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## Board of Directors Meeting

Thursday, June 25, 2020

6:30 pm

**Meeting Will be Held Electronically due to COVID-19 State of Emergency**

### AGENDA

<b>Meeting 3/20</b>	<b>Page</b>
<b>1.0 Agenda Review</b>	
<b>2.0 Adoption of Agenda</b>	
<b>3.0 Declaration of Interest</b>	
<b>4.0 Approval of Minutes from May 28, 2020</b>	
<b>5.0 Business Arising from Minutes</b>	
<b>6.0 Reporting on Timelines for Decisions under Section 28 of the Conservation Authorities Act</b>	
Staff Report Attached (Glen McDonald) .....	1
<b>7.0 Britannia Village Flood Control Works: Access Ramp Rehabilitation</b>	
Staff Report Attached (Terry Davidson) .....	4
<b>8.0 COVID-19 Pandemic Response Update</b>	
Staff Report Attached (Sommer Casgrain-Robertson) .....	7
<b>9.0 Meetings</b>	
a) Leeds, Grenville, Lanark Health Unit Teleconference: June 1, 2020	
b) RVCA Summer Student Orientation: June 1, 2020	
c) General Managers Teleconference: June 2, 2020	
d) RVC Foundation Board Meeting, June 10, 2020 (Manotick)	
e) FOCA Webinar <i>Understanding Water Quantity Management in Ontario</i> : June 24, 2020	

**Proudly working in partnership  
with our 18 watershed municipalities**

Athens, Augusta, Beckwith, Central Frontenac, Clarence-Rockland,  
Drummond/North Elmsley, Elizabethtown-Kitley, Merrickville-Wolford, Montague,  
North Dundas, North Grenville, Ottawa, Perth, Rideau Lakes, Smiths Falls, South Frontenac, Tay Valley, Westport

Upcoming

f) RVCA Board of Directors Meeting: July 23, 2020 (Manotick)

**10.0 Correspondence.....13**

- Correspondence received from Faith Blacquiere (June 17, 2020) regarding RVCA's November 7, 2019 Executive Committee Hearing

**11.0 Member Inquiries**

**12.0 New Business**

**13.0 Adjournment**



**6.0 Reporting on Timelines for Decisions under Section 28 of the Conservation Authorities Act**

Report #:1-200625

To: RVCA Board of Directors  
From: Glen McDonald  
Director of Planning and Watershed Science  
Date: June 16, 2020

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<input type="checkbox"/>	For Adoption
<input type="checkbox"/>	Attachment

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**Recommendation:**

**That the Board of Directors of the Rideau Valley Conservation Authority receive this report for information.**

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**Purpose**

To report on first quarter timelines for the processing of applications under Section 28 of the Conservation Authorities Act.

**Background**

In response to Bill 108, the *More Homes, More Choices Act*, Conservation Ontario (CO) Council endorsed a Client Service and Streamlining Initiative which outlined actions to support the provincial government's objective of increasing the housing supply without jeopardizing public health and safety and the environment. This initiative was endorsed by the RVCA Board of Directors at their meeting on March 28, 2019 (Staff Report #10-190328) and has since been endorsed by all 36 conservation authorities. An update to the Client Service and Streamlining Initiative was received by the RVCA Board of Directors at their meeting on July 25, 2019 (Staff Report #5-190725).

The Client Service Streamlining Initiative has three broad components:

- Improve client service and accountability
- Increase speed of approvals
- "Reduce red tape" and regulatory burden

Each component has a subset of actions to guide implementation. One of the actions identified to improve client service and accountability is for each conservation authority to report on timelines for processing applications under Section 28 of the Conservation Authorities Act, and to make this information available to the public on our websites. The RVCA's Section 28 permit process is administered under Ontario Regulation 174/06 (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation).

## Analysis

In consultation with the CO Timely Review and Approvals Task Force (comprised of representatives from CO and high growth Conservation Authorities from across the Province), CO prepared a guidance document titled “*Annual Reporting on Timelines Template for Permissions under Section 28 of the Conservation Authorities Act.*” This guidance document was endorsed by CO Council on December 9, 2019 and it identifies best practices for timeline reporting:

- Categorizing permit applications into routine, minor and major based on scope and complexity of review
- Establishing timelines for processing each category of application
- Adjusting (start and stop) timelines for resubmissions and requests for additional information
- Annual reporting to Board of Directors and CO Council

The timelines specified in the template are significantly shorter than the timelines that were identified in “Policies and Procedures for Conservation Authority Plan Review and Permitting Activities” (MNRF 2010):

- Major – reduced from 132 to 63 calendar days
- Minor – reduced from 72 to 42 calendar days
- Routine (new category) – 14 calendar days

The timeline starts from the date the application is deemed complete and includes weekends but excludes statutory holidays.

Although it is intended that reporting will be on an annual basis commencing in 2021, CO requested all high growth Conservation Authorities to report quarterly for 2020 to test the template and to identify any necessary refinements. Table 1 shows the RVCA’s timeline performance for the first quarter of 2020.

Table 1: Reporting on Timelines for Permissions under Section 28 of the Conservation Authorities Act January 1 to March 31, 2020

Number of Permits Issued Within Policy and Procedure Timeline (MNRF 2010)		Number of Permits Issued Outside of Policy and Procedure Timeline (MNRF 2010)		Reason for Variance from Policy and Procedure Timeline (MNRF 2010)				
Major	Minor	Major	Minor	Major	Minor			
9	47	0	0	N/A	N/A			
Number of Permits Issued Within CO Guideline Timeline			Number of Permits Issued Outside of CO Guideline Timeline			Reasons for Variance from CO Guideline Timeline		
Major	Minor	Routine	Major	Minor	Routine	Major	Minor	Routine
9	35	7	0	5	0	N/A	Additional technical information/ revised drawings required	N/A

The data shows that for the first quarter of 2020, 100% of the applications for which permits were issued were processed by RVCA within the MNRF 2010 timelines. Under the new CO guideline, 91% of applications were processed by the RVCA within the timeline. The Provincial average for all high growth Conservation Authorities is 86%. Five minor applications did not meet the new timeline due to delays with submission of additional technical information or revised drawings.

### **Input from Other Sources**

This first quarterly report was prepared in accordance with CO's *"Annual Reporting on Timelines Template for Permissions under Section 28 of the Conservation Authorities Act."*

### **Financial Considerations**

The quarterly reporting for 2020 and annual reporting thereafter is not expected to have any financial impact on the RVCA. The database for generating these reports was already in place.

### **Legal Considerations**

N/A

### **Adherence to RVCA Policy**

At their September 26, 2019 meeting, the Board of Directors adopted the RVCA's Client Service Charter (Staff Report #2-190926) The charter specifies the RVCA's commitment to meet the enhanced timelines for processing Section 28 applications. This reporting enables RVCA to monitor its performance in this regard.

### **Link to Strategic Plan**

The client service charter supports Priority Action #2 under Strategic Direction #4:

- Review delivery costs, revenue generation and value to the watershed for all programs and implement changes that improve efficiency, effectiveness and client service.



**7.0 Britannia Village Flood Control Works: Access Ramp Rehabilitation  
Report #: 2-200618**

To: RVCA Board of Directors  
From: Terry K. Davidson, P.Eng.  
Director of Engineering and Regulations  
Date: June 17, 2020

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**Recommendation:**

**That the Board of Directors of the Rideau Valley Conservation Authority approve Ken White Construction 2000 Ltd. to undertake rehabilitation work on the access ramp at 174/176 Kehoe Street associated with the Britannia Village Flood Control Works at a cost of \$59,800 plus HST to be funded by the City of Ottawa.**

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**Purpose**

To seek approval to award a contract to Ken White Construction 2000 Ltd. to rehabilitate a damaged access ramp at 174/176 Kehoe Street associated with the Britannia Village Flood Control Works.

**Background**

In 2008, the RVCA and City of Ottawa entered into a Memorandum of Understanding (MOU) to undertake a flood control project to protect Britannia Village along the Ottawa River. The MOU outlined roles and responsibilities for both the City of Ottawa and RVCA. The MOU was subsequently revised in 2014 and amended in 2017.

Following years of design work in consultation with the local community, the RVCA and City of Ottawa began construction on the flood control project in 2015. The flood control works are made up of a series of modified retaining walls, modified earth berms, new earth berms and other features (see schematic below). The flood control measures were designed and built to protect Britannia Village against the 1:100 year flood event with a 30 cm freeboard incorporated into the design as an added margin of safety.



**Analysis**

The Britannia Village Flood Control Structure was effective in protecting the community during the 2017 and 2019 flooding events on the Ottawa River, demonstrating the value of the investment to the community. However, due to wave action from high water events since the installation of the flood control works there is a need to rebuild an access ramp that was damaged.

