



MINUTES

Public Meeting Under the Planning Act

Tuesday, August 13, 2019

Council Chambers 6:00 p.m.

COUNCIL PRESENT: All members of Council were in attendance for this evening's meeting.

STAFF PRESENT: Lindsey Lee, CAO/Clerk
Angela Young, Deputy Clerk
Chris Vereyken, Chief Building Official
Bruce Howarth, Senior Planner

MEDIA PRESENT: Jonathan Mulvihill, Metroland Media

1. Call to Order and Roll Call

A Public Meeting under the Planning Act was held at 6:00 p.m. to consider a proposed amendment to the Zoning By-Law for the Township of McNab/Braeside in accordance with the provisions of Section 34 of the Planning Act, 1990.

2. Declare Meeting Open

Deputy Mayor Armsden stated that this is a Public Meeting held by Council under Section 34 of the Planning Act, 1990 and is declared open and further advised this Public Meeting is to consider an amendment to the Township of McNab/Braeside Zoning By-Law 2010-49 as proposed by Council and will include all waterfront lands affected by the Ottawa River flooding.

3. Disclosure of Pecuniary Interest and the General Nature Thereof

Members were asked to state any pecuniary interest and the general nature thereof before the item is discussed. No disclosures of pecuniary interest were declared at this time.

Deputy Mayor Armsden Chaired the meeting this evening.

4. Applicant

- 4.1 Township of McNab/Braeside
Proposed Zoning Amendment
All waterfront lands affected by Ottawa River Flooding

5. Information Circulated

- 5.1 Notice of Open House and Public Meeting
Draft By-Law

6. Clerks Notice of Circulation in accordance with the Requirements of the Planning Act

The public meeting is a requirement of the Planning Act. In accordance with the Planning Act, notice must be given at least 20 days before the public meeting is held. Deputy Mayor Armsden requested that the Clerk confirm the date the notice was circulated and calculate that we had the required 20 days notice.

The Deputy Clerk advised the Notice was circulated to all property owners along the Ottawa River Flood area on July 17, 2019. The Notice was mailed to the agencies as required under the Planning Act. The Notice was published on the Township website on July 17, 2019 and on the Township website, website calendar and bulletin board. The notice was also published in the Arnprior and Renfrew newspapers on July 25, 2019.

Deputy Mayor Armsden stated that the 20 day notice having been given, declared the meeting properly constituted to transact its business.

Any person wishing to receive written notice of the Adoption of the Amendment being considered at this meeting must leave their name and mailing address with the Township Clerk by writing their name and address on the list posted at the back of the Council Chambers.

As required by Section 34 (14.5) of the Planning Act, Council is required to inform the public of who is entitled to appeal to the Local Planning Appeal Tribunal, under Sections 34(11) and (19):

Under Section 34(11) - If Council decides to refuse an application or refuses or neglects to make a decision on an application within 120 days of the municipal clerk receiving the application, the applicant or the Minister of Municipal Affairs and Housing, may appeal to the Local Planning Appeal Tribunal by filing an appeal with the clerk of the municipality.

Section 34 (19) – Not later than 20 days after the giving of notice of passing of the by-law, the applicant, any person or public body who made oral submissions at the public meeting or made a written submission to Council, before the by-law was passed or the Minister of Municipal Affairs and Housing, may appeal to the Local Planning Appeal Tribunal by filing an appeal with the clerk of the municipality.

7. Clerks Reading of the Notice

Deputy Mayor Armsden requested the Clerk give a description and location of the Proposed Amendment.

The Deputy Clerk advised that the notice informed the open house to be held on Thursday August 8, 2019 from 4:00 – 7:00 pm and of the public meeting date to be held on Tuesday August 13, 2019 at 6:00 pm for the proposed amendment for waterfront lands affected by Ottawa River flooding.

The Deputy Clerk read that the purpose and effect of this amendment as follows:

The purpose of this amendment is to amend the flood provisions of the Township's Comprehensive Zoning By-law to more accurately represent the 2019 flood elevations along the Ottawa River. The Zoning By-law currently recognizes the upper limit of the Ottawa River floodplain as being the 76.16 metres G.S.C. contour. The 2019 flood levels reached an elevation of 76.3 metres G.S.C. A change to the flood elevation and other flood related provisions in the Zoning By-law may impact how waterfront lots can be developed or redeveloped.

The notice was dated July 17, 2019 and signed by CAO/Clerk, Lindsey A. Lee.

Additional information regarding the Zoning By-Law amendment was available for inspection at the Township of McNab/Braeside Municipal Office during regular office hours.

