

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

**From:** John Fleming, MCIP, RPP  
Managing Director, Planning & City Planner  
George Kotsifas P. Eng.,  
Managing Director, Development and Compliance Services &  
Chief Building Official

**Subject:** Upper Thames River Conservation Authority Dingman Creek  
Subwatershed Screening Area Mapping

**Meeting on:** November 12, 2018

## Recommendation

That, on the recommendation of the Managing Director, Planning & City Planner and Managing Director, Development and Compliance Services & Chief Building Official the following report **BE RECEIVED** for information.

## Executive Summary

### Purpose and the Effect of Recommended Action

This report provides a status update regarding the Upper Thames River Conservation Authority's (UTRCA) Regulatory Floodplain for the Dingman Creek Subwatershed

### Previous Reports Pertinent to this Matter

Civic Works Committee, October 6, 2015: "Dingman Creek Subwatershed: Stormwater Servicing Strategy Schedule C Municipal Class Environmental Assessment."

Civic Works Committee, February 3, 2013: "Contract Award T13-89 Dingman Creek Stormwater Management Erosion Control Wetland (ES2682)."

Municipal Council, November 20, 2012: "A by-law to amend the Official Plan for the City of London, 1989 relating to lands located in the southwest quadrant of the City, generally bounded by Southdale Road West, White Oak Road, Exeter Road, Wellington Road South, Green Valley Road, and the Urban Growth Boundary."

## Analysis

### 1.0 Context

#### 1.1 Dingman Creek Subwatershed

The Dingman Creek subwatershed (17,200 hectares) includes 74% of its drainage area within the City of London and the entire planning area of the Southwest Area Secondary Plan (SWAP). In October 2015, the City initiated the Dingman Creek Subwatershed: Stormwater Servicing Municipal Class Environmental Assessment (Dingman EA). The Dingman EA is reviewing previously recommended works in the context of current stormwater management practices, including Low Impact Development (LID), and natural channel design. In tandem, the UTRCA has undertaken a comprehensive review of the floodplain hazards adjacent to the Dingman Creek. Both of these initiatives are intended to inform the review of future development applications for lands located within the Dingman Creek Subwatershed.

## 1.2 UTRCA Regulatory Floodplain Update

The main objectives of the Regulation made under the Conservation Authorities Act are to ensure public safety and protect property with respect to natural hazards. The *Upper Thames River Conservation Authority: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses* (Ontario Regulation 157/06) establishes Regulated Areas where development could be subject to flooding, erosion or where interference with wetlands and alterations to shorelines and watercourses may have an adverse effect on those environmental features.

Watercourses and the associated regulated floodplains are one of the natural hazards that are components of the UTRCA's Regulation Limit. Regulation Limit Mapping is a tool used to identify and communicate where Natural Hazards are located. The methodologies followed and assumptions used in Regulation Limit Mapping development are based on provincial guidance prepared by the Ministry of Natural Resources and Forestry (MNR). As such, the UTRCA have the jurisdiction to regulate Natural Hazard areas (including the floodplain) in the Dingman Creek subwatershed. It should be noted that where there is a discrepancy between the mapping and the text of the Regulation, the text prevails. In addition, the Regulation applies to all areas described by the text of the Regulation, whether mapped or not.

The draft results of the UTRCA's updated flood modelling/mapping exercise have generally shown an increase in the regulatory floodplain limits across the Dingman Creek Subwatershed. UTRCA has a documented *Regulation Mapping Update Process* to guide transition for utilizing such updated information. The transition guidance includes:

- When making decisions regarding hazard lands, the Conservation Authority shall utilize the most recent and best available information including recent updates to floodplain modelling, watercourse, and wetland mapping – recognizing the Regulation continues to be 'text based'.
- When the available information is deemed insufficient to make decisions regarding hazard lands, the CA shall require the applicant to collect information, undertake calculations/modeling, produce mapping, etc., to allow an informed decision to be made regarding the hazard lands.
- Where the 'Principle of Development' has been established under the Planning Act, the Authority will work with the proponent and the municipality to pursue a resolution where possible.

Appendix A contains a map reflecting a combination of existing erosion and wetland hazard information (which are part of current Regulation Limit mapping) and the updated floodplain information.

In addition to the regulatory requirements under the *Conservation Authorities Act* regulations, Conservation Authorities have delegated responsibilities to represent provincial interests regarding natural hazards as outlined in Section 3.1 of the Provincial Policy Statement. These delegated responsibilities require Conservation Authorities to review and provide comments on official plans and comprehensive zoning by-laws and applications made under the *Planning Act*. As such, the Appendix A map information will also be utilized to inform *Planning Act* applications.

## 2.0 Key Issues and Considerations

### 2.1 Process for Screening Planning and Development Applications

The UTRCA Regulatory Floodplain Update is expected to have implications on the limits of the floodplain and the planning and development applications and land uses within the floodplain area determined through the update.

The UTRCA has provided mapping to City Staff that reflects the preliminary results of updated floodplain modelling. The City has also been advised that the updated UTRCA mapping will be presented to the UTRCA Board at its next meeting, on November 27,

2018. It is expected that the existing UTRCA transition guidance described above will be utilized moving forward with respect to the updated floodplain and natural hazard information.