Parsons Engineering, the firm that designed the Britannia Village Flood Control Works has re-designed the access ramp to account for scouring due to wave action. The City of Ottawa and RVCA would like to undertake this rehabilitation work in the summer of 2020 when water levels are low to accommodate easy access to the site. The City of Ottawa and RVCA both feel it would be prudent to retain Ken White Construction 2000 Ltd. who constructed the original access ramp to undertake the rehabilitation work.

**Input From Other Sources**

The City of Ottawa is a partner on this project and is involved in decision-making and provides funding. The City of Ottawa has directed that Ken White Construction 2000 Ltd. who originally constructed the access ramp be retained to undertake the rehabilitation work and that Parsons Engineering be engaged to undertake the inspection during construction.

**Financial Considerations**

The City of Ottawa increased the upset limit in their MOU with the RVCA by \$500,000 to enable remedial work to be undertaken on the Britannia Village Flood Control Works. The full cost of this rehabilitation work will be funded by the City of Ottawa with no implications on RVCA's budget and can be accommodated in the current upset limit set in the MOU.

**Legal Considerations**

N/A

**Adherence to RVCA Policy**

RVCA's purchasing policy allows single source purchasing under certain circumstances.

Section 6 Professional and Technical Consulting Services states:

*Exemptions may be made to the above [requirement for public RFP process] where the current supplier of professional or technical services has been engaged and has prior knowledge of the project or services and it is determined to be in the best interest of the RVCA or project to retain the services of the same professional or technical consultant.*

**Link to Strategic Plan**

N/A

**Attachment**

N/A



**8.0 COVID-19 Pandemic Response Update  
Report #: 3-200625**

To: RVCA Board of Directors  
From: Sommer Casgrain-Robertson  
General Manager  
Date: June 16, 2020

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**Recommendation:**

**THAT the Board of Directors of the Rideau Valley Conservation Authority receive this report for information and approve RVCA’s ongoing response to the COVID-19 pandemic.**

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**Purpose**

To seek approval of RVCA’s ongoing response to the COVID-19 pandemic.

**Background**

The RVCA continues to monitor the COVID-19 pandemic and implement measures to address the outbreak as it evolves locally and provincially. This staff report provides an update since Report #12-200521, presented to the Board on May 28, 2020.

The following update summarizes actions taken by the RVCA to protect the health and safety of staff and the public, as well as a summary of how the ongoing pandemic could impact RVCA’s operations, programs and budget. The RVCA has kept clients, partners and the public informed of our COVID-19 response through emails, phone calls, social media posts, signage as well as a special section on our website: [www.rvca.ca/covid-19](http://www.rvca.ca/covid-19)

The RVCA continues to make decisions regarding COVID-19 based on the advice and recommendations of government and public health officials. As Ontario begins to reopen, the goal remains to:

- Protect employee health and safety first and foremost;
- Protect the health and safety of clients and the public;
- Maintain delivery of programs and services where possible; and
- Protect the legal and financial interests of the RVCA.

**Analysis**

Province Enters Stage Two of Reopening

The Ontario government recently extended their emergency orders until June 30, 2020 while easing further restrictions in most regions of Ontario that were permitted to enter “stage two” of reopening (including eastern Ontario).

In stage one, retail stores with a street entrance, seasonal businesses as well as health and community service providers were permitted to open or expand their services as of May 19, 2020. The government also permitted the reopening of some outdoor recreational amenities, including outdoor sports facilities and multi-use fields, off-leash dog areas, and outdoor picnic sites, benches and shelters in parks and recreational areas. Ontario also announced that certain seasonal services and activities could reopen such as golf courses, marinas, boat clubs and public boat launches, as well as private parks and campgrounds to begin preparations for the season.

As of June 12, 2020, stage two took effect in many parts of Ontario allowing social gatherings of up to 10 people (up from 5). Stage two also permitted provincial beaches and campgrounds, public swimming pools, outdoor water facilities, shopping malls, outdoor restaurant patios, places of worship and certain personal services to reopen, some with limited capacity. Childcare centres and day camps were also permitted to gradually reopen following strict provincial guidance.

A number of restrictions remain in place including the closure of schools, overnight camps, bars and indoor restaurant seating. Restrictions also continue for social gatherings of more than ten people and outdoor playgrounds, play structures and fitness equipment.

The Province has also stated that working remotely should continue as much as possible as well as continued measures to reduce the spread of the virus including:

- Staying at home and away from others if you are feeling ill
- Washing your hands frequently with soap and water
- Maintaining physical distancing of at least two metres from people outside your immediate household in public
- Using an alcohol-based sanitizer if soap and water are not available
- Practicing good hygiene (avoiding touching your face and covering your cough or sneeze)
- Wearing a face covering in public where physical distancing is a challenge or not possible
- Limiting outings and public gatherings as per emergency orders
- Increasing cleaning of frequently touched surfaces
- Minimizing travel and self-isolating for 14 days after all international travel
- Working remotely or redesigning spaces and interactions to make them safer
- Getting tested if you are worried you have or have been in contact with someone who has COVID-19

#### RVCA's Health and Safety Measures

As eastern Ontario enters stage two of reopening, the RVCA will continue to implement numerous measures to protect the health, safety and wellbeing of staff, clients and the public including:

- All buildings remain closed to the public
- All rentals, courses, education programs and volunteer events remain cancelled

- No contact site visits continue (or where residents are requested to be on site, they must maintain physical distancing with staff)
- Most staff continue to work remotely
- A maximum of 10 staff are permitted in the main office at any one time (increased from 5). A maximum number of staff is also in place for all other RVCA buildings.
- Staff access to all RVCA buildings continues to follow strict protocols
- Enhanced disinfection protocols continue at all workplaces
- A limit of one staff per vehicle continues
- Equipment and vehicles continue to be assigned to specific staff to avoid sharing
- Disinfection protocols continue where equipment or vehicles must be shared
- Interaction with contractors continues to be limited, and in some cases, they are required to have their own COVID-19 procedures
- The use of personal protective equipment continues to be required
- Standard Operating Procedures for particular programs and workplaces continue to be developed and revised as the pandemic evolves

Additionally, staff are required to follow all updated public health recommendations including:

- Staying home if feeling sick
- Maintaining a distance of 2 metres or 6 feet from one another
- Wearing a mask where physical distancing is not possible
- Washing hands frequently and for 20 seconds
- Not touching their face and sneezing into their sleeve
- Self isolating if exhibiting symptoms of COVID-19, having been exposed to COVID-19 or after returning from being out of the country

### Conservation Areas

With provincial restrictions easing under stage two of reopening, most outdoor recreational amenities have now reopened at RVCA's conservation areas:

- All picnic areas, shelters, picnic tables, benches, lookouts, boat launches, docks and beaches are now open (with the exception of the beach at Foley Mountain which will open in a couple of weeks due to a temporary staffing shortage).
- One directional walking on trails continues to be encouraged to facilitate physical distancing (directional signage has been posted)
- Washrooms and change rooms remain closed as RVCA does not have the capacity to sanitize and disinfect these facilities in accordance with current public health guidelines.

Fees at conservation areas have also been reinstated now that most amenities are reopened. Revised signage has been posted at all conservation areas to reflect the new rules and protocols (see below).



The difficult decision has also been made to cancel RVCA’s day camps in July and August at Baxter and Foley Mountain Conservation Areas. Having reviewed newly released provincial and public health guidelines for operating children’s day camps this summer, it was determined that RVCA does not have the capacity to meet these safety guidelines. Reasons include a current staffing shortage in conservation lands.

### Business Continuity

By implementing alternative operating procedures or delaying the start of field season, the RVCA has been able to continue delivering most programs and services.

- Planning and Regulation Services
  - Septic and Section 28 approvals have continued
  - Plan review also continued although the circulation of planning files to conservation authorities was temporarily suspended but has now resumed
- Stewardship Services
  - Tree planting and shoreline naturalization programs rolled out this spring
  - Septic re-inspection site visits are now underway
  - Rural clean water program is being promoted and applications accepted
- Watershed Science and Engineering Services
  - Most programs and services have continued remotely
  - Scaled back monitoring programs have now begun (some monitoring will not be undertaken because of physical distancing requirements or the inability to use volunteers)
- Conservation Land Management Services
  - Conservation areas are open with key maintenance being undertaken (washrooms and change rooms remain closed).
  - Education programs, day camps and rentals are unfortunately cancelled.
- Corporate Services
  - All services have continued, mostly remotely

Looking ahead:

- RVCA will continue to monitor the province's response to COVID-19 and will work with other conservation authorities to modify programs and service delivery to comply with the advice of local health officials and provincial orders.
- A reopening plan is currently being developed for when Ontario enters stage 3 and then full recovery.
- Updated emergency orders as well as provincial and public health guidance will continue to be monitored to determine when RVCA can safely reopen washrooms and change rooms at conservation areas as well as reopen our education programs and resume rentals.