8. Correspondence/Comments Received

- Agencies
- Planning Department
- Others

Deputy Mayor Armsden inquired if there were any written comments received.

The CAO/Clerk advised that written submissions were received from the following:

1. Darlene, Lorinda, Valerie Kohlsmith - July 30, 2019
2. Denis Bertrand - August 8, 2019
3. Tom & Margaret Hanson - August 7, 2019
4. Jonathon Sullivan - August 8, 2019
5. Bonnie Mask & Margaret Stewart - August 2, 2019
6. David B. Craig - August 12, 2019
7. Laurie & Dan Hebert - August 9, 2019
8. Sheila Murphy - August 11, 2019
9. Chats Lake Stewarts (Duplicate #1) - July 29, 2019
10. Brenda Jones - August 12, 2019
11. Ellen Werry - August 12, 2019

12. Judy Armstrong - August 13, 2019
13. Gary Scholl (Rhoddy's Bay Property Owners) - July 3, 2019 (went to Council on Aug 6, 2019)
14. Enbridge Gas Inc. - July 24, 2019 (No comments or concerns)
15. Septic Inspector No comments or concerns
16. Hydro One Distribution No Comments or concerns
17. Building Department No Comments or concerns

The CAO/Clerk advised there was no other correspondence received either to object or to support the proposed application.

Deputy Mayor Armsden inquired if Mr. Bruce Howarth wished to speak to the proposed amendment.

Mr. Howarth stated:

Major flooding impacted the Ottawa River watershed in 2017 and now this year in 2019. This spring the peak level of the Ottawa River exceeded the 100-year flood level in McNab/Braeside. The purpose of this amendment is to amend the flood provisions of the Township's Comprehensive Zoning By-law to more accurately represent the 2019 flood elevations along the Ottawa River. The Zoning By-law currently recognizes the upper limit of the Ottawa River floodplain as being the 76.16 metres G.S.C. contour. The 2019 flood levels reached an elevation of 76.28 metres G.S.C. A change to the flood elevation and other flood related provisions in the Zoning By-law may impact how waterfront lots can be developed or redeveloped.

About 60% of the Ottawa River drainage basin is controlled primarily for hydro power generation. Although attempts are made to regulate water flows in order to minimize flood damage, the dams are not always effective flood control structures. At times of peak water flows, the storage capacities of the dams may be reached and all additional volumes of water must pass downstream through the system. Flooding of low-lying areas may then result. Usually, two distinct flood peaks occur each spring on the Ottawa River. The first peak, in late April or early May, results from snowmelt and precipitation in the southern part of the drainage basin. The second peak, normally higher, occurs in late May/early June and is caused by snowmelt and precipitation in the northern part of the watershed.

The extent of the flood plain is known as a flood risk area and is defined by the 100-year flood which means the flood has a return period of 100 years on average, or has a one percent chance of occurring or being exceeded in any given year. In McNab/Braeside the flood risk area is divided into two zones, the floodway and the flood fringe. The floodway is the portion of the floodplain where the waters are the deepest, fastest and most destructive. The portion of the flood risk area outside the floodway is called the flood fringe. Waters tend to be shallower and slower in this zone than the floodway. Development may be permitted in the flood fringe, subject to flood proofing requirements.

Past tragedies due to flooding may be easily forgotten, especially if there have not been any floods in recent memory. In many instances, flood plains have been considered as attractive building sites. As a result, many people, either through lack of awareness or disregard, have

built structures that are vulnerable to flood damage. During and following disastrous floods, various levels of government are responsible for providing services and asked to provide compensation. In 1978 Environment Canada and the Ontario Ministry of Natural Resources started the Flood Damage Reduction Program (FDRP). This program has, as its prime objectives, the reduction of potential damage in flood risk areas along rivers and lakes of Ontario, and the risk of loss of life. The program advocates a preventative approach to flood control by discouraging new development vulnerable to flood damage in flood risk areas. Local Municipalities like McNab/Braeside are required to appropriately recognize flood risk areas that could be vulnerable to flood damage in their planning documents so that future development is not susceptible to flood damage.

9. Questions/Comments

- Members of the Public
- Applicant/Agent
- Members of Council

Deputy Mayor Armsden inquired if any members of the public wished to speak to the amendment, and requested that the person give their name prior to speaking.

Barbara Ramsay – 76 Wrangell Road – Inquired as to the process to be followed with regards to written submission. Written submissions were requested to be submitted to the office or info@mcnabbraeside.com prior to September 4, 2019.

