

Fact Sheet: The Britannia Village Flood Control Project & Development Regulations in Flood Vulnerable Portions of Britannia Village – Ottawa

Date: March 30, 2009

Background

This fact sheet has been prepared to clearly describe the regulatory controls that apply to lot creation and development in the flood vulnerable portion of the Britannia Village community – and how they will be affected by implementation of the proposed Britannia Village Flood Control Project.

As a fundamental principle, artificial flood protection works should not be constructed for the purpose of enabling new development or intensification of land use in areas that are prone to flooding. Engineered flood control systems may have a place in older communities that have historically developed in flood vulnerable areas - to reduce the potential of damages to structures and contents and to minimize public safety risks and community disruption and inconvenience during future flood events.

The relevant sections of Ontario Regulation 174/06 made under Section 28 of the Conservation Authorities Act are appended (see Appendix A). Figure 1 shows the area within Britannia Village that is subject to the Regulation (the broken black line) and the area that has been identified as being flood susceptible during a 1:100 year flood on the Ottawa River (the solid blue line).

The policies for Britannia Village outlined below are consistent with direction provided under the 2005 Ontario Provincial Policy Statement issued under Section 3 of the Planning Act, and supporting Natural Hazards Guides published by the Ontario Ministry of Natural Resources, and have been endorsed by the Board of Directors of the Rideau Valley Conservation Authority.

Current Regulatory Policies within the Flood Vulnerable Area (as of March 30, 2009)

New Residential Buildings

- No new residential buildings are permitted, except for new flood-proofed buildings that replace existing residential buildings in which case any proposed increase in floor area is controlled in accordance with the policies below for additions
- Single-storey, non-residential auxiliary buildings (large sheds or garages) up to 50 square metres (538 square feet) will be permitted. Small sheds (less than 9.3 square metres or 100 square feet) do not require permits.

Additions to Existing Buildings

- A “minor” addition to any existing building will be permitted. “Minor” means less than 20% of existing floor area or 20 square metres (215 square feet), whichever is less. Minor additions are not to be more flood-vulnerable than the existing structure.
- Larger, flood-proofed additions to existing residences will only be permitted on properties to which there is “safe access” during a 1:100 year flood. “Safe Access” is deemed to be available if the elevation of the surface of the travelled route to the building (along its centerline) is, at no point along its length, less than 30 centimetres below the 1:100 year flood level.
- The floor area of any addition to any building within the flood prone area shall not be greater than 50% of the existing building’s floor area or 50 square metres (538 square feet), whichever is less, and the addition must be flood-proofed.

New Lot Creation or Changes in Zoning

RVCA will recommend against and oppose the creation of new lots (by severance or subdivision) and changes in zoning that would have the effect of increasing the number of households in that portion of the flood vulnerable area where safe access is not available during a 1:100 year flood.

Regulatory Policies within Area of Reduced Flood Risk (after implementing the Britannia Village Flood Control Project)

The flood control system - consisting of earth berms and modified sea walls on waterfront properties, and removable flood control bulkheads on the Jamieson Street and Rowatt Street road allowances – will be constructed and maintained to prevent entry of floodwaters into the community whenever the Ottawa River is at 1:100 year flood stage (60.8 metres above mean sea level) or lower. The “area of reduced flood risk” is the area that is protected by the flood control system.

The area of reduced flood risk will continue to be included within the regulation limit, as . O.Reg. 174/06 will continue to apply to all new development in the area of reduced flood risk.

For the purposes of land use planning and development approvals under the Planning Act, the final alignment of the flood control system will establish a boundary between the *floodway* (in which no development except for minor additions is to be allowed) and the *flood fringe* (in which development conforming to prescribed standards may be allowed).

The Britannia Village flood control system will be accepted by the RVCA as the means by which safe access to all existing residences within the regulated portion of Britannia Village will be assured, based on the following considerations:

- the flood control system is designed and constructed in accordance with sound engineering principles and practices to provide protection against a 1:100 year water surface elevation (plus freeboard), and the appropriate public authorities are committed to its long term operation and maintenance
- relatively long “lead time” – the time available between an initial awareness of the potential for the development of flood conditions (based on watershed conditions) and the onset of overbank flooding conditions
- overbank flooding characterized as standing water to limited depths
- location of the area within a large urban community with well-equipped emergency services

Recognizing the inherent possibility of any artificial flood control system’s being overtopped in a rare event exceeding the design criteria, or breaching despite best efforts in construction and maintenance to provide a flawless system, the system must not be relied upon for protecting any new structures and their contents or occupants against the effects of flooding. Accordingly, any new residential construction in the area will continue to be restricted to existing lots of record and to the limits that are set out in the current zoning provisions, and shall be flood-proofed.

