

## 6. EVALUATING YOUR FLOOD PLAIN PLANNING STRATEGY <sup>5</sup>

The focus of this guideline has been to provide all the facts and information that must be considered in developing a planning strategy for implementing flood plain management objectives. Since every strategy developed will likely be unique to the municipality or planning area for which it has been prepared, this guideline has not attempted to identify the various combinations and permutations available. They are innumerable.

Alternatively, this chapter will identify as comprehensively as possible the key principles and considerations that should be recognized, to create a sound and workable implementation strategy.

The key principles are:

- (1) the strategy should reflect a clear expression of the municipality's or planning area's objectives with respect to flood plain planning that are in keeping with the provincial policy statement;
- (2) the strategy should provide the features that clearly establish the principles of development affecting the flood plain;
- (3) appropriate and workable planning and regulatory mechanisms should be identified to implement the policies developed;
- (4) the strategy should be reasonable and realistic;
- (5) the strategy must provide the public with a clear understanding of what can or cannot be developed in the flood plain and the circumstances under which development can or cannot take place;

The discussion of each principle will identify questions and considerations against which a proposed strategy can be tested or evaluated as to whether it meets the intent of the provincial policy statement.

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The term as used herein refers to the set of policies, regulations and programs prepared and identified within a planning framework to deal with the flood plain planning issue, in a particular municipality or planning area.

## 6.1 Municipal (or Planning Area) Objectives

A flood plain planning strategy must clearly identify the municipality's or planning area's objectives with respect to flood plain planning.

- . Are these objectives and the overall strategy package adopted to meet these objectives, in keeping with the intent of the provincial policy statement?
- . By reading the official plan policies, zoning document and other mechanisms used, will the public know and understand what can or cannot happen in the flood plain?
- . Are the steps or actions to be taken in order to meet the intent of the strategy clearly explained and put in place?

## 6.2 Principle of Development

The principle of development as it applies to flood plains must be clearly established and respected.

- . Do the official plan policies identify what development can or cannot take place in the flood plain?
- . Do the official plan policies identify how decisions will be made regarding development in the flood plain?
- . Does/will the zoning clearly describe or identify the lands where development cannot take place?
- . Does/will the zoning identify the uses that will be permitted in the flood plain area, as well as the provisions relating to such uses?
- . Do all the statements in a zoning document serve to safeguard the integrity of the land use provisions of that document? (i.e. by-laws should not contain notes that transfer the ultimate land use decision to another medium, e.g. Conservation Authority Regulation, site plan control agreement).

- . Implementation mechanisms such as holding by-laws and site plan control presuppose that a commitment to development has been agreed upon by the municipality in cooperation with a Conservation Authority or the Ministry of Natural Resources. Therefore, in using these mechanisms as part of the flood plain strategy, a key question is whether the principle has been clearly established for the areas wherein these provisions will be used. Also, can or will the conditions either relating to the removal of the holding provision or contained in the site plan control policies and agreement, result in a required change to the principle of development. If yes, then a different approach should be taken.
- . Similarly, Fill, Construction and Alteration to Waterways Regulations can be relied upon in those situations where the principle of development can be established first with some confidence. Since they deal only with the construction details of a particular development, the principle of that development as established in the planning documents should generally not be jeopardized by the denial of a Conservation Authority permit. Therefore, a key question to consider is whether the approach adopted could result in decisions being made at the Conservation Authority Regulation stage that would render a zoning by-law's provisions inoperative or unimplementable?

### 6.3 Implementation Mechanisms

Appropriate and workable measures should be identified to properly and accurately put into effect the identified flood plain policies.

- . Do the implementation mechanisms (e.g. zoning provisions, site plan control provisions, etc.) conform to the official plan policies?
- . In the various "possible development approaches", does the zoning provide the proper controls required to ensure the official plan policies will work? For example:
  - . In the development constraint approach, the restrictive nature of the underlying zoning provides the real control.

- . In the two-zone approach, the zoning must clearly describe or identify the no-development area (i.e. floodway).
- . Are all the mechanisms identified in the strategy to be used in a manner that accurately reflects their legislative basis, e.g. site plan control provisions should not be used to regulate land use; they should be used to regulate site specific details for uses that are permitted by the zoning by-law.
- . Would the measures (as well as the overall approach) be reasonably defensible at the Ontario Municipal Board?
- . Do the implementation measures fit the local situation? e.g. in areas where land is not uniform, minimum elevations may not be as useful a measure for identifying the flood plain area or floodproofing requirements.
- . Are there adequate mechanisms in place to ensure that required floodproofing measures are implemented?
- . Does the jurisdiction exist to implement all components of the strategy?
- . If the Building Code permit system is to be relied upon to assist in implementing floodproofing provisions, are the following available:
  - . administrative capability?
  - . staff to issue building permits?
  - . staff to monitor construction?
  - . technical expertise about floodproofing measures?
- . If remedial works are part of the planning strategy, are they in keeping with the policies of the Ministry of Natural Resources and the Conservation Authorities? Also, is there clear statement of responsibilities with respect to maintenance, etc.?

#### 6.4 Reasonable and Realistic Approach

The approach identified should be reasonable in terms of its expectations and impacts, as well as realistic in terms of its implementability and suitability.

- . Is the approach compatible with the level of development activity characteristic of the area?
- . Are all the provisions in the official plan implementable? i.e. are there mechanisms available in the balance of the strategy (and in the community) to put the policies into place?
- . Are there the resources (manpower, administrative, financial) to ensure the implementation of the measures identified?
- . Is there the legislative basis for doing what is proposed in the strategy?
- . Can information be obtained with the requirements of the strategy, e.g. if studies must be done is the required information available?
- . If the flexible hazard approach is used, is there technical information available or can it be made available to determine whether a development can go ahead?
- . If floodproofing is a prerequisite to development, are the requirements within reason and/or compatible with the adjacent area. If not, reconsideration of the policy relating to the development may be required.
- . Will the policies and other provisions result in excessive document amendments?
- . Do the policies allow careful reason in their implementation, e.g. allowing minor infilling without requiring the full Special Policy Area process, or allowing minor exceptions to certain rules?

## 6.5 Public Awareness

The policies and regulations of a flood plain strategy should provide the public with enough information to be aware of what type of development can or cannot take place in the flood plain, as well as the conditions under which development can or cannot take place.

- . Will the public understand the policies?
- . Do the policies provide a landowner with a clear enough guide as to what is permitted on his or her land in the flood plain?
- . Do the policies tell the public/landowner what must be done in order to determine whether development can or cannot take place? Is the information relating to what has to be done available to the public/landowner?
- . Do the policies provide the public with enough guidance about from whom more information might be obtained?
- . Does the policy give information about the status of any lands that are deemed to be in the flood plain (e.g. with respect to public obligation to purchase, etc.)?
- . Would someone owning a lot of record know what policies (etc.) apply to his/her lot?
- . Is there a clear indication of where development applications would not be entertained, i.e. an absolute restriction, e.g. floodway?

### What About Existing Policies?

Many municipalities and planning areas already have comprehensive flood plain planning policies in place. These policies may also be evaluated on the basis of this section. When it comes time to do a major update (e.g. 5 year review), it would be appropriate to fill in any gaps that may exist in the overall strategy.

**APPENDIX A**

**APPLYING TO CHANGE THE REGULATORY  
FLOOD STANDARD  
WITHIN A WATERSHED**

**PROCEDURES**

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