

Subject: Zoning By-law Amendment – 3285 and 3305 Borrisokane Road

File Number: ACS2022-PIE-PS-0024

Report to Planning Committee on 14 April 2022

and Council 27 April 2022

**Submitted on March 25, 2022 by Lily Xu, Acting Director, Planning, Real Estate
and Economic Development**

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Ward: Barrhaven (3)

**Objet : Modification du Règlement de zonage –3285 et 3305, chemin
Borrisokane**

Dossier : ACS2022-PIE-PS-0024

Rapport au Comité de l'urbanisme

le 14 avril 2022

et au Conseil le 27 avril 2022

**Soumis le 25 mars 2022 par Lily Xu, Directrice par intérim, Direction générale de
la planification, des biens immobiliers et du développement économique**

**Personne ressource : Mélanie Gervais, Urbaniste III (i), Examen des demandes
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Quartier : Barrhaven (3)

REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 3285 and 3305 Borrisokane Road to permit a low-rise residential subdivision, as detailed in Document 2.**
- 2. That Planning Committee approve the Consultation Details Section of this report be included as part of the 'brief explanation' in the Summary of**

Written and Oral Public Submissions, to be prepared by the Office of the City Clerk and submitted to Council in the report titled, “Summary of Oral and Written Public Submissions for Items Subject to *the Planning Act* ‘Explanation Requirements’ at the City Council Meeting of April 27, 2022,” subject to submissions received between the publication of this report and the time of Council’s decision.

RECOMMANDATIONS DU RAPPORT

1. Que le Comité de l’urbanisme recommande au Conseil d’approuver une modification du Règlement de zonage 2008-250 visant les 3285 et 3305, chemin Borrisokane, afin de permettre la création d’un lotissement résidentiel de faible hauteur, comme l’expose en détail le document 2.
2. Que le Comité de l’urbanisme approuve l’inclusion de la section du présent rapport consacrée aux détails de la consultation en tant que « brève explication » dans le résumé des observations écrites et orales du public, qui sera rédigé par le Bureau du greffier municipal et soumis au Conseil dans le rapport intitulé « Résumé des observations orales et écrites du public sur les questions assujetties aux “exigences d’explication” aux termes de la *Loi sur l’aménagement du territoire*, à la réunion du Conseil municipal prévue le 27 avril 2022 », à la condition que les observations aient été reçues entre le moment de la publication du présent rapport et le moment de la décision du Conseil.

BACKGROUND

Learn more about [link to Development Application process - Zoning Amendment](#)

For all the supporting documents related to this application visit the [link to Development Application Search Tool](#).

Site location

3285 and 3305 Borrisokane Road

Owner

Barrhaven Conservancy Development Corporation

Applicant

May Pham

Description of site and surroundings

The subject lands are approximately 66.6 hectares in area and located south of Strandherd Drive, north of the Jock River and east of Borrisokane Road.

The existing site conditions comprise primarily of former and fallow agricultural lands, extending to the banks of the Jock River to the south, the Fraser-Clarke Creek to the east and north, and Borrisokane Road to the west. The Jock River, and associated tributaries, are lined with sparse vegetation, varying from large trees and shrubs to riparian hedgerows.

To the north and east are residential uses and the Barrhaven Town Centre. To the south is the Jock River with residential uses on the south side of the Jock River. To the west is the remainder of the Conservancy subdivision.

Summary of requested Zoning By-law amendment proposal

The Zoning By-law amendment application will accommodate the development of a low-rise residential subdivision of 942 units and two city parks of 3.22 hectares and 0.52 hectares respectively. The subject lands are mostly zoned Development Reserve (DR) and tiny portions of the lands are also subject to a Flood Plain Overlay (as shown in Documents 1a and 1b). The proposed zoning will implement residential dwellings as proposed within the draft plan of subdivision through a Residential Third Density subzone with exception (R3YY[XXXX]). Land to be dedicated to the City as parkland and natural areas are proposed to be zoned Parks and Open Space (O1), and some lands will remain in the DR zone pending the outcome of a future application with the Rideau Valley Conservation Authority (RVCA). The Flood Plain Overlay will also be updated to reflect RVCA's most recent update to their regulatory flood plain mapping (see Documents 1a and 1b) as confirmed by RVCA on March 22, 2022. A tiny portion of the property is currently not zoned due to a mapping error and to resolve this anomaly it will be zoned to O1.