### **Input From Other Sources**

As the province begins to reopen, the RVCA continues to have discussions with other conservation authorities, watershed municipalities, health units and other partners to discuss local public health recommendations, Ontario's emergency orders and local responses. RVCA also continues to seek legal counsel regarding the pandemic and employment implications.

### **Financial Considerations**

The RVCA reviewed its 2020 budget to identify revenue streams that may be impacted by COVID-19. The most vulnerable are sources of self-generated revenue which amount to 30% of our budget or \$3,167,654. In particular:

- Planning Advisory and Regulatory Services - \$1,183,336 or 11%
- Conservation Land Management Services - \$337,000 or 3%

Planning Advisory and Regulatory Services had a strong first and second quarter in 2020 with revenues on budget from January through early June. At this time, we expect revenues to remain on budget and do not forecast a deficit in this program at year-end.

Conservation Land Management Services has been the most affected program area with the ongoing closure of our education programs and building facilities as well as the temporary restrictions on the use of our Conservation Areas. The result has been no revenue from rentals or programs and a decline in revenue from conservation area passes. With no rentals or programming taking place at Baxter or Foley Mountain, the RVCA issued temporary lay-off notices to our casual outdoor education interpreters due to insufficient work. There are also some staff vacancies within our conservation lands department which are not currently being filled to help offset the loss in revenue. While we project a loss of \$15,000 per month while programs, camps and rentals remain closed, this loss will be partially offset by the reduction in payroll expenses.

Depending on the nature and duration of COVID-19 restrictions, the financial impact on the RVCA could change. Staff will continue to monitor the situation and report changes to the Board of Directors. In the meantime, RVCA is undertaking additional steps to help mitigate financial losses due to COVID-19 including:

- Applying the 10% Temporary Wage Subsidy for Employers – \$25,000 savings
- Receiving a reduction in benefits premiums – \$4000 / month (April, May)

- Pursuing a reduction in insurance costs through Conservation Ontario
- Pursuing increased funding through Canada Summer Jobs
- Reducing staffing levels – 8 summer students instead of 16, other vacancies
- Realizing costs savings within the organization due to COVID-19
- Finding other cost savings to offset revenue loss

### **Legal Considerations**

Under the *Occupational Health and Safety Act*, employers have a range of legal duties to protect the health and safety of employees. Employees also have the right to refuse unsafe work and the right to be informed about actual and potential dangers in the workplace.

Under the *Emergency Management and Civil Protection Act*, the Province of Ontario declared a State of Emergency due to COVID-19 and has issued orders including:

- Ontario Regulation 51/20 – Closure of Establishments;
- Ontario Regulation 52/20 – Organized Public Events, Certain Gatherings;
- Ontario Regulation 82/20 – Closure of Places of Non-Essential Businesses; and
- Ontario Regulation 104/20 – Closure of Outdoor Recreational Amenities.

The *Employment Standards Act* also provides minimum standards for most employees working in Ontario, setting out the rights and responsibilities of employees and employers including new COVID-19 job-protected unpaid leaves.

In light of these legal considerations, the RVCA has been working, and will continue to work, with legal counsel and other conservation authorities to develop Standard Operating Procedures, protocols and practices to protect the health and safety of staff, follow Ontario’s emergency orders and comply with the *Employment Standards Act*.

### **Adherence to RVCA Policy**

In 2009, the RVCA prepared a Pandemic Policy which included a Pandemic Plan and Payroll Continuity Plan. This policy and associated plans were a good starting point but did not anticipate current government measures such as workplace closures and physical distancing orders. This policy will be updated to reflect the measures that have been implemented by the RVCA in response to COVID-19.

### **Link to Strategic Plan**

N/A

### **Attachments**

N/A



**10.0 Correspondence  
Report #: 4-200625**

To: RVCA Board of Directors  
From: Sommer Casgrain-Robertson  
General Manager  
Date: June 17, 2020

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**Recommendation:**

**THAT the Board of Directors of the Rideau Valley Conservation Authority receive the attached correspondence.**

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- Attached is a piece of correspondence submitted to the Board of Directors from Faith Blacquiere, dated June 17, 2020.
- Also attached is the CBC news article from June 8, 2020 that is referenced in Ms. Blacquiere's correspondence.



Photo M: Jock River looking upstream. Borrisokane road, north end of bridge over Jock River. April 7 2017, JFSA



Photo G: North of Jock River looking north. Borrisokane Road. April 7 2017, JFSA

JFSA Hydrodynamic Analysis Appendices 20 Nov 2017

**RVCA Board of Directors Meeting 25 June 2020**  
**Submission re Permit RV5-4419 Barrhaven Conservancy Development Corporation**

Basic Stormwater Management:

First, Do No Harm The best solution to a problem is to prevent the problem from occurring in the first place

From Catching the Rain: a Great Lakes Resource Guide to Natural Stormwater Management 2004 Pg 15

Faith Blacquiere  
Glen Cairn  
17 June 2020

## Councillor demanding answers on changes to flood plain in south Barrhaven

Catherine McKenney believes council was misinformed about developer's bid to alter Jock River flood plain

[https://www.cbc.ca/amp/1.5599749?\\_vz=medium%3Dsharebar&\\_twitter\\_impression=true](https://www.cbc.ca/amp/1.5599749?_vz=medium%3Dsharebar&_twitter_impression=true)

### Quotations – RVCA General Manager's response:

It has been one of our more challenging files

... the regulator didn't support changing the flood plain mapping

... RVCA staff reviewed the technical information provided by Caivan and concluded that the existing 2005 map was still valid.

We did not support lowering the flood elevation or revising the mapping

... characterized the request as "very significant in its volume ... it's the largest-scale application that we've received

This is not a traditional balanced cut and fill

### Extracts

RVCA's executive committee heard Caivan's application on Nov. 7, 2019. That same day, Lee Ann Snedden, a senior planning manager for the city, wrote to the committee "expressing the City of Ottawa's support for the approval of the application."

It's usual for a city official to let the RVCA know how an application fits in with the municipality's overall planning policies.

However, Snedden's letter went on to say: "We want to reinforce the support Council has expressed for this file, founded on the comprehensive work completed by the applicant and its consulting team..."

In fact, council was never told about Caivan's application. As far as most members knew, there was a flood mapping exercise going on.

RVCA presented the executive board a long list of cautions about developing in the flood plain, including how the application doesn't meet the conservation authority's own policies, and that Caivan's application would set a precedent for other landowners to make similar alterations to the flood plain.

RVCA and city staff agreed among themselves in February 2019 to end the mapping exercise, but in March of that year, Mayor Jim Watson and planning general manager Stephen Willis wrote to Casgrain-Roberston to urge the RVCA to conclude the mapping.

The RVCA stood its ground. As for council?

"We never heard about it again" McKenney said of the mapping.

In fact, the proposed change was so significant that RVCA staff were not allowed to approve it. They're only allowed to approve minor applications to alter the flood plain, and even those must be balanced, meaning the same amount of soil that's removed must be replaced elsewhere so that the watershed's storage capacity remains constant

**The RVCA Board should also be demanding answers  
Were RVCA staff subjected to political pressure?**

## Planning Committee Meeting 11 June 2020 – the 3285 Borriskane Zoning By-Law Amendment

- Permits RV5-1449 (7 Nov 2019) and Permit RV5-1718 for Phase 1 said that the works had been completed. Frank Cairo's (BCDC) Presentation which was related to Permit R5V-4419 consumed most of the 45 minute discussion selling the Phase 2 to 8 developments to Councillors, again making the same potentially misleading statement about "no impact on water levels", as those statements made at the Executive Committee hearing
- Councillor Moffatt informed the Committee about the **Board May 28<sup>th</sup> discussion**. The transcript states "It's important to know and we make sure to highlight that at that board meeting, that this was not a Board decision" and referring to the Executive Committee stated "while they make the final decision, it was informed by the staff of the RVCA, it was informed by the criteria they set out to look at that floodplain mapping and how floodplains are regulated and monitored".

