

Summary of Written and Oral Submissions

Zoning – Flood Plain Mapping Updates Phase 3

Note: This is a draft Summary of the Written and Oral Submissions received in respect of Zoning – Flood Plain Mapping Updates Phase 3 (ACS2019-PIE-EDP-0036), prior to City Council’s consideration of the matter on October 23, 2019.

The final Summary will be presented to Council for approval at its meeting of November 6, 2019, 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 October 23, 2019’. Please refer to the ‘Bulk Consent’ section of the Council Agenda of November 6, 2019 to access this item.

In addition to those outlined in the Consultation Details section of the report, the following outlines the written and oral submissions received between the publication of the report and prior to City Council’s consideration:

Agriculture and Rural Affairs Committee

Number of delegations/submissions

Number of delegations at Committee: 3

Number of written submissions received by Agriculture and Rural Affairs Committee between September 23 (agenda publication date) and October 3, 2019 (committee meeting date): 4

Primary reasons for support, by individual

- None provided

Primary concerns, by individual

Dennis Moulding (oral and written submission)

- He is concerned that there was a lack of notification on this report as he had only heard the night before. He feels blindsided by city. There are negative effects on property such as cost of insurance, restrictions of operations and property values. He feels his property is being put in a flood zone.

George Neville (oral submission)

- Part of his property is now in a flood plain and yet has never seen any flooding there. What is lacking appreciation for drainage. He described drainage and flooding situations that will be covered during Planning

Committee on this same report. He will speak with Lorraine Stevens and email with further details.

Shirley Dolan (oral submission)

- She appreciates that the Conservation Authorities are sending out letters individually on the impacts of the mapping but many don't realize when they get the envelope and don't bother opening it. Should be clearer and something on envelope stating importance. The other way is by Ward Councillor's emails to people.

Glen Edwards (written submission)

- Much of his land north of Navan in flood plain. He has been here 60 years and nothing yet. The city does not clean our ditches and starts dumping more urban water on them.

Bruce Chrustie (written submission)

- RVCAs modelling of the actual Floodplain is inaccurate for the following reasons: a) the model fails to take into account the entire drainage area served by this report as confirmed by Dr. Ahmed. b) the model fails to apply any realistic stream flows via the use of stream gauges within the subwatershed as confirmed by Dr. Ahmed. c) the report is incorrect in its modelling and predicting the frequency of flood events per commentary from residents reported to the City and RVCA. The Engineer appointed under the Drainage Act to study and comment on the current state of the Hobbs Drain has confirmed there has been a diversion of flows into the Hobbs Drain watershed from another. There has been increased supply of water into the watershed due to upstream land use changes: quarries. The Hobbs Drain has insufficient outlet and is flooding the surrounding land which the City has a Statutory duty to correct

Orofino Balice (for Domenico Balice) (written submission)

- MPAC has deemed this vacant land in 2016 to be valued at \$166,000. However, due to this zoning that may take place it will de-value this property and will continue too in future years. The real estate agent Elizabeth Laplant has been trying to sell this vacant land for approximately \$55,000 (the last listing price). However, due to the zoning and now this new proposed zoning they feel that it will be almost impossible too, or further reducing the price; which is much lower than the estimated \$166,000 value.

Effect of Submissions on Agriculture and Rural Affairs Committee

Decision: Debate: The committee spent 35 minutes on the item

Vote: The committee considered all written and oral submissions in making its decision and carried the report recommendations as presented.

Planning Committee

Number of delegations/submissions

Number of delegations at Committee: 3

Number of written submissions received by Planning Committee between September 30 (agenda publication date) and October 10, 2019 (committee meeting date): 2

Primary reasons for support, by individual

None provided

Primary concerns, by individual Tim Chadder, J. L. Richards and Associates Ltd., on behalf of Minto Communities Inc. (oral submission)

- suggested that an area along Campeau Drive extension not be included in the floodplain mapping in Map 4 of Document 2 of the staff report, because there is already a holding symbol in place to deal with the approved subdivision in that area

Greg Winters, Novatech, on behalf of CU Developments (Claridge and Uniform) (oral submission)

- spoke to a mapping issue in respect of Tributary 2, a creek that runs through part of the planned CU Developments subdivision on the west side of March Road. CU Developments has advised the Conservation Authority and the City that it plans to relocate the tributary, as was approved through the Community Design Plan process, and has conceptual plans to show that realignment. The floodplain shown on the mapping in this staff report is reflective of a technical study from a few years ago, adopted by the Board of the Conservation Authority, with modeling based on a floodplain that assumes all the houses are built and there is no stormwater management, which is an anomaly. Given the pending CU Developments zoning application and planned tributary realignment, he requested deferral of this component to allow the process to flow through its normal course for the property, rather than putting mapping in place now through the Zoning By-law

Greg Winters, Novatech, on behalf of KRP Properties (oral submission)

- indicated that, while recently reviewing the floodplain mapping for another client, it caught his attention that some of the KRP Properties' land parcels in the Kanata North Business Park, which have been designated Employment Lands, are now considered to be in the floodplain. Noting the lands were approved in 2000, that they are registered blocks in a Plan of Subdivision, and they are currently being marketed as areas that could foster significant job creation in Kanata North, he requested deferral to allow KRP to work with the Conservation Authority and resolve mapping issues

Danny W. Page, Valecraft Homes Ltd., on behalf of J.G. Rivard Ltd. (written submission)