Brief history of proposal

The Plan of Subdivision for Barrhaven Conservancy East received draft approval on December 7, 2021. The current Flood Plain Overlay is reflective of RVCA's regulatory mapping that was previously updated in July 2020.

DISCUSSION

Public consultation

Notification of this Zoning By-law amendment was sent by mail to residents within 120 metres and signs were posted on the property. Following the decision by the applicant to modify their application to include updates to the Flood Plain Overlay, the application was recirculated by mail to residents within 120 metres.

For this proposal's consultation details, see Document 3 of this report.

Official Plan designation(s)

Applications must be evaluated against the [existing Official Plan](#) and must also include an evaluation of the application against the Council approved [new Official Plan](#) (and new Secondary Plan, where applicable).

In this current period, between Council approval of the New OP and the Minister's approval of the New OP, staff are to apply whichever provision, as between the Current and New OP, is more restrictive.

Current Official Plan

The property is designated General Urban Area on Schedule B of the Official Plan, which, according to Section 3.6.1, is intended to provide a full range and choice of housing types in combination with conveniently located employment, retail, service, leisure, entertainment and institutional uses. Consideration shall be given to a balance of housing types to provide a wide range of housing for a variety of demographic profiles throughout the General Urban Area. Section 3.6.1, Policies 3 and 5 supports development that is low-rise in height and forms of development predominately ground-oriented.

Sections 2.5 and 4.11 of the Official Plan outline policies for compatible developments. The proposed development has been reviewed based on the following: traffic, access, parking, outdoor amenity areas, lighting, noise and air quality, sunlight, microclimate, and supporting neighbourhood services. The proposal aligns with the policies of the Official Plan by adding detached dwellings and rear lane townhouses on new local roads and a new collector road. The new local roads will connect to the new collector road and the new collector road will connect to Borrisokane Road and to Canoe Street which in turn connects to Chapman Mills Drive and Strandherd Drive. Adding detached dwellings and rear lane townhouses within an area currently being developed with

singles, townhouses and back-to-back townhouses will ensure that the new development respects the character of the developing area.

According to Schedule E of the Official Plan, Borrisokane Road is classified as an 'Arterial – Existing' and Chapman Mills Drive extension is classified as a 'Proposed Major Collector'. According to Schedule D of the Official Plan, Chapman Mills Drive extension is to include a future transit corridor.

According to Schedule K of the Official Plan, part of the property is also identified as the Jock River Flood Plain. As per Section 4.8.1 (Flood Plains), the extent of the one-in-100-year flood is determined through flood plain maps prepared by the Conservation Authorities (CAs), in consultation with the City. The City will map the most up to date information as the flood plain overlay in the Zoning By-law, with amendments to Schedule K of the Official Plan reflecting the latest flood plain mapping conducted by the CAs through either a comprehensive review, or omnibus Official Plan amendment reports.

Other applicable policies and guidelines

The site is designated Residential in the South Nepean Urban Area Secondary Plan Area 8. The residential designation permits a variety of housing types including detached dwellings, semi-detached dwellings, row dwellings and apartment dwellings.

New Official Plan

In the City's new Official Plan, the subject property is within the Neighbourhood designation of the Suburban Transect with part of the subject lands having the Evolving Neighbourhood overlay. Borrisokane Road is designated as an 'Arterial – Existing' and Chapman Mills Drive is designated as a 'Major Collector – Future'. Schedule C1 also identifies a Transitway - at grade, north of the subject lands terminating at Borrisokane Road with a Conceptual Future Transit Corridor west of Borrisokane Road shown on Schedule C2.

The policies relating to this transect recognize a suburban pattern of built form while supporting an evolution to a 15-minute neighbourhood, where services and amenities are located in close proximity to existing neighbourhoods.

The policies of the Suburban transect guide development to be low-rise within Neighbourhoods. The Evolving overlay is applied to areas within a 400-metre radius of a rapid transit station to signal a gradual evolution over time that will see a change in

character to support intensification, including guidance for a change in character from suburban to urban to allow new built forms and more diverse functions of land.