If you review the staff report for the Executive Committee hearing, you will see that staff provided numerous reasons why the permit could not be approved

What the Presentation revealed is that the **Executive Committee did not know what they were being asked to approve**

- instead of filling the sites to a 0.5m elevation, Cairo built berms around the 4 parcels and now expects RVCA to use these to establish the regulatory flood line
  - The Cut Area was supposed to become the new floodway. BCDC's profile of the floodplain has a cut to lower the land along the banks (the City's 22 Nov 2019 Tree Cutting Permit had required this) resulting in the new floodplain being unable to drain to the Jock River and unfilled land inside the berms being unable to drain. The 31 May 2020 RVCA As-Built Confirmation Letter states that there will be some low areas for construction and other purposes while the lands within the berms are being filled.
  - The Cut Area includes wetlands and ponds in the Open Space plans which are said to be planned by Caivan and RVCA
  - The corridor which was supposed to be used for recreational purposes is now the floodway of the Jock River
- The City's planner stated that other landowners could request filling the floodplain if they submit "similar studies". This will result in numerous studies which may differ from the JFSA studies. The JFSA studies included both sides of the river and should be controlled by a model gatekeeper if RVCA will not be assuming the 2D Model

**Rather than transferring blame for this mess, the Board should be asking questions as to how this happened and what should be done now?**

## **Response to Councillor McKenney's Inquiry submitted to the May 27<sup>th</sup> Joint ARAC and Planning Committee Meeting on the Official Plan Review Growth Management Strategy**

Pg 9 [Q] The Rationale in Part A of Bylaw 2018-129 for OPA 212 stated: "the City and the RVCA have determined the proper approach would be to do a flood plain mapping study to update the mapping. In this way all landowner should have equal opportunity to benefit from any decrease in the food elevation".

[R] The small area outside of Parcel 301 that could benefit from a similar approach was considered in the modelling by the applicant. The results indicated that **opportunities on these lands to undertake the same exercise and access the same benefits are not compromised in anyway** by the work proposal for Parcel 301.

Pg 8 [Q] An excerpt from OPA 212 (attachment 6) states: "Following the OPA, the next step would be for the flood plain mapping to be updated. This would be consistent with the approach of how the City/RVCA currently undertake flood plain mapping exercises." Why did the City not complete the floodplain mapping update that Council directed?

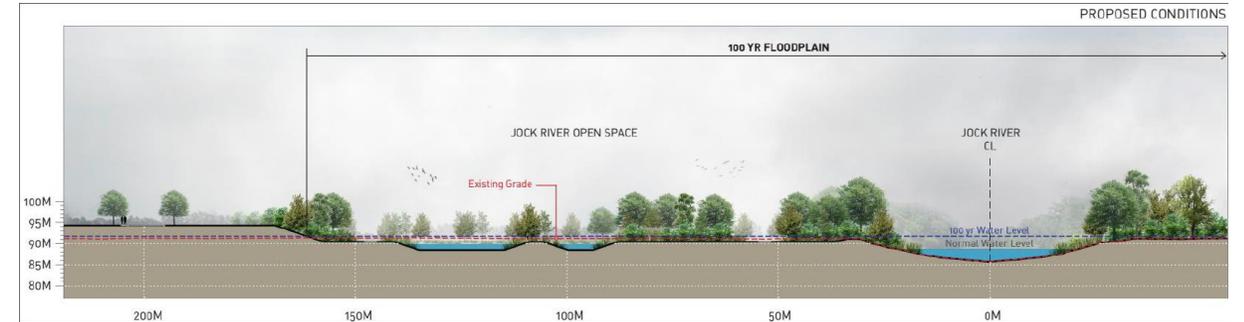
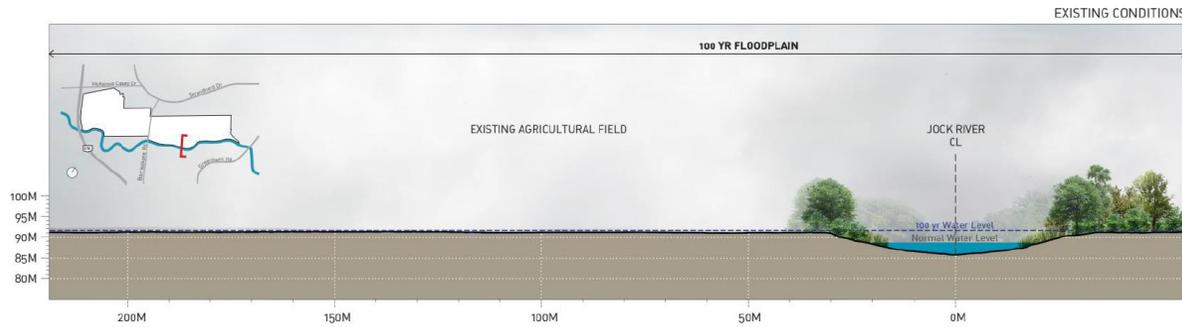
[R] The above-noted quote is taken from the April 2018 City staff report. The **operative policy language of OPA 212 does not specifically require the City/RVCA to update the floodplain mapping**. Caivan did approach the RVCA with updated technical information seeking a revision to the 1:100 year flow used for the Jock River which would have generated a lower 1:100 year flood elevation (meaning smaller regulated floodplain). The RVCA reviewed the technical information provided by Caivan and concluded that the **existing 2005 Jock River flood risk mapping hydrology remained valid** and did not support lowering the flood elevation ... amendments to the floodplain mapping are being made site specifically, in a similar fashion to adjustments that are made to floodplain mapping when site-specific information becomes available.

Pg 6 [Q] The premise of OPA 212 was that the applicant had done extensive engineering studies to make the case that a) **the 1:100 flood elevation would be lower if using a flow determined to be approximately 25% less than the flow used for the current Jock River flood risk mapping**; and that b) that soil from the construction (early 1960's) of the Greenbank Road bridge is constricting the natural flow of the river, which could be removed to convey more flow.

Pg 12 [R] The development of the subject lands will include the rehabilitation of the Jock River riparian corridor based on detailed plans to be approved by the RVCA and the City

# BCDC Presentation to Planning Committee 11 June 2020

Berms and these drawings are NOT what RVCA was asked to approve



Pg 4 Existing Conditions vs Proposed Conditions



Pg 5 Extract showing cut area below top of bank preventing drainage



Pg 15 Pathway along top of bank with floodway land going downhill

## False or Misleading Statements on the Permit Application?

A number of potentially false or misleading statements were made that should trigger the permit null and void clause

### Pursuant to Section 28 of the *Conservation Authorities Act* and Ontario Regulation 97/04

The Rideau Valley Conservation Authority will consider your application based on the information you provide below. Any false or misleading statement made on this application will render null and void any permission granted. Complete all relevant sections, date, sign and return the application along with applicable scale drawings and other documents necessary (refer to minimum guideline requirements) as well as application fee "Schedule B."

The signature only certifies documents submitted with the application. Several documents were submitted later, as the attachments were not ready to support the application - this included the 7 Oct 2019 GHD Technical Review which has conflicts with the Executive Committee documents

\* I/we the undersigned hereby certify to the best of my/our knowledge and belief that all of the above-noted, attached and/or supporting documentation information is correct and true. I/we further solemnly declare that I/we have read and fully understand the contents of this application and specifically the terms and conditions, and the declaration which is written below.

By signing this application, consent is given to the Rideau Valley Conservation Authority, its employees and authorized representatives to access the property for the purposes of obtaining information and monitoring any approved works pursuant to Section 28(20) of the Act.

Owner's name: Frank Cairo(BCDC) please print clearly       signature      Date: 2019 / 07 / 24 year month day

Authorized Agent: Stephen Pichette (DSEL) please print clearly       signature

Letter of Authorization from owner must be attached if agent is signing off on all works

- Permits, approvals, etc. may be required from other agencies prior to undertaking the proposed work. Rideau Valley Conservation Authority permission, if granted for the proposed work, does not exempt the owner/agent from complying with any or all other laws, statutes ordinances, directives, regulations, approvals, etc. that may affect the property or the use of same.

BCDC responded that no approvals were required, yet staff and the Executive Committee considered the 7 Nov 2019 Letter from Lee Ann Snedden which also had potentially misleading statements as to what was approved in OPA 212. OPA 212 required RVCA Floodplain mapping to be reviewed and updated to establish the regulatory flood limit

According to the minutes, BCDC's representatives were sworn in – any one potentially false or misleading statement could make the application null and void

## False or Misleading Statements re the Two-Zone Approach? (1)

### BCDC Presentation

#### Pg 6 Purpose

- Implement OPA 212 approved unanimously at Council DATE to permit residential development north of the Jock River
- Review has included extensive process including a third party review

#### Pg 7 Policy Context

- 2014 Provincial Policy Statement
- City of Ottawa Official Plan
- Nepean Secondary Plans
- RVCA Local Development Policies
- MNR Rivers and Streams

The application conforms to ALL APPLICABLE policy

#### Pg 9 Summary of Proposal

- Offsetting cut to mitigate any potential impacts  
- Extensive modelling, interdisciplinary study and Peer Review

### OPA 212 Council Meeting 25 April 2018

Recommendation ... remove any reference to a Two Zone floodplain approach

#### Staff Report

Pg 6 The amendment would remove the Commercial Recreation designation and any reference to a two-zone flood plain approach ... contained in the ... secondary plans. It will expand the residential designation such that the boundary between the Conservation designation and the Residential designation would be defined by the regulatory flood line for the Jock River.

