policies approved by the CAs in support of our regulatory authority over the use of land under Section 28 of the Conservation Authorities Act. RVCA policies, for example, approved by our Board of Directors in 2010, state at Section 1.2 (1) (vi) that:

“1.2 Development within a One-Zone Regulatory Floodplain of a River or Stream Valley

- 1) *Development* within the 1:100 year regulatory floodplain shall not be permitted This includes:

Supplementary Comments Conservation Partners October 25th, 2013

Page 1 of 3

vi) **development associated with stormwater management facilities;**¹

The policy is based on recommended policy approaches contained in a guideline prepared by an inter-agency committee consisting of MNR and CA staff from across the Province in 2008 and meant to assist CAs with preparing or revising policies to support our regulations which were amended in 2006. A quick survey of other CAs indicates that Credit Valley, Conservation Halton and the Toronto and Region CA in the GTA all have policies excluding stormwater facilities from the 1:100 year flood plain (and also excluding meander belts, areas subject to erosion, wetlands, on line facilities etc.).

From a land use perspective we additionally note that Section 2.2 (Water) of the Provincial Policy Statement under Section 3 of the Planning Act provides a long list of concerns to be addressed in speaking to the protection of water:

2.0 Wise Use and Management of Resources

“Ontario's long-term prosperity, environmental health, and social well-being depend on protecting natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits.

2.2 Water

2.2.1 Planning authorities shall protect, improve or restore the *quality and quantity of water* by:

- a. using the *watershed* as the ecologically meaningful scale for planning;
- b.;
- c. identifying *surface water features, ground water features, hydrologic functions and natural heritage features and areas* which are necessary for the ecological and hydrological integrity of the *watershed*;
- d. implementing necessary restrictions on *development and site alteration* to:
 1. ...; and
 2. protect, improve or restore *vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions*;
- e. maintaining linkages and related functions among *surface water features, ground water features, hydrologic functions and natural heritage features and areas*;
- f. promoting efficient and sustainable use of water resources, including practices for water conservation and sustaining water quality; and
- g. ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.

2.2.2 *Development and site alteration* shall be restricted in or near *sensitive surface water features and sensitive ground water features* such that these features and their related *hydrologic functions* will be protected, improved or restored.

Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore *sensitive surface water features, sensitive ground water features, and their hydrologic functions.*”

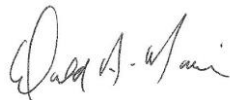
¹ <http://www.rvca.ca/plan-reg/PDF/10%20Development%20&%20Interference%20Regs.pdf>

You will also be aware that the MOE ***Stormwater Planning and Design Manual*** (2003), intended to support the PPS, also discourages the use of floodplain areas for stormwater infrastructure. Section 4.2 of this Manual states “end of pipe SWMPs should normally be located outside of the floodplain (above the 100 year elevation)” but some exception considerations are listed with specific criteria to be addressed. A caveat would, however, be that the Manual was prepared to specifically implement the PPS (1997) and has not been updated, to the best of my knowledge, since the PPS (2005) was approved.

With the host of issues to be addressed related to water a precautionary approach such as implied in the draft OP policy is well advised in our opinion. We support the staff recommendation. Allowances may, from time to time occur; we would view these as rare exceptions, however, and NOT the rule. Both the Planning Act and the Conservation Authorities Act have provisions within them (site specific amendments and applications for permission respectively) which would accommodate such allowances where sound technical reasons are provided. And we would not propose to implement this policy retroactively as there are two current requests locally (one in Richmond and one in Kanata West) which have been under discussion for several years now although I am not aware of what the position of MOE might be as all such facilities also require MOE approval.

Hopefully this letter makes clear our position. If there are any questions please contact me to discuss further.

Yours truly

A handwritten signature in black ink, appearing to read 'Donald A. Maciver'.

Donald A. Maciver MCIP, RPP
Director of Planning (RVCA)

c.c. Lee Ann Snedden, Manager
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Charles Goulet, P. Eng.
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