As per Section 10.1.1 (Natural Hazards: Flooding Hazards and Erosion Hazards), lands in the flood plain are subject to regulations under Section 28 of the *Conservation Authorities Act*, Official Plan policies and zoning provisions. Flood plain boundaries are determined in consultation with the Conservation Authorities and policies 4 and 5 of Section 10.1.1 outline the process for concurrence with the appropriate conservation authority to make revisions to the Flood Plain Overlay.

Other applicable policies and guidelines

Area-Specific Policy #12 ensures the protection of lands north of the Jock River that are located within the flood plain by limiting the uses to the following: agriculture, nature conservancy uses, passive open space and/or recreation uses. It also indicates that changes to the regulatory flood plain do not require an amendment to the Official Plan. The boundary of these conservation lands is deemed to be the regulatory flood plain for the Jock River together with any additional land required by the City or the Conservation Authority for flood mitigation or stormwater control facilities and therefore matches with the lands being rezoned to O1 and the lands remaining as DR.

Planning rationale

The related phase of the Draft Plan of Subdivision proposes a total of 942 units comprised of 701 detached dwellings, 197 townhouses and 44 rear lane townhouses. Access to the subdivision will be provided via Borrisokane Road and Canoe Street. To implement the draft approved subdivision the site is proposed to be rezoned from Development Reserve to Residential Third Density Subzone YY Exception XXXX, Parks and Open Space (O1), along with the proposal to update the Flood Plain Overlay. Additionally, Area C in Document 1b depicts a small portion of the property that is currently not zoned because the Zoning Water layer in the base mapping of the Zoning By-law extends over the land, to resolve this anomaly it will be zoned to O1. Should the anomaly in Area C not have existed it would have formed the 'DR' zoning.

The proposed zoning is consistent with the intent of both the current Official Plan and new Official Plan where low-rise ground-oriented dwellings are permitted. Furthermore the proposal meets the 'Evolving Overlay' of the new Official Plan where proposed built form and site design attributes generally meet most of the urban characteristics described in Table 6 of Section 5, and where the suburban performance standards that are retained, do not impede the achievement of a fully urban site design over time. The

rezoning proposes increased lot coverage, reduced front yard setback (although limited due to the requirements linked to tree plantings in clay soils) and increased height to 14 metres to offer flexibility in townhouse products.

A Cut and Fill permission (No. RV5 44/19) was issued by the RVCA on November 8, 2019 to remove the majority of the subdivision lands from the flood plain. Works were completed and in July 2020 the RVCA updated their regulation mapping. Additional works have now been completed to the limit of the Cut and Fill permission. These works have been reviewed and approved by the RVCA. The RVCA provided the City with the dataset reflecting their updated regulatory flood plain, in accordance with Section 4.8.1 of the current OP, and Section 10.1.1 of the new OP. This dataset was utilized to update the City's Flood Plain Overlay as shown in Document 1a and 1b.

The *Conservation Authorities Act* gives power to the Conservation Authorities (CAs) to identify and manage natural hazards (such as floodplain), to grant permission within areas where natural hazards, including alterations to watercourses, where appropriate and to create programs and services related to risk of natural hazards. While the Provincial Policy Statement (PPS) does not permit development in the floodplain, this does not account for the ability of CAs to update mapping and approve cut and fill permits as part of their programs and services under the *Conservation Authorities Act*.

Furthermore, the City has a Memorandum of Understanding with the local Conservation Authorities where by the City commits to requesting the CAs to participate in a variety of *Planning Act* applications and related development studies, such as official plan and comprehensive zoning by-law reviews, special zoning studies and related by-laws, land use planning studies, community design plans, master servicing studies, environmental management plans, subwatershed studies and other similar studies as appropriate, based on Conservation Partners' interests. In turn the CAs commit to provide review of *Planning Act* applications and technical reports submitted to the City, including, their review of natural hazards (flood hazard, erosion hazard, meander belt) on the City's behalf, and review these report to ensure that the Provincial interest in natural hazards and hazardous sites and CAs regulatory requirements are addressed.

Finally, the CAs are delegated natural hazard responsibilities from the Ministry of Natural Resources including flood plain management. In this delegation the CAs are to represent the Provincial Interest where the Province is not directly involved. New floodplain mapping or cut and fill permits then become the measure for how the PPS is enforced with respect to development in floodplains.

Provincial Policy Statement

Staff have reviewed this proposal and have determined that it is consistent with the 2020 Provincial Policy Statement.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

COMMENTS BY THE WARD COUNCILLOR

Councillor Harder provided the following comment:

“I support this application. It is a continuation of long planned residential development south of Strandherd.”