Pg 10 Following the OPA, the **next step would be for the flood plain mapping to be updated. This would be consistent in approach to how the City/RVCA currently undertake flood plain mapping exercises. ...** The Jock River Flood Plain Study will commence in 2018 subject to approval of the OPA. **The City and the RVCA have agreed to prioritize the flood plain mapping study. A third party peer review of the study will also be undertaken.**

Pg 24 Concerning the RVCA, they have been heavily involved with this process; they are satisfied with this OPA and the future process for the flood plain mapping update

Pg 25 Comments from RVCA 12 April 2018 Eric Lalande

Pg 29 New floodplain mapping would result from a study, managed and approved by the Conservation Authority and any changes in the floodplain limits would become the corresponding designation limits in the secondary plan

The application does not conform to any of the policies as indicated by Terry Davidson's Presentation and my previous Letters to the Board

The only way this could have been accomplished is with a balanced cut and fill

## False or Misleading Statements re the Two-Zone Approach? (2)

### Executive Committee Minutes

Pg 9 Mr. Davidson added that the RVCA does not currently administer any two-zone floodplains.

Pg 11 Melissa Sullivan questioned why the Jock River was classified as a one-zone floodway and not a two-zone floodway. Terry Davidson responded that the RVCA typically only administers one-zone floodways. Municipalities can ask for a two-zone approach.

Melissa Sullivan asked about precedence and whether there were any other similar areas in the watershed. Terry Davidson responded that he could not think of any.

The Two-Zone Policy was a major part of the rationale being considered by the Executive Committee. While there may have been no intention by RVCA to administer the area as a Two Zone floodplain, the technical analysis is founded on a Two Zone approach by the fact that the floodplain was divided into two areas – floodplain and flood fringe. The argument used by BCDC, and for the Carp River Restoration Plan, is that it will no longer be Two-Zone because the fringe has been, but the Jock River is considered a One-Zone Floodway

But RVCA administers areas of reduced flood risk/flood fringe in Brewer Park, Windsor Park, Kingsview Park, and Britannia Village

The province requires one-zone floodways. The City did not ask for a Two-Zone approach. OPA 212 removed this approach from the Secondary Plans because they conflicted with the PPS and the Official Plan, with the latter only permitting this approach for existing development in flood-prone areas

RVCA staff were aware of the Carp River Restoration Project in Kanata that had required a Class EA and approval by the ministries in order to develop 28 hectares of floodplain. The ministries required more significant compensating cut for the previously approved 60 hectares and for future development

## False or Misleading Statements re Peer Reviews?

JFSA and Frank Cairo provided a generic response rather than inform the Executive Committee there had been 2 Peer reviews by GHD and that the 7 Oct GHD Technical Review had been completed, as stated in the Minutes (Pg 12):

Pieter Leenhouts questioned whether the 2D modelling had been proofed. J.F. Sabourin explained that the proof could be found in multiple successful projects.

Pieter Leenhouts asked about the extent of the peer review process. Frank Cairo explained that the peer review process was an extensive one in and noted that the City of Ottawa and RVCA chose GHD to complete the review

In the Technical Presentation (Pg 36) JFSA stated under the heading Built in Safety Factors, “Our work was peer reviewed twice by GHD, once after our 2017 analysis and again after our 2019 analysis”

In fact, a Google search for the 2d models resulted primarily in research articles. No projects of relevance to Ontario were located, other than a March 2019 RFP issued by the Long Point Region Conservation Authority for Flood Hazard Mapping and Risk Assessment accordance with the 2002 OMNR Technical Guide to “generally be carried out according to the 2017 EWRG Technical Guidelines for Flood Hazard Mapping, Section 4”, which has not yet been accepted by the province or RVCA as being suitable for this type of project

While the 2D modeling had been reviewed, GHD and JFSA had interacted to make changes after the application was submitted. GHD had recommended that a final report be prepared to resolve some of the technical concerns and that future projects be undertaken. This resulted in the permit application being approved without having being based on final results

GHD needed to make numerous comments which indicated that JFSA was not as familiar with 2D modeling as they should have been. GHD referred to the conservation partners Technical Guide, FEMA and federal Documents which RVCA do not appear to be using to make decisions

## False or Misleading Statements re No Impact on Water Levels? (1)

### Executive Committee Minutes 7 Nov 2019

Pg 3 Terry Davidson

This analysis showed that the proposed cut/fill has no impacts upstream and downstream of the subject location, with **only minor localized differences near the locations of the proposed adjustments.**

Pg 10 Exhibit 44 - Validation that Proposed Fill/Cut will have **no Impacts** on Water Levels and Flows

Pg 11 Mr. Sabourin added that the proposed cut and fill would have **no impact** on water levels or flows. Mr. Sabourin noted that while the Jock River has lots of water it is not moving water. Placement of fill in ineffective areas would have **no impact** on the river's conveyance. Melissa Sullivan expressed concern with the continuous references to a **lack of impact** on the waters of the Jock. J.F. Sabourin confirmed that there would be **no impact** on flows or water levels. Mr. Sabourin noted that a 1:2 year spring event would be equal to a 1:100 summer storm event.

Pg 12 In response to a question from Pieter Leenhouts, J.F. Sabourin confirmed that there would be **no impact** upstream

### Planning Committee Meeting 11 June 2020 Frank Cairo Presentation

Key Facts Pg 7

- The CA Act S. 28 Permit issued for Cut/Fill is based on the **validation of no water level increases up or downstream of undertakings**

### GHD Technical Review Draft 9 May 2018

Pg 11 During flood events, the large flood storage capacity of this area lags and attenuates the peak flows. Development in the floodplain will reduce this storage capacity, leading to **increased peak flows and water levels** in the downstream areas.

Pg 21 The 1D and 2D models were validated against water levels observed during April 1999 & April 2017 events and the results suggested that the water levels generated by both models **underestimated the observed water elevations.** The Hydrodynamic study acknowledges that there **may be justification for further model calibration in future studies** of the Jock River. GHD agrees with this statement but believes that the 2D model should have been recalibrated as part of the Hydrodynamic study to fit the observed events as opposed to the results produced by the 1D model that was found to underestimate the observed water levels.

**GHD Technical Review 7 Oct 2019 Pg 12-13** While GHD understands JFSA intentions for aligning the 2D model to the RVCA 1D model we do not agree with the approach of calibrating one model to another in situations where observed data exists that could be used for the calibration. **The 2D model should be calibrated to the observed data and the RVCA 1D model used for validation** under assumption that the model provides a reasonable and reliable representation of flooding on the Jock River

### Increased Water levels

The 2019 hydraulic study concludes that there **is a 0.01-0.06 m increase** in peak water levels ...

**The final modelling had not yet been done to prove there is no increase in water levels**

## False or Misleading Statements re No Impact on Water Levels? (2)

EXHIBIT #20 – March 29, 1976



EXHIBIT #21 April 11, 1999  
West side of Cedarview



EXHIBIT #22 April 11, 1999  
West side of Cedarview



EXHIBIT #23 April 11, 1999  
West side of Cedarview



JFSA Technical Presentation Pg 24 to Pg 27

### GHD Technical Review Draft 9 May 2018

Pg 21 3.4.4 Modelling Approach

**If the flood fringe is encroached, the water that previously inundated the flood fringe is pushed downstream due to reduction of floodplain storage.** This may result in increased upstream flood levels, increased downstream flows, velocities, and flood levels, and change in the timing of flows (OMNR, 2002, FEMA, 2016).