The mapping identifies a “screening area”, where further review and refinement will continue as options for engineered flood mitigation and/or policy solutions are assessed through a subsequent phase of the Dingman EA. Following completion of the EA study and/or implementation of viable mitigation works, there may be changes to the UTRCA’s Regulatory Floodplain limits which can be incorporated through future amendments to The London Plan and the 1989 Official Plan.

In the interim, the City intends to use the “screening area” for planning and development applications and building permit applications as the engineering study continues. The City anticipates the UTRCA will request applicants obtain confirmation and approval from the UTRCA before any City approval of a planning, development or building application within this “screening area” of London. The UTRCA approval will ensure that the lands have appropriate access, minimize risk to public health and safety and not create new or aggravate existing hazards. The UTRCA’s Board will also be informed of this approach.

The City expects to continue coordinating with the UTRCA on the review of planning, development, and building permit applications utilizing the new “Screening Area” mapping.

## **2.2 Dingman Environmental Assessment Implications**

The objectives of the Dingman EA study are to develop stormwater servicing solutions for lands that are scheduled for development. As a result, the UTRCA floodplain update has triggered the recommendation for the EA to be phased into two components (See Appendix B for Phase 1 lands):

- *Phase 1* will address stormwater servicing requirements for select lands under the original EA scope of work. Phase 1 will only recommend municipal infrastructure for new development within tributaries outside of the area of influence of the updated Dingman Creek hazard lands.
- *Phase 2* will be a continuation of the Master Plan EA process but will include a new or expanded problem statement to analyze potential engineering infrastructure for Dingman Creek (and tributaries not included in Phase 1) to mitigate flooding on impacted lands (as well as to improve access), all in consideration of the updated hazard information. During this time, the UTRCA will continue to confirm the extents of the natural hazards that are components of the UTRCA’s Regulation Limits.

Phase 1 is targeted to be completed by mid-2019. This will recommend stormwater servicing for a study area of approximately 530 hectares. Phase 2 is targeted to be completed by end of 2021. An estimated cost of \$500,000 has been added to the 2019 Development Charges Update to complete this phase of the study. Phase 2 will recommend infrastructure for all Dingman lands within the City’s Urban Growth Boundary, including the remainder of the SWAP lands. The benefit of phasing the Dingman EA is to allow for development within the 0-5 year period to proceed wherever possible in accordance with the City’s Growth Management Implementation Strategy. A subsequent report to Civic Works Committee will outline the scope of Phase 2 in more detail.

## **2.3 Approach to Planning Studies Currently Underway**

The screening area approach will also be applied to any Secondary Plan, Master Plan, or other planning study that is currently under review. A forthcoming report will identify the issues of this floodplain modelling as it relates to the planning process for the White Oak-Dingman Secondary Plan; however, it should be recognized that the screening area implications are significant for this secondary plan area.

## **2.4 Next Steps**

The UTRCA will provide Planning Services, Environmental and Engineering Services, Development and Compliance Services, and other City Service Area staff a digital mapping file for identifying the lands within the screening area. Staff would then request the applicable development or building permit applicant in or near the screening area to contact the UTRCA for more information.

Following the November 27, 2018, report to the UTRCA Board, and confirmation of the City's proposed "screening area" approach, the City will return to Council with a report identifying additional considerations related to various types of land use categories within the "screening area", which may include developed versus undeveloped areas.

## **3.0 Conclusion**

The City will continue to work and assist the UTRCA in implementing their floodplain regulation mandate. The City will continue to evaluate stormwater servicing solutions within the Dingman EA for lands identified as Phase 1. A subsequent Phase 2 of the Dingman EA will be presented at the Civic Works Committee to identify potential options to mitigate the increased hazard limits for the balance of the lands within the City boundary.

Staff will return to PEC and Council with a report identifying additional considerations related to various types of land use categories within the "screening area", which may include developed versus undeveloped areas following further direction from the UTRCA after its Board meeting on November 27, 2018.

<b>Submitted by:</b>	<b>Gregg Barrett, AICP Manager, Long Range Planning &amp; Research</b>
<b>Submitted by:</b>	<b>Shawna Chambers, P.Eng. Division Manager, Stormwater Engineering</b>
<b>Recommended by:</b>	<b>George Kotsifas, P.Eng. Managing Director, Development and Compliance Services &amp; Chief Building Official</b>
<b>Recommended by:</b>	<b>John Fleming, MCIP, RPP Managing Director, Planning &amp; City Planner</b>
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services	

November 2, 2018  
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Appendix A - Dingman Subwatershed Screening Area Mapping  
Appendix B – Location Map: Dingman Creek EA Proposed Phase 1 Catchment Area

CC: Kelly Scherr, Managing Director, Environmental and Engineering Services & City Engineer  
Scott Mathers, Director, Water and Wastewater  
Paul Yeoman, Director, Development Services  
Peter Kokkoros, Deputy Chief Building Official

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## Appendix A – Dingman Subwatershed Screening Area Mapping

**Appendix B – Location Map: Dingman Creek EA Proposed Phase 1  
Catchment Area**