LEGAL IMPLICATIONS

There are no legal implications associated with implementing the recommendations contained within this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications.

ASSET MANAGEMENT IMPLICATIONS

Servicing of these lands was not anticipated through the preparation of the 2014 Infrastructure Master Plan or any subsequent Master Servicing Study. A “Master Infrastructure Review” (MIR) was prepared by the proponent to identify how these, and other adjacent lands could be serviced. The site poses some significant challenges due to limited options available for efficient servicing solutions. Nonetheless servicing solutions for the subject site that would meet City drinking water and sanitary sewage system guidelines have been identified. Stormwater management solutions that meet City guidelines are also available. Alternative options for stormwater management have been proposed and are being evaluated by staff.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this report.

ENVIRONMENTAL IMPLICATIONS

The proposal will remove the Flood Plain designation on a portion of the development land which was examined and approved through the Cut-and-Fill permit by the Rideau Valley Conservation Authority.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- Integrated Transportation
- Thriving Communities
- Sustainable Infrastructure

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-21-0143) was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to workload volumes and obtaining the clearance from the RVCA.

SUPPORTING DOCUMENTATION

Document 1a West Location Map

Document 1b East Location Map

Document 2 Details of Recommended Zoning

Document 3 Consultation Details

Document 4 Draft Plan of Subdivision

Document 5 RVCA letter dated March 9, 2022

CONCLUSION

The Planning, Real Estate and Economic Development Department supports the proposed Zoning By-law amendment to rezone the lands to Residential Third Density Subzone YY Exception XXXX (R3YY[XXXX]), Parks and Open Space (O1), and to update the Flood Plain Overlay as per Documents 1a and 1b, and Document 2. The application is consistent with the Provincial Policy Statement, the current Official Plan, the South Nepean Urban Area Secondary Plan Area 8, the new Official Plan, as well as

the draft approved Plan of Subdivision. The update to the Flood Plain Overlay is consistent with the most recent floodplain mapping update by RVCA.

DISPOSITION

Office of the City Clerk, Council and Committee Services to notify the owner; applicant; Ottawa Scene Canada Signs, 13-1920 Merivale Road, Ottawa, ON K2G 1E8; Krista O'Brien, Program Manager, Tax Billing and Control, Finance Services Department (Mail Code: 26-76) of City Council's decision.