**How can the water levels be lower when the 2017 flooding was said to be 148m<sup>3</sup>/s for the 100 year event?  
Is there a problem with the modelling or implementation?**

### JFSA Hydrodynamic Analysis of Jock River 30 June 2017

[extracts from tables]

Pg 3 2017 100 year 148m<sup>3</sup>/s

Pg 4 Largest Jock River Events

1 April 1976 137m<sup>3</sup>/s

8 April 1999 135 m<sup>3</sup>/s

Pg 13 The 2D model was altered to fill all the lands in the undeveloped urban areas on both sides of the Jock River

Table 4 [extract m<sup>3</sup>/s] 2D Filled Flood Fringe vs 1D RVCA

U/S Borrioskane XS 6495 197.9 vs 201.0

U/s Greenbank Road XS 3699 199.3 vs 205.0

### Appendices Pg 109 [extract from table]

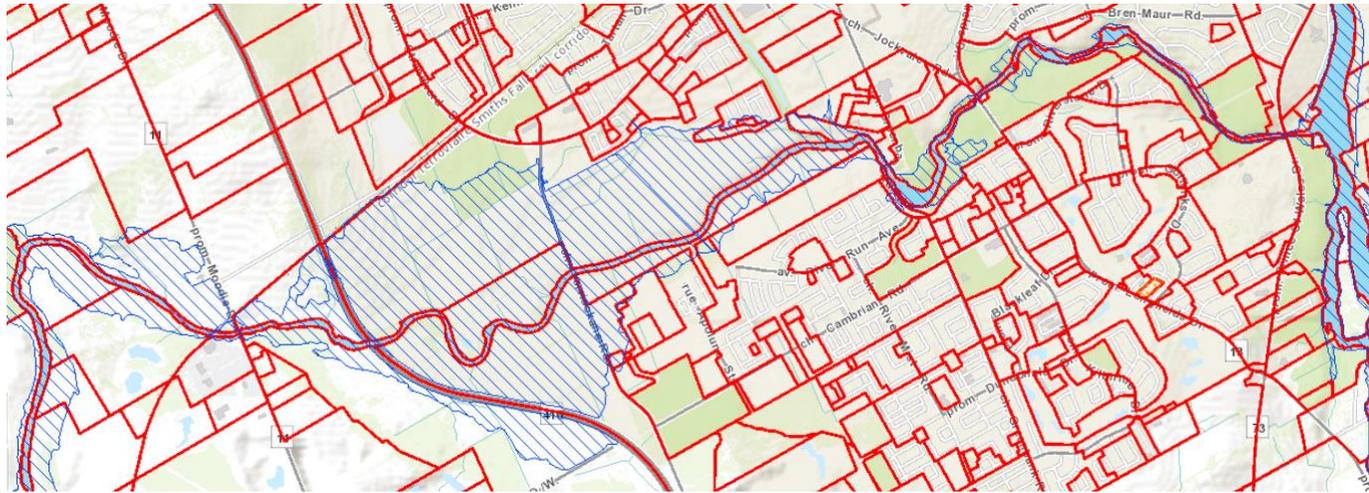
1D RVCA, 2D JFSA Existing Conditions, 2D JFSA Filled Flood Fringe - All 196.0 m<sup>3</sup>/s

### JFSA Technical Presentation (Pg 36) under the heading “Built in Safety Factors”

- The 100 year flow used in our analysis is 196 cms, as per the 2005 floodplain mapping study
- Using data collected up to 2017, produces a 100 year flow of 148 cms. A similar flow was obtained by RVCA staff and GHD

**Response to Councillor McKenney’s Inquiry Pg 6** The premise of OPA 212 was that the applicant had done extensive engineering studies to make the case that a) **the 1:100 flood elevation would be lower if using a flow determined to be approximately 25% less than the flow used for the current Jock River flood risk mapping;**

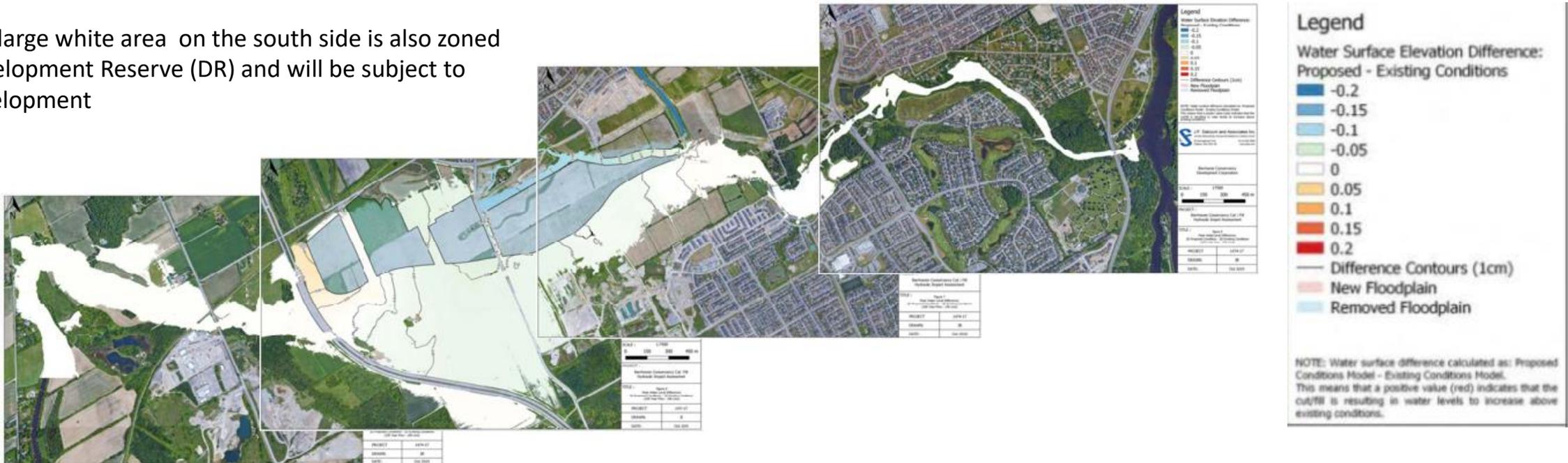
## False or Misleading Statements re No Impact on Water Levels? (3)



### JFSA Technical Presentation (Pg 32-35) vs GeoOttawa Floodplain

- JFSA floodplain is larger
- Tributaries and SWM pond area have floodplain
- Increases adjacent to H416 with no MTO consultation
- Will the constrained channel downstream be impacted when the entire floodplain is removed?

The large white area on the south side is also zoned Development Reserve (DR) and will be subject to development



## Omissions – Suitability of 2D Modelling – Intent to Establish Development Line vs Regulatory Flood Line

### TECHNICAL GUIDELINES FOR FLOOD HAZARD MAPPING March 2017

#### Pg 103 4.7.3.3 Two-Dimensional Steady and Unsteady Flow Models

- **Generally, 2-D steady or unsteady flow models are not used to develop flood hazard limits. ... 2-D models will only be required for reaches where 1-D modelling is inappropriate;**
- **For flood hazard maps, 2-D models should only be used when flow depths are greater than 0.3 m;**
- **It is expected that full 2-D models will be rarely required to develop flood hazard maps. Rather a 1-D model coupled with a 2-D model will be used after consultation with and approved by the Conservation Authority; and**
- The study report must document the reasons for utilizing a 1-D/2-D steady or unsteady state model for delineating hazard limits.

#### Pg 108 4.7.4 Model Evaluation

Model evaluation includes the following:

4.7.4.1 Model Verification 4.7.4.2 Sensitivity Analysis 4.7.4.3 Uncertainty Analysis 4.7.4.4 Calibration/Validation 4.7.4.5 Corroboration

Pg 112 **The Conservation Authority must approve the acceptability of the model before the modelling scenarios are conducted.**

#### Pg 119 4.8 Study Report and Deliverables

Table - Design flows and water surface elevations for the Regional, 100, 50, 25, 10, 5 and 2-year return period floods. **Design flows and water surface elevations must be determined for existing and future land use conditions;**

#### Pg 134 6.0 FLOOD HAZARD MAP UPDATES

An investigation must be conducted in-conjunction with Official Plan reviews to determine if flood hazard maps need to be updated. Currently Official Plan reviews are conducted every five years. **Flood hazard map updates should be conducted to inform the land use planning process rather than in reaction to the land use planning process.**

EWRC for Central Lake Ontario Conservation, Credit Valley Conservation, Grand River Conservation Authority, Ganaraska Conservation, Toronto and Region Conservation Authority, Nottawasaga Valley Conservation Authority

Guidelines were available during the planning period referenced in the 2d GHD Technical Review

#### BCDC Presentation

- Awaiting floodplain mapping updated as per OPA 212 to determine **extent of development**
- RVCA application to establish **development land boundary** through site alteration works DATE

#### OPA 212 Council Meeting 25 April 2018

Pg 25 Comments from RVCA 12 April 2018 Eric Lalande

Pg 29 New floodplain mapping would result from a study, managed and approved by the Conservation Authority and any changes in the floodplain limits would become the corresponding designation limits in the secondary plan

Many deliverables and documentation requirements were not met

GHD Technical Review 7 Oct 2019

Pg 13 GHD recommends that the final 2019 hydraulic study should use its 2D model to produce 100-year floodplain limits for existing and proposed conditions ...

