



Document 8 – On-Site Stormwater Management for Infill Development

As part of developing the draft Infrastructure Master Plan (IMP), the City identified a need to address a situation known as the stormwater management regulatory gap. The stormwater management regulatory gap exists where there is an absence of *Planning Act* or other tools to regulate stormwater. The City is seeking to address the gap through implementation of a new On-Site Storm Water Management Program for small infill projects, as recommended in the draft Infrastructure Master Plan. Initially, the plan was to develop policies for one to three residential units because they were not subject to Site Plan Control under the *Planning Act*. However, with the passing of the *More Homes Built Faster Act, 2022* (Bill 23) up to ten residential units are now exempt from Site Plan Control. In response, the City expanded its draft on-site stormwater management policies to apply to up to ten residential units.

The rationale for the new on-site storm water management policies is that as density increases, imperviousness also increases. As imperviousness increases, there is an increase in stormwater run-off, which if left uncontrolled can lead to flooding. In addition, as all levels of government introduce new policies aimed at increasing the supply of housing, it is important to recognize that existing stormwater systems (i.e., storm sewers, ditches) have finite capacity. All sewer and ditch systems operate at capacity during large events and excess runoff is conveyed on city roadways. As such, increases in hard surfaces inevitably lead to a degradation in the level of service unless mitigation is provided. Therefore, it is necessary to mitigate against increases in stormwater runoff caused by new infill development to avoid degrading service levels.

In support of the on-site storm water management policies, a report was prepared titled "On-Site Stormwater Management Implementation Plan Recommendations Report" (Implementation Plan). The Implementation Plan proposed a suite of thirteen solutions to assist in addressing the stormwater management regulatory gap. One of those recommendations builds on Section 34(5) of the *Planning Act*, which authorizes municipalities to pass by-laws that prohibit the use of land or erection of buildings or structures unless municipal services are available. The current Zoning By-law 2008-250 includes provisions in Section 56 that prohibit the use of land, erection or enlargement of buildings unless that land is serviced by municipal water, sewers, and drainage with adequate capacity. Many Ontario municipalities have similar zoning provisions, and several have amended or plan to amend their by-laws in response to the stormwater management regulatory gap.

The Implementation Plan recommends strengthening the Zoning By-law specifically with respect to on-site stormwater management for small infill developments. As the Zoning By-law is considered "applicable law" for the purposes of the *Ontario Building Code*, it



will allow the City to refuse to issue building permits until stormwater management is addressed. Therefore, the proposed provisions in Section 201 of the draft Zoning By-law will assist by requiring builders to ensure that increased runoff from new infill does not exacerbate existing conditions.

The proposed language can also help strengthen enforcement mechanisms. For example, if a person builds, grades, or expands a development (including for example, the construction of impervious surfaces) without a permission, the Zoning By-law would provide the City with an opportunity to lay charges for contravening provisions of the by-law that stipulate stormwater management requirements.

Integral to any municipal process is the need to consult with stakeholders, peer municipalities and other experts. A multi-pronged consultation strategy was developed to inform the Implementation Plan, as part of the consultations for the draft Infrastructure Master Plan:

- A series of five structured workshops were organized between a team of representatives appointed by the Greater Ottawa Homebuilders Association (GOHBA) and a team of experts from the City.
- A Technical Advisory Committee (TAC) was established. The TAC was identified by City staff and included members of senior management, management and professional staff in Infrastructure and Water Services (IWS), Planning, Real Estate and Economic Development (PRED), and Legal Services. All aspects of this implementation plan were discussed with TAC members, and feedback was sought from TAC members.
- In addition to the TAC, over 40 City representatives were interviewed individually or in small groups. Those interviewed include General Managers of IWS and PRED, Directors, Managers, and professional staff in Infrastructure and Water Services (IWS), Planning, Real Estate and Economic Development (PRED), and Legal Services. Several follow-up interviews were conducted to verify facts and figures.
- Best practice interviews were conducted with eleven Ontario municipalities and one British Columbia municipality.
- An independent external legal review was commissioned by a firm recommended by the City's Legal Services.

Feedback collected during all consultations has figured prominently into the findings and recommendations for on-site stormwater management.