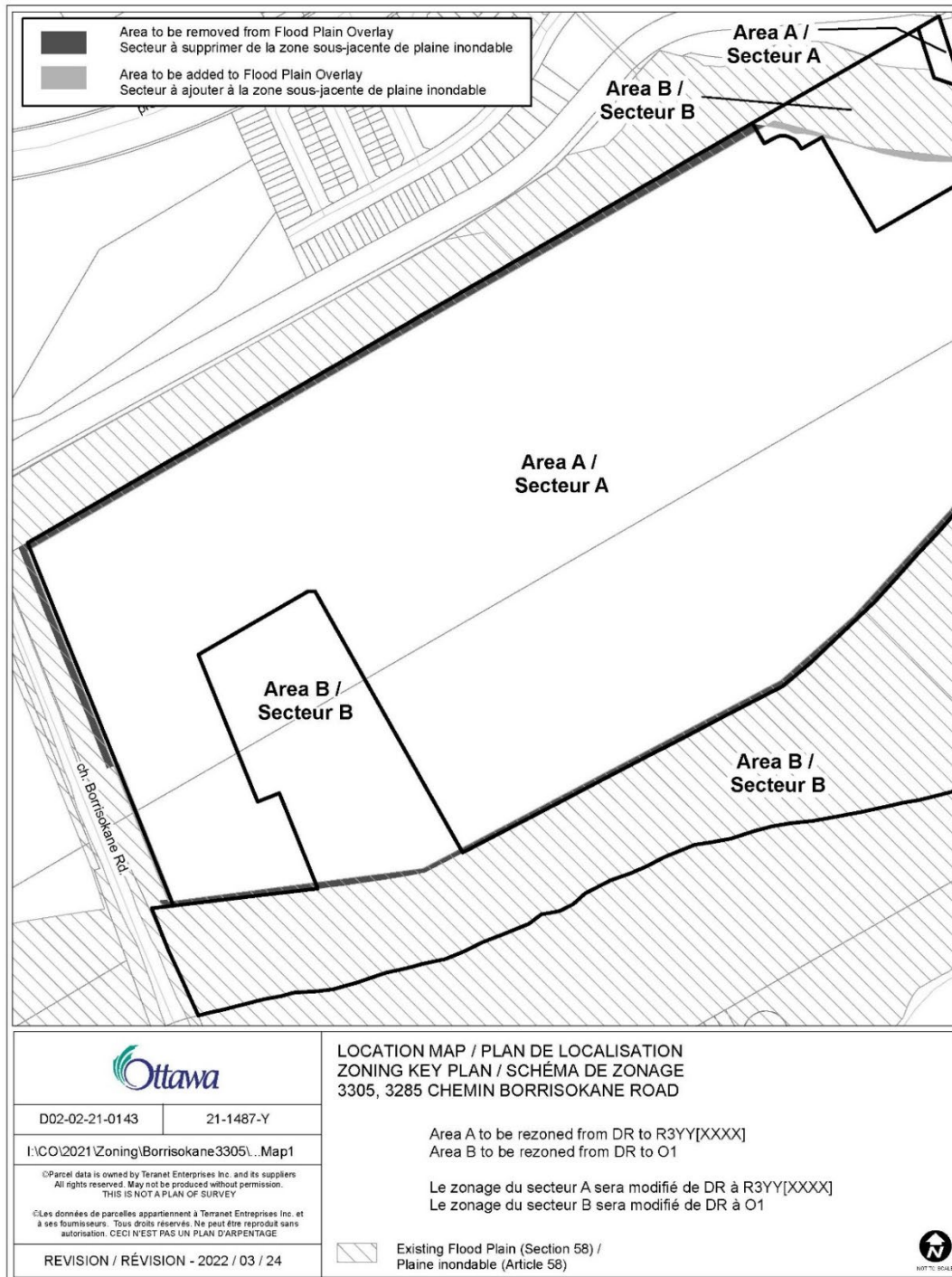
Zoning and Interpretations Unit, Policy Planning Branch, Economic Development and Long Range Planning Services to prepare the implementing by-law and forward to Legal Services.

Legal Services, Innovative Client Services Department to forward the implementing by-law to City Council.

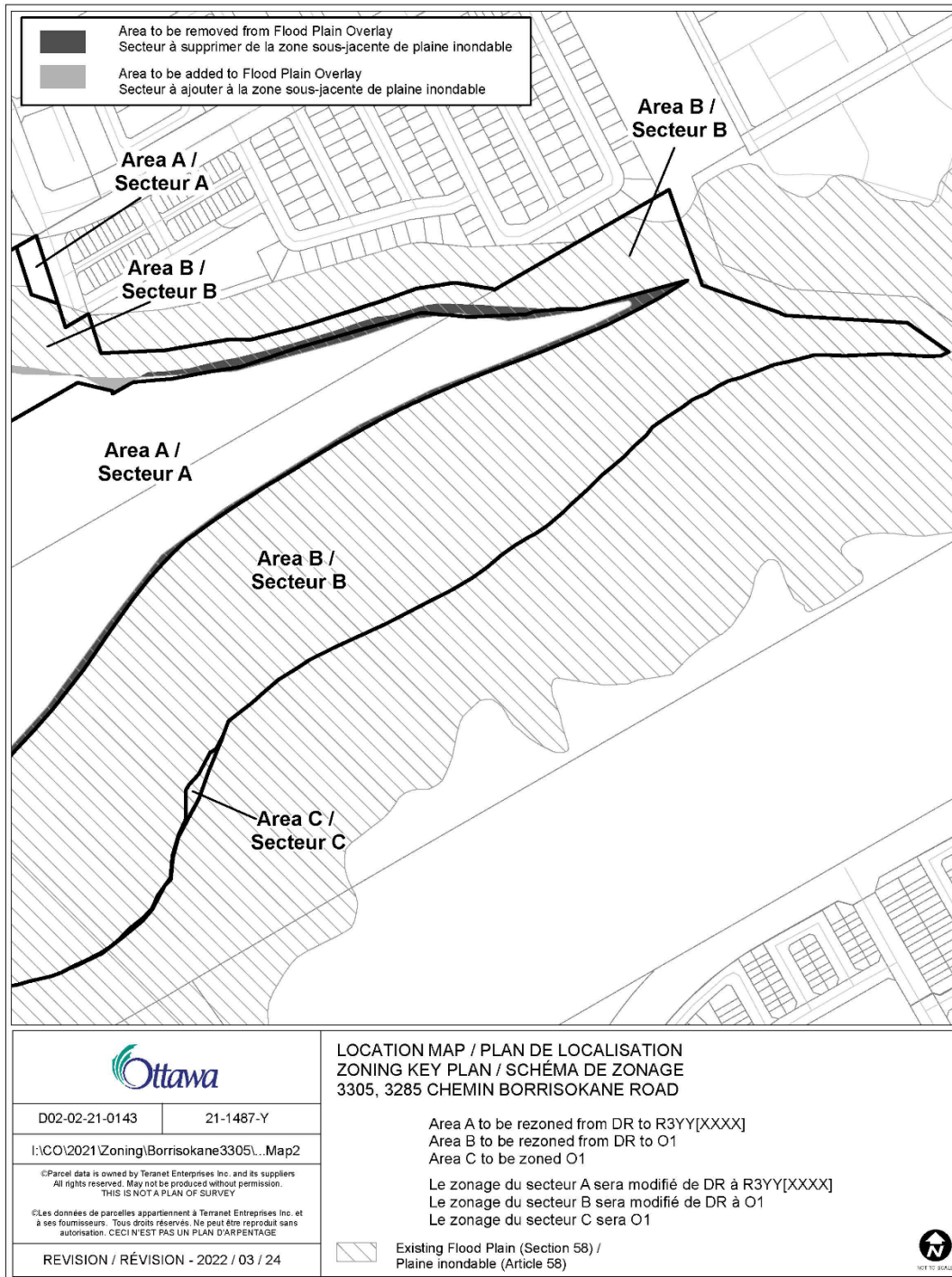
Planning Operations Branch, Planning Services to undertake the statutory notification.