## Omissions - Failure to Inform the Executive Committee about the GHD Future Studies and Modelling Issues (1)

### Future Local Developments (Pg 7)

GHD requested that individual developments, which could potentially affect floodplain storage, be investigated through an encroachment analysis ...[to] determine the combined effect ... on water levels ... JFSA responded that future modelling will include the proposed Greenbank bridge design

### Additional Inundation Area West of Hwy 416 (Pg 11)

Investigate refinement of the model to resolve the overestimation of flood elevations at his location – if not resolved, consider an additional cut on BCDC owned lands to mitigate these impacts

### Modelling philosophy (Pg 12)

The 2D model should be presented on its own merit, not as a contradiction to the existing 2005 RVCA 1D model, but as more detailed floodplain modelling – Manning’s roughness values should be selected based on the latest aerial images and calibrated to observed events

The most relevant point is that 2d model and its results are going to be used as supporting documentation to ultimately seek permission from RVCA to develop within previously established regulated areas. **The 2d model will not be used to change limits of the regulated areas.** For this reason we believe the 2D model should stand on its own merit, and be presented as refinement to the original 5 RVCA 1D modelling

In response ... JFSA explained that the 2D model was intentionally aligned to the RVCA 1D model because ... aligning the models removes the **issue of RVCA having two models on file on the same watercourse which may report substantially different results**

- JFSA’s response failed to answer the question about adjacent developments. The new Greenbank bridge is further downstream and will add fill to the floodplain. JFSA stated that it would be included in future modelling. The current bridge is a constraint to flow but was omitted
- This is a future project which may impact the results or require a cut in land that is zone Agricultural
- GHD recommends that 2 models be retained
- The Carp River Restoration Project was held up for years due to Mannings N and related issues
- GHD expects the 2D model to be used for development applications, but this would just be for BCDC’s applications
- **This is an issue for the Board to decide** but RVCA staff sent the As-Built Confirmation Letter to City staff or the 2 permits to support the Phase 1 zoning to the City. The zoning by-law was approved with the intent to change the regulatory flood line in a future CZBL Omnibus
- The City planner stated that other developers could do “similar modelling”. **This is an issue the Board should decide**

## **Omissions - Failure to Inform the Executive Committee about the GHD Future Studies and Modelling Issues (2)**

### **GHD Technical Review Draft 9 May 2018**

Pg 20 It is not known from the Hydrodynamic study whether the new topographic data used in the 2D model resulted in overall gain or loss of existing floodplain storage compared to the floodplain storage used in the 2005 study for the development of regulatory flood levels.

### **GHD Technical Review 7 Oct 2019**

Pg 7 Model Floodplain Storage ... compare extents of the floodplain ... this comparison could not be made

#### **Future Local Developments**

GHD requested that individual developments which could potentially affect floodplain storage, be investigated through an encroachment analysis ... [to] determine the combined effect of future development on water levels

#### **Pg 13 Increased Water levels**

The 2019 hydraulic study concludes that there is a 0.01-0.06 m increase in peak water levels anticipated in the study area due to the proposed cut and fill activities ... also shows an increase in flood extent ... the final report should comment on whether flood hazards, are or are not, aggravated

#### **Erosion Impacts**

... no comments are offered regarding impact ... on stream erosion ...

Pg 14 ... Fluvial Geomorphological Memo ... significant changes to sediment dynamics ... are not anticipated as a result of the grading plan

### **Audit of the Carp River Watershed and Related Projects 2007**

Pg 6 5. The Provincial Policy Statement requires that all the hazards be evaluated to determine if the Two-Zone Concept can be applied to a stream reach. The hazards include hydrologic and hydraulic, as well as erosion and geotechnical aspects, such as deep peats and sensitive clays, organic soils, and unstable bedrock such as karst formation areas. The considerations taken into account during the application of the Two-Zone Concept were restricted to the hydrologic and hydraulics aspects, but did not take into account the suitability of the concept to an area of deep peats and sensitive clays.

6. The consideration of the Two-Zone Concept did not take into account the “design with nature” policies of the Official Plan. In our opinion, the application of the Two-Zone Concept in this case seems to have been carried out in isolation, without explicitly taking into account the requirements of the Official Plan with respect to the “design with nature” policies. For example, the decision to apply the Two-Zone Concept took into consideration only hydrologic and hydraulic effects, leaving out other risks such as sensitive clays and organic soils; another example is that the potential effects of the Carp River restoration on sedimentation in downstream reaches has not been addressed.

**It appears that the GHD recommendations, which required a final report and future studies, were not available when the permit was approved. The JFSA studies focused on hydrodynamics and hydraulics to support the BCDC development, rather than to ensure that the floodplain reclamation implementation would be supported by the appropriate information**

## Questions for Board Discussion

While the Executive Committee has the authority to approve permit applications, the full Board has the authority to make decisions about the use of the JFSA model and the implementation. The Board should consider the following questions:

- Were the conditions met? – monitoring stations – 3<sup>rd</sup> party design of the Monitoring Plan - Memorandum of Agreement with the proponent to fully fund the Monitoring Plan. Condition 3 “Both areas to be cut must be completed prior to any filling” was not met
- Is it acceptable to the RVCA Board that if the applicant is found to have made false or misleading statements in the permit application, meeting and documents submitted to support the application, that the applicant should be permitted to develop the land? Should RVCA declare the permit null and void?
- Is it acceptable to the RVCA Board that a permit, which does not conform to so many regulatory and policy instruments, should become a precedent that would be used by other developers?
- Was the JFSA model intended to establish the development limit or the regulatory flood limit?
- Does, or should, RVCA staff have delegated authority to approve a new Model for use in the watershed?
- Does, or should, RVCA staff have delegated authority to make decisions on updating or replacing the current model?
- Should RVCA update the 2005 flood risk mapping? If not, will the Board require that RVCA have policies relating to the use of 2 or more 2D models?
- Should RVCA permit update of the floodplain mapping on a subdivision-by-subdivision basis? See the Appendix
- If RVCA staff intend to permit other developers to have the same “opportunities”, should the Board approve the ability to do this? If so, should the Board approve policies relating to the implementation, subsequent permit applications and process for updating the City’s Official Plan?
- Should the Board update the content of the Training Sessions for Board members to ensure they have the sufficient knowledge to make the right decisions?

## APPENDIX

Kizell Management Corporation v Friends of the Greenspace Alliance (OMB 14 Jan 2010)

<https://www.omb.gov.on.ca/e-decisions/pl090678-jan-14-2010.pdf>

Request for an Order Dismissing the Appeal by Friends of the Greenspace Alliance

Pg 2 Although the OPA foresaw no further venues for debate about flood risk on a watershed-wide basis, individual development projects remained open to challenge for flood risk, on a “street-by-street, subdivision-by-subdivision”

Pg 3 basis, in the light of any evidence that they might increase flood risk.

The experts’ Affidavits disclosed a bona fide disagreement about the appropriate geographic area: which flood-related topics, if any, should best be addressed on a watershed-wide basis, instead of a subdivision basis? And when should they be addressed? The correct geographic area for a planning process of this kind, and its timetable, are quintessential planning questions.

The Board also has an interest in finality. The scheme of OPA 77 is to review water risk on a subdivision basis. The Board has obvious concerns about setting the stage for repeated disputes, appealable “street-by-street, subdivision-by-subdivision”. Granted, every subdivision has its own characteristics; but there may be benefits – to both the public interest and to the development interest – to attempt a definitive resolution, at least of some generic aspects, to reduce the risk of repetitive appeals.

Pg 11 Further refinement of measures could be expected later, on a "street-by-street, subdivision-by-subdivision" basis, as developers filed their applications. The FGA's expert Affidavits replied that certain work would be more appropriately done immediately to address generic issues allegedly affecting the entire subwatershed.

That involves two basic questions. The first pertains to the appropriate geographic area for the planning exercise – subdivision, subwatershed, or a combination of both. The second pertains to the timetable for the planning process – now, later, or a combination.

Those questions cannot be so easily dismissed as involving no “apparent planning ground”. The definition of the verb "to plan" (Shorter Oxford English Dictionary) is “to arrange beforehand”. Geographic terms of reference, and timetables for planning, are traditionally quintessential planning questions.

Pg 12 Pragmatically, the Board is also mindful of its duty to avoid setting the stage for a proliferation of litigation. If the OPA scheme merely defers water-related challenges to a later date – but provides multiple venues for such challenges "street-by-street, subdivision-by-subdivision," then there is a risk of a multiplicity of such challenges. As a matter of prudence, it appears preferable for all concerned to determine whether generic issues can at least be disposed of, as definitively as possible.