- the amendment increases the extent of floodplain on their lands at 1020 March Road
- the proposed floodplain limit exaggerates flooding impacts and is inherently flawed:
 - the fundamental problem is that the regulatory mapping assumes increased run-off from the urbanization of Kanata North without taking into account any mitigation from stormwater facilities, whereas the reality is that none of the lands can be developed in future without the benefit of stormwater ponds; the City, the Conservation Authority and the Province require such controls to be in place
- the Mississippi Valley Conservation Authority has indicated that when the upstream pond on the west side of March Road has been approved and securities are posted, the floodplain limit can be reviewed and revised, but this is problematic because:
 - it freezes a portion of the lands (at 1020 March Road) for an indeterminate period
 - it prevents the owner from developing the lands in the manner envisioned by the Community Design Plan
 - it compels the owner to rezone the lands to correct a flood limit that is known to be unrealistic
 - it favours upstream landowners over those downstream

- urged the committee to reconsider the proposal and to not apply the revised floodplain limits in their current form
- contended that flood limits within urban areas must recognize that urbanization and stormwater attenuation work together

Ursula K. Melinz, Soloway Wright LLP, on behalf of Minto Communities Inc.
(written submission)

- Minto owns lands known as 934-936 March Road in the Kanata North community, as shown on Map 3 on the staff report, on the north-east side of March Road; the floodplain area around Shirley's Brook, at this location, is proposed to be expanded
- the Kanata North expansion lands were studied and a Community Design Plan was approved in 2016 as OPA 173; as development proceeds, detailed design work will confirm the specific storm water works required including any shoreline works to maintain the existing pre-development flows in the area
- Minto also owns land in the former City of Kanata, being Part of Lot 3, Concession 1, known as 450 Huntmar; the Phase 3A and Phase 5 lands are subject to draft plan of subdivision approval application D07-16-16-0025. The lands, known as Arcadia Lands, are shown on Map 4 of the Flood Plain Report and an enlarged floodplain area is proposed north and south of Campeau Drive adjacent to Carp River and Feedmill Creek. Minto objects to the flood plain mapping indicated on Map 4. The revised, enlarged, mapping is contrary to work permits already granted by the Mississippi Valley Conservation Authority (MVCA) January 22, 2019, File W18/202, which permit the placement of fill in the regulated area. The area has been studied and the studies were accepted by the City and MVCA. There is no reason to now revise the floodplain area.
- Revised Flood Plain Mapping & Report: Minto is very concerned with the Flood Plain report. It has been advised, through its consultants and discussions with the MVCA, that the revised flood plain areas were determined as follows:
 - ❖ If a storm water pond exists today then the pond was included in the analysis and the effect of the pond was indicated in the tributary area.
 - ❖ If a storm water pond does not physically exist today, then the flood modelling does not consider the potential impact of a future pond but the area is modelled as if full development build-out has occurred

without a pond. This means that there is additional water in the system so the floodplains are expanded.

- MVCA has advised that it will consider revising the floodplain mapping after a stormwater pond is constructed and operational. The impact of this approach is that land is sterilized, it cannot be developed, within the incorrectly calculated floodplain area.
 - Minto submits it is incorrect to assume full development build-out without the existence of any storm ponds; development will not be approved without a storm water management system that includes the full treatment of storm water so post-development flows equal pre-development flows.
 - the secondary impact of the approach proposed, that assumes no storm ponds will be built, is that MVCA is circumventing drainage law principles that an upstream owner shall not increase the burden or impact on a downstream owner without approval.
 - the flood plain modelling contained in the Report artificially and incorrectly expands the floodplain area on downstream owners; this is not appropriate; upstream owners benefit at the expense of downstream owners Minto's consultants have advised that the approach proposed is not appropriate
 - flood plain modeling must either (a) include all existing and future ponds in a post-development state or (b) it should not include any development and no ponds in a pre-development state. Minto's consultants have advised that these two alternatives are the more commonly accepted way to proceed.
- Minto requests that the City not approve the report; in the alternative, Minto objects to the expanded floodplain areas stated above and requests that the City not approve the expansion in the areas indicated on Maps 3 and 4

Effect of Submissions on Planning Committee Decision: Debate: The committee spent 16 minutes on the item

Vote: The committee considered all written and oral submissions in making its decision. The committee carried the report recommendations with an amendment to replace Map 4, in Document 2, so as to remove floodplain overlay to certain areas in the Feedmill Creek area. The committee also provided direction to staff to review the concerns raised to Planning Committee through oral and written submissions at its meeting and including concerns and comments for the Agriculture and Rural Affairs Committee

meeting of October 3, and report back to the committee members before the item rose to Council on October 23.

Ottawa City Council

Number of written submissions received by Council between October 10 (Planning Committee consideration date) and October 23, 2019 (Council consideration date): 0

Effect of Submissions on Council Decision:

Council considered all written and oral submissions in making its decision and Carried the item as amended by the following motion:

THEREFORE BE IT RESOLVED that Council approve the following replacement recommendation, incorporating the recommendations of Agriculture and Rural Affairs Committee and Planning Committee, as amended to remove Maps 3 and 9 as described above:

That Council approve:

1. amendments to the floodplain overlay in Zoning By-law 2008-250, as shown in Documents 1 and 2 and detailed in Documents 3 and 4, as amended by the following:
 - a) That Map 4, in Document 2, be replaced with a revised Map 4, which does not apply the flood plain overlay to the subject land, per Planning Committee Motion No PLC 2019 14/1 (set out in Document 2 of the report to Council);
 - b) That Maps 3 and 9 of the report be removed from consideration and referred back to Planning Committee for consideration in Q1 2020.
2. that, pursuant to the *Planning Act*, Subsection 34(17), no further notice be given in respect of the report, with the exception of the areas covered by Maps 3 and 9.