Document 1a – Western Location Map

For an interactive Zoning map of Ottawa visit [geoOttawa](https://geoottawa.ca)



Document 1b – Eastern Location Map



Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 3285 and 3305 Borrisokane Road:

1. Rezone the lands shown in Documents 1a and 1b as follows:
 - a. Area A from DR to R3YY[XXXX]
 - b. Area B from DR to O1
 - c. Area C to O1
 - d. Area to be removed from Flood Plain Overlay
 - e. Area to be added to Flood Plain Overlay
2. Add a new exception, R3YY[XXXX], to Section 239 – Urban Exceptions with provision similar in effect to the following:
 - a. In Column II, add the text “R3YY[XXXX]”
 - b. In Column V, add the text:
 - A maximum of 60 per cent of the area of the front yard, or the required minimum width of one parking space, whichever is the greater, may be used for a driveway, and the remainder of the yard, except for areas occupied by projections permitted under Section 65 and a walkway with a maximum width of 1.8 metres, must be landscaped with soft landscaping;
 - Where an attached garage accesses a public street by means of a driveway that crosses a sidewalk, the attached garage must be setback at least 5.2 m from the nearest edge of the sidewalk.
 - A chimney, chimney box, fireplace box, eaves, eave-troughs, gutters and ornamental elements such as sills, belts, cornices, parapets and pilasters may project 1 metre into a required interior side yard but no closer than 0.2 metres to the lot line.
 - Balconies and porches may project to within 0.6 metres from the side lot line abutting a street and may project to within 0.0 metres of an interior lot line and corner lot line.

- The steps of a porch may project 2.5 metres into a required yard, but may be no closer than :
 1. 0.5 metres from a front lot line and side lot line;
 2. 0.2 metres from a side lot line abutting a street; and
 3. 0.0 metres from a corner lot line.
- Any portion of a deck with a walking surface higher than 0.3 metres but no higher than 0.6 metres above adjacent grade may project to within 0.6 metres of a front lot line, side lot line abutting a street and/or corner lot line, and any portion of a deck with a walking surface equal to or less than 0.3 metres may project to within 0.3 metres of a front lot line, side lot line abutting a street and/or corner lot line.
- An air-conditioning condenser unit may project 2 metres, but no closer than 0.2 metres to a lot line. And the air conditioning condenser may not be located in a front yard except in the case of a back-to-back multiple dwelling or townhouses with rear lane access but may be located in a corner side yard.
- Section 57 does not apply.
- In the case of a home based business operating within a townhouse or semi-detached dwelling, a parking space is only required if a non-resident employee works on-site.
- For the northernmost lot on Canoe Street, it is not considered a corner lot for zoning purposes and where lot lines abut a street, they are considered one front lot line.
- Zone requirements for detached dwellings:
 1. Minimum lot area: 220m²
 2. Minimum front yard setback 3 m
 3. Minimum total interior side yard setback is 1.8 m with a minimum of 0.6 m on at least one side. Where there is a corner lot on which is located only one interior side yard, the minimum