Within the area of reduced flood risk/ flood fringe, to be established after the successful construction of the flood control system, the following policies will apply:

Regulatory Policies within Area of Reduced Flood Risk (after implementing the Britannia Village Flood Control Project) (cont'd)

New Residential Buildings

- new residential buildings on existing lots of record will be permitted, whether or not there is a pre-existing residence on the lot, provided that the design of the building conforms in all respects to the existing zoning provisions on the lot, and provided that the building shall be flood-proofed independently of the flood control system that is operated by the RVCA in cooperation with the City of Ottawa; flood-proofing designs must be prepared or approved by an Professional Engineer and legal documents will need to be registered on title to ensure that prospective purchasers are notified of the existence of flood-proofing elements in the building's design, and any associated operation and maintenance requirements
- Single-storey, non-residential auxiliary buildings (large sheds or garages) up to 50 square metres (538 square feet) will be permitted. Small sheds (less than 9.3 square metres or 100 square feet) do not require permits.

Additions to Existing Buildings

- A "Minor" Addition to any existing building will be permitted. "Minor" means less than 20% of existing floor area or 20 square metres (215 square feet), whichever is less. Minor additions are not to be more flood-vulnerable than the existing structure.
- Larger, flood-proofed additions to existing residences will be permitted on all properties within the area of reduced flood risk, as "safe access" during a 1:100 year flood is deemed to be available by virtue of the continuing operation of the Britannia Village flood control system.
 - If the floor area of the addition is between 20% and 50% of the existing building's floor area, the addition must be flood-proofed.
 - If the floor area of the addition is greater than 50% of the existing building's floor area, both the addition and the existing building must be flood-proofed

New Lot Creation and Changes in Zoning

RVCA will continue to recommend against and oppose the creation of new lots (by severance or subdivision) and changes in zoning that would have the effect of increasing the number of households within that portion of the area of reduced flood risk portion in which safe access would not be available during a 1:100 year flood, except for the continuing operation of the Britannia Village flood control system.

Sections 2, 3 and 12 of Ontario Regulation 174/06 made under Section 28 of the Conservation Authorities Act.

For the full text of the Regulation go to:

http://www.e-laws.gov.on.ca/html/reg/english/elaws_regs_060174_e.htm

Development prohibited

2. (1) Subject to section 3, no person shall undertake development, or permit another person to undertake development in or on the areas within the jurisdiction of the Authority that are,

- (a) adjacent or close to the shoreline of inland lakes that may be affected by flooding, erosion or dynamic beaches, including the area from the furthest offshore extent of the Authority's boundary to the furthest landward extent of the aggregate of the following distances:
 - (i) the 100 Year flood level,
 - (ii) the predicted long term stable slope projected from the existing stable toe of the slope or from the predicted location of the toe of the slope as that location may have shifted as a result of shoreline erosion over a 100-year period, and
 - (iii) 15 metres inland;
- (b) river or stream valleys that have depressional features associated with a river or stream, whether or not they contain a watercourse, the limits of which are determined in accordance with the following rules:
 - (i) where the river or stream valley is apparent and has stable slopes, the valley extends from the stable top of bank, plus 15 metres, to a similar point on the opposite side,
 - (ii) where the river or stream valley is apparent and has unstable slopes, the valley extends from the predicted long term stable slope projected from the existing stable slope or, if the toe of the slope is unstable, from the predicted location of the toe of the slope as a result of stream erosion over a projected 100-year period, plus 15 metres, to a similar point on the opposite side,
 - (iii) where the river or stream valley is not apparent, the valley extends the greater of,
 - (A) the distance from a point outside the edge of the maximum extent of the flood plain under the applicable flood event standard, plus 15 metres, to a similar point on the opposite side, and
 - (B) the distance from the predicted meander belt of a watercourse, expanded as required to convey the flood flows under the

applicable flood event standard, plus 15 metres, to a similar point on the opposite side;

- (c) hazardous lands;
- (d) wetlands; or
- (e) other areas where development could interfere with the hydrologic function of a wetland, including areas within 120 metres of all provincially significant wetlands and wetlands greater than 2 hectares in size, and areas within 30 metres of wetlands less than 2 hectares in size, but not including those where development has been approved pursuant to an application made under the *Planning Act* or other public planning or regulatory process.
O. Reg. 174/06, s. 2 (1).

(2) The areas described in subsection (1) are the areas referred to in section 12 except that, in case of a conflict, the description of the areas provided in subsection (1) prevails over the descriptions referred to in that section. O. Reg. 174/06, s. 2 (2).

Permission to develop

3. (1) The Authority may grant permission for development in or on the areas described in subsection 2 (1) if, in its opinion, the control of flooding, erosion, dynamic beaches, pollution or the conservation of land will not be affected by the development. O. Reg. 174/06, s. 3 (1).

(2) The permission of the Authority shall be given in writing, with or without conditions. O. Reg. 174/06, s. 3 (2).

Areas included in the Regulation Limit

12. Hazardous lands, wetlands, shorelines and areas susceptible to flooding, and associated allowances, within the watersheds in the area of jurisdiction of the Authority are delineated by the Regulation Limit shown on maps 1 to 254 dated November 2005 and filed at the head office of the Authority at 1128 Mill Street (Manotick) in the City of Ottawa under the map title "Ontario Regulation 97/04: Regulation for Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". O. Reg. 174/06, s. 12.