Ottawa

## Councillor demanding answers on changes to flood plain in south Barrhaven

Catherine McKenney believes council was misinformed about developer's bid to alter Jock River flood plain

[Joanne Chianello](#) · CBC News · Posted: Jun 08, 2020 4:00 AM ET | Last Updated: June 8

Coun. Catherine McKenney is pushing back against a plan to develop a 100-hectare swath of the Jock River flood plain, saying the project was approved without council knowing about it. 0:57

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[comments](#)



When Ottawa city council approved a [major expansion of the urban boundary](#) less than two weeks ago, it vowed not to allow future construction on certain sensitive types of property including prime farmland and flood plains.

Yet at this very moment, a 100-hectare swath of the Jock River flood plain — the equivalent of four LeBreton Flats — is being significantly altered to make way for a future development in south Barrhaven, leading one councillor to question the city's commitment to protecting flood plain lands in coming years.

"I don't know how we can say that," said Coun. Catherine McKenney, "when in fact we are allowing development — significant development — on a flood plain today."

Although the application to change the contours of the Jock River flood plain was filed and approved months before councillors debated urban expansion, McKenney can't understand how the project went ahead without council knowing about it.



Part of the Jock River flood plain, east of Borrisokane Drive. Beyond the tree line is the river. (Kate Porter/CBC)

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McKenney submitted a formal inquiry about the file, which is expected to be addressed at Thursday's planning committee meeting.

Among many questions, the councillor has demanded to know why a senior staff member told a provincial regulator that council supported the plan.

"I am very concerned that my view was misrepresented as a city councillor," McKenney told CBC.

## 3-year effort to build on flood plain

Behind McKenney's concerns is a complex, three-year effort by developer Caivan Communities to change part of the Jock River flood plain, north of the river up to McKenna Casey Drive, from Highway 416 to Greenbank.

"It has been one of our more challenging files," said Sommer Casgrain-Robertson, the general manager of the Rideau Valley Conservation Authority (RVCA), the regulator of the Rideau River watershed, of which the Jock River is a part.

Flood plains are the low-lying areas around a river that are theoretically subject to flooding once every 100 years. Neither provincial nor municipal policies allow construction within the areas subject to flooding, although applications for exceptions are allowed.

The Jock River flood plain experienced notable flooding in 1976 and 1999, according to the RVCA, but most years the floodwater in this area is shallow and slow-moving.



The Rideau Valley Conservation Authority last did a flood plain map for the Jock River, which is surrounded by booming suburban development, in 2005. (Kate Porter/CBC)

Armed with expert studies that showed how construction could be safely accommodated once the land was elevated, Caivan approached the RVCA and the city back in 2017. Its first proposal to fill in the flood plain with enough soil to raise the land above the flood levels was rejected by both the RVCA and the city.

The developer's next move was to change the current flood plain mapping, last updated in 2005. And that's where council comes in.

## RVCA didn't support mapping update

In 2018, Caivan applied to the city for an official plan amendment, considered a notable change to the city's land-use policies, to allow future residential development on what is currently a flood plain.

The developer's own modelling indicated the actual flood line was lower than currently identified by RVCA and the city, according to a city staff report to council.

Caivan and its engineering experts, J.F Sabourin and Assoc., contended that "there are inaccuracies" in the current flood plain line last revised in 2005, the report states. "The proper approach would be to do a flood plain mapping study to update the mapping."

But the RVCA never had any plans to re-map the flood plain.



RVCA general manager Sommer Casgrain-Robertson, shown here in a photo from January 2020, said the regulator didn't support changing the flood plain mapping. (Joanne Chianello/CBC)

According to Casgrain-Robertson, RVCA staff reviewed the technical information provided by Caivan and concluded that the existing 2005 map was still valid.

"We did not support lowering the flood elevation or revising the mapping," she said.

RVCA and city staff agreed among themselves in February 2019 to end the mapping exercise, but in March of that year, Mayor Jim Watson and planning general manager Stephen Willis wrote to Casgrain-Roberston to urge the RVCA to conclude the mapping.

The RVCA stood its ground. As for council?

"We never heard about it again" McKenney said of the mapping.

### 3rd time's the charm

Caivan's next move was to apply to the RVCA for a "cut and fill" permit in July 2019, as it's allowed to do under the provincial Conservation Authorities Act.

The developer petitioned to remove, or cut, 116,000 cubic metres of soil near the river and build up, or fill, the more northerly areas of the flood plain with 407,000 cubic metres of soil.

In theory, the change would remove 291,000 cubic metres of floodwater storage from the area.

Casgrain-Robertson characterized the request as "very significant in its volume ... it's the largest-scale application that we've received."

In fact, the proposed change was so significant that RVCA staff were not allowed to approve it. They're only allowed to approve minor applications to alter the flood plain, and even those must be balanced, meaning the same amount of soil that's removed must be replaced elsewhere so that the watershed's storage capacity remains constant.

"This is not a traditional balanced cut and fill," Casgrain-Robertson said.





The developer applied for a "cut and fill" permit, proposing to remove, or cut, some soil near the river and build up, or fill, the more northerly areas of the flood plain. (CBC)

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An application of a major change is ultimately decided not by RVCA's own technical and regulatory staff, but by its executive committee — residents appointed by the municipalities that are located within the Jock River flood plain.

RVCA's executive committee heard Caivan's application on Nov. 7, 2019. That same day, Lee Ann Snedden, a senior planning manager for the city, wrote to the committee "expressing the City of Ottawa's support for the approval of the application."

It's usual for a city official to let the RVCA know how an application fits in with the municipality's overall planning policies.

However, Snedden's letter went on to say: "We want to reinforce the support Council has expressed for this file, founded on the comprehensive work completed by the applicant and its consulting team..."

In fact, council was never told about Caivan's application. As far as most members knew, there was a flood mapping exercise going on.

"I don't know why senior staff would suggest very strongly in a letter to the conservation authority that council had approved the fill permit when that in fact wasn't the case," McKenney said. "I never supported a fill permit on a flood plain."

## Appointed board approved changes

At its Nov. 7 meeting, the board heard from Caivan and its experts, who used sophisticated digital modelling that has become more widespread in the last few years, and is considered more capable of accurately analyzing the river's flow. The study, which Caivan had peer-reviewed by yet another firm, indicated that the proposed cut along the south side of the property would be able to move any floodwater downstream, eventually into the Rideau River.

So even though the cut and fill wasn't balanced, the plan should not lead to future flooding.



The Rideau Valley Conservation Authority is responsible for the Jock River flood plain. (Joanne Chianello/CBC)

RVCA presented the executive board a long list of cautions about developing in the flood plain, including how the application doesn't meet the conservation authority's own policies, and that Caivan's application would set a precedent for other landowners to make similar alterations to the flood plain.

Still, conservation authority staff told the executive committee it was "comfortable with approval of the application," as long as certain conditions were met, such as monitoring the water levels and velocity.

The four-member executive committee voted on the application in camera, which is standard procedure for conservation authorities. The vote wasn't unanimous, but it was approved, and Caivan began work on the flood plain in the following weeks.

## Caivan's Conservancy underway

Caivan is calling its south Barrhaven development "The Conservancy," and is planning for up to 2,800 homes north of the Jock River. The developer already had approval to build the first phase of the subdivision, [a small piece of which was on the flood plain](#).

The area being cut-and-filled by Caivan now still has to go through several steps of the city's planning process.

Frank Cairo, CEO and co-founder of Caivan, said the company has worked diligently with engineers and the RVCA for years to ensure that, among other things, its development would have no impact either upstream or downstream.

Caivan always takes into account "both existing and future residents in the establishment of new communities," Cairo said in an emailed statement to CBC.



Caivan's proposed development in Barrhaven is called The Conservancy. Part of the development is planned for the Jock River flood plain, and will include protected ecological land along the north shore of the river. (Caivan)

He also stated that no development would occur in the low-lying areas. As well, Caivan plans to build a 60-hectare green corridor along the north shore of the Jock River, which will restore the ecology of the northern bank and provide an additional buffer between the waterway and any future residential development.

## Inquiry into process

It's important to note that the developer followed all the proper procedures and rules — there's nothing wrong with perseverance. As well, once the cut and fill is completed, the land will no longer be considered a flood plain.

But McKenney wants some answers about this process, and is hoping to get them at Thursday's committee meeting.

In an email to CBC, Snedden said when she mentioned council's support for the cut and fill in her letter to the RVCA, she was referring to council's approval of the official plan amendment, even though that was supposed to be subject to a flood plain mapping update. Snedden also said council isn't normally "consulted or advised" about RVCA application permits.

As well, Don Herweyer, a senior staffer in the city's planning department, described Caivan's application as a "very minor change and a balanced cut and fill" to councillors last month. The city has since told CBC that Herweyer's comments "were intended to characterize that there was no impact" to the area from the cut and fill application. The city has apologized if Herweyer's comments were "unclear."

That's not good enough for McKenney.

"I want to understand why there wasn't more transparency from the city's perspective," the councillor said.

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