required interior side yard setback equals the minimum required for at least one yard.

4. Minimum corner side yard setback: 2.5 m, despite the foregoing, no more than two portions of the building, not exceeding a total floor area of 3m², may be located no closer than 2 m from the side lot line abutting a street
 5. Maximum lot coverage: 55%
 6. Minimum rear yard setback may be reduced to 4.5 m for a maximum of 50% of the lot width, the total area of the rear yard must not be less than 54 m².
 7. For a detached dwelling on a corner lot:
 - a. Minimum rear yard setback may be reduced to 2.5 m for part of the building that is no higher than 4.5 m and any part of the building, excluding projections, located less than 6 m from the rear lot line must be located at least 4 m from any interior side lot line.
 - b. Detached dwellings on corner lots must keep street facing side yards consistent in the quality and detail of the front elevation.
- Zone requirements for semi-detached and townhouse dwellings:
 1. Minimum lot area: 137 m²
 2. Minimum lot width: 5.5 m
 3. Minimum front yard setback: 3.0 m
 4. Minimum interior side yard setback: 1.5 m
 5. Minimum corner side yard setback: 2.5 m
 6. Maximum building height: 14 m
 7. Maximum lot coverage: 65%

8. Minimum rear yard setback may be reduced to 4.5 m for a maximum of 50% of the lot width, the total area of the rear yard must not be less than 33m²
 9. Balconies and porches, including those higher than 0.6 metres above adjacent grade, may project to within 1.0 m from the front lot line, may project to within 0.6 m from the side lot line abutting a street, and may project to within 0.0 m of an interior lot line and corner lot line.
- Zone requirements for townhouse dwellings with access to a rear lane
 1. Minimum lot area 110 m²
 2. Minimum lot width 5.5 m
 3. Minimum front yard setback 3 m
 4. Minimum rear yard setback: 0 m
 5. Minimum interior side yard setback: 1.5 m
 6. Minimum corner side yard: 2.5 m
 7. Maximum building height: 14 m
 8. Maximum lot coverage: no maximum
 9. The area of the driveway can cover 100% of the yard in which it is located.
 10. Outdoor amenity area is permitted on top of garages
 11. Where access is via the rear lane, the minimum rear yard setback may be reduced to 0 m, and the width of the garage, carport or driveway may be the width of the entire rear yard.
 12. Balconies and porches, including those higher than 0.6 metres above adjacent grade, may project to within 1.0 m from the front lot line, may project to within 0.6 m from the side lot line abutting a street, and may project to within 0.0 m of an interior lot line and corner lot line.

Document 3 – Consultation Details

Notification and Consultation Process

Notification and public consultation were undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments. Notification was sent by mail to residents within 120 metres and signs were posted on the property. The application was subsequently modified and therefore recirculated by mail to residents within 120 metres.

Public Comments and Responses

Comment:

Concerns with how the City will protect the wildlife currently in this area such as Canada geese, sea gulls and others.

Response:

Through the review of the Draft Plan of Subdivision, an Environmental Impact Statement was submitted by the applicant and subsequently reviewed and approved by the City. The Fraser-Clarke Watercourse located to the north of the subdivision is not being impacted by this subdivision/rezoning and is already owned by the City. Additionally a large swath of land located on the north side of the Jock River will be rezoned Parks and Open Space (O1) and will be transferred to the City as an open space block through the registration of the subdivision.

The reports received by the City for the Draft Plan of Subdivision application can be accessed at this link: <https://devapps.ottawa.ca/en/applications/D07-16-20-0021/details>

Comment:

Concerns regarding managing the flood plain and additional water back up as basement pump goes on every 5-12 minutes during rainfall events.