Margaret Stewart – 20 Bartle Lane – Stated that there was a study being conducted by Allumette Island and financial contributions are being requested from individual homeowners in the amount of \$200.00 to cover the costs of the study.

Karen Robertson – Goodwin Lane – Inquired as to who decides on the floodplain as the maps presented at the open house were inaccurate and if the boundaries changes because of the erosion are assessments going to be lowered. In response – Council passes the by-law but it is based on provincial policy, the mapping was last updated in 1985 by the Province and every property is site specific. MPAC assessment is independent of zoning by-law reviews.

Gary Scholl – Archibald Street on behalf of Rhoddy's Bay residents – stated that their property values have gone down and inquired if Council is going to step up and put pressure on MPAC to review the assessed values.

Morgan MacDonald – The flood mapping was inaccurate and needs to be updated.

Barbara Ramsay – 76 Wrangell Road – Inquired if Council was only focused on raising the elevations to deal with the levels the water reached in 2019 and stated that Council should be planning forward and to ensure that they add more elevation to help with risk management.

Don Carmichael – Rhoddy's Bay – Stated Climate Change is not the only issue, there may also be issues with mismanagement of the Ottawa River and there is a study being commissioned, maybe the Township should wait until the results are received, and further inquired as to what the urgency is to move ahead with this now. In response Mr. Carmichael was advised that Council is at the information gathering stage and there is no urgent timeline.

Suzie Smith – Inquired as to why Council wanted to move ahead so quickly, the culvert has not been fixed on River Road and has impacted the bay.

Gary Scholl - Advised that he sent a letter in on July 3, 2019 and has not received a response to his questions asked.

Mary Catherine Riopelle – Wants to tear down her cottage and could not find out if there was a fee to dump the debris.

Lloyd Cameron – Rhoddy's Bay – Inquired if building permit fees will be waived for flood related events.

Don Carmichael – Rhoddy's Bay – Can an update be provided regarding the culvert.

Council recessed at 7:00 pm

Council reconvened with the same persons present at 7:02

David Craig – When will the numbers in the draft by-law be determined. Council is still gathering information therefore these numbers have not been determined.

Gerry Zervos – Castleford – Have you considered letting us backfill. No you cannot redirect water onto someone else property which would affect neighbors due to the runoff.

Tom Freemark – Floodway/Flood Fringe, most people don't understand what this means to their property.

Dennis Bertrand - If the third party independent review should find that this flooding was mismanagement will Council drop the idea of this proposed change to the by-law.

Sheila Murphy – Are there going to be minutes from the meeting this evening. Yes they will be posted on our website.

John Endicott – Inquired as to how many catch basins exceeded the 2017 limit, it would be worth getting that information.

Barbara Ramsay – Stated that the by-law does not state anything about a structure being grandfathered. Clarification was given and noted that the By-Law does have a section that speaks to legal non-conforming structures and flood proofing.

Phil Dresch – Rhoddy's Bay – Does the proposed indemnity clause mean that should flooding happen again that the Township will not help with sandbags, to which the response was no – the Township will help with whatever is appropriate.

Peter Caletti – Rhoddy's Bay – Has the indemnity agreement been sent to the Township solicitor, the response was not yet.

Peter Caletti - Rhoddy's bay – Has the road been looked at for repair and is it being raised, in response it was noted that this is being applied for next week and the road and culvert are included in this.

Dan Smith – Sandy Hook – Is the Township planning to pick up debris on private property in the Township. This is a Council discussion and decision and will be brought forward.

Dennis Bertrand – Will council wait for the special advisers report to decide.

Peter Caletti – If you pass the By-Law with higher limits why do you need the indemnity clause, in response he was advised that it was to protect the Township.

Cathy Lindsay – Aikenhead Lane – There are some residents that feel Council is moving forward in the right direction. If the by-law is not supported and people don't change their building height then the taxes will keep going up in order to provide support and funds to these property owners.

Deputy Mayor Armsden inquired if any Council members wished to speak to the amendment to which there were none.

10. Further Information Requests List

Members of the public can leave their name and mailing address on the list at the back of the Council Chambers.

11. Adjournment

Deputy Mayor Armsden advised that the Public meeting process is now completed. Council will review the arguments for/and or against the zoning amendment. A staff report will be brought forward to the September 17, 2019 planning advisory Committee meeting for review and discussion.

The Public meeting was declared closed.

Deputy Mayor Armsden thanked everyone for their attendance.

The meeting adjourned at 7:35 p.m.

MAYOR

CAO/CLERK