Response:

This Zoning By-law Amendment will not rezone lands currently within the flood plain to residential. The boundary of the residential zoning matches with the new boundary of the flood plain as approved by the RVCA. The Adequacy of Services Report submitted by the applicant for the Draft Plan of Subdivision application was reviewed and approved by the City. This report includes a section on Foundation Drainage (Sump Pumps) to address the use of sump pumps. The reports received by the City for the

Draft Plan of Subdivision application can be accessed at this link:

<https://devapps.ottawa.ca/en/applications/D07-16-20-0021/details>

Comment:

Disagreement with the proposed rezoning for the following reasons:

1. We have paid a premium price for the lot our house is on because the area behind our house is zoned DR, and except the OC Transpo lanes was to remain open space;
2. In the past year and a bit since we have been in our house, we have witnessed a wide variety of wildlife actively using this land including many birds, insects and animals;
3. Our backyard has been visited by monarch butterflies, calibris, and we believe Canada warbler, Cerulean warbler, golden-winged warbler and Henslow's sparrow - all of which are considered endangered species.

We propose to conduct an environmental study of the subject land before considering the "rezoning" to ensure the survivability of endangered species is not affected.

Response:

Concerning the first point, between the Minto subdivision to the north and this subdivision are the future BRT and the Fraser-Clarke Watercourse both of which are currently owned by the City (combined, this strip is approximately 75 metres wide). This rezoning is for the lands south of the BRT and the Fraser-Clarke Watercourse, therefore this application does not rezone the lands immediately south of the Minto subdivision.

Concerning the second and third points, as per the response to another comment above, through the review of the Draft Plan of Subdivision, an Environmental Impact Statement was submitted by the applicant and subsequently reviewed and approved by the City. The reports received by the City for the Draft Plan of Subdivision application can be accessed at this link: <https://devapps.ottawa.ca/en/applications/D07-16-20-0021/details>

Comment:

Issues with rezoning lands that are subject to RVCA's regulated flood plain (and the City's a flood plain overlay) and the related fill permit (RV5-4419). Correlation was made between this Zoning By-law Amendment (ZBA) application and two other appeals, 1- ZBA 2007-489 at 3500 Jockvale Road (OMB file PL080069) and 2- RVCA permission at 6793 Rideau Valley Drive (OLT Case No. OLT-21-001540). Case listed as #1 above

refers to a subdivision ZBA on the south side of the Jock River which intended to rezone lands within the flood plain overlay to residential. Case listed as #2 above refers to a refusal from the RVCA to grant a permission to build within the flood plain.

Concerns with the stormwater servicing plan, concerns with the stormwater management approach for the draft approved subdivision Conservancy East (D07-16-20-0021) and concerns with the Draft Plan of Subdivision application titled Conservancy West (D07-16-21-0036).

Response:

This Zoning By-law Amendment (ZBA) will not rezone lands currently within the flood plain to residential. The boundary of the residential zoning matches with the new boundary of the flood plain as approved by the RVCA. As for the conditions listed in the fill permit RV5-4419, these are the responsibility of the RVCA and the City has received a letter supporting this ZBA, see Document 5. Concerning the monitoring program condition, the RVCA provided the following comment in the review of Conservancy West (D07-16-21-0036) "as part of the RVCA letter of permission (RV5-4419) for floodplain modifications, a monitoring program has been initiated as a condition of approval. As part of the monitoring program, it has been anticipated by the Conservation Authority that portions of the proposed subdivision are to be held from development as a potential area for modification should the monitoring program identify a need for additional cut be required. Portions of the lands west of the current O'Keefe alignment were identified as being the optimal location to provide additional cut should it be required. As such, development of these lands should be held in abeyance, until the monitoring program has been completed and that an additional cut is demonstrated to not be required."

Concerning the subdivision blocks located on the east side of Borrisokane Road (Blocks 104, 106 and 108), these are not part of the ZBA application and will remain Development Reserve given that they are located within the flood plain.

Concerning the stormwater management, the City was satisfied with the proposed conceptual design at Draft Approval of Conservancy East (D07-16-20-0021) and the detailed design for Phase 1 of Conservancy East is currently being reviewed. Conservancy West (D07-16-21-0036) located over 400 metres west of this ZBA is currently being reviewed and has not received draft approval.