

**WALKERTON  
OFFICIAL PLAN UPDATE**

**SPECIAL POLICY  
AREA  
REPORT**  
February 2009



# Table of Contents

1.0	BACKGROUND .....	1
2.0	POLICY REVIEW .....	1
2.1	Overview of Provincial Policy Statement .....	1
2.2	County of Bruce Official Plan .....	1
2.3	Walkerton Community Official Plan .....	2
3.0	ZONING IMPLEMENTATION .....	4
4.0	FLOOD PLAIN CLASSIFICATION OF THE PROVINCE .....	5
4.1	One Zone Concept .....	5
4.2	Two Zone Concept .....	5
4.3	Special Policy Area .....	5
5.0	DEFINING A SPECIAL POLICY AREA .....	5
6.0	PROPOSED POLICY FRAMEWORK .....	7

## **1.0 BACKGROUND**

Floodplain policies have been established across the Province in order to restrict development in areas where flooding may cause damage to life and property. Despite this, built up areas such as downtown Walkerton exist in floodplain areas because of historical development patterns. Therefore these developments exist as permitted uses within the floodplain. However, further development, expansion or alteration to said uses are often restricted and not permitted. In some cases this can be detrimental to the viability of a communities development and economic growth. In such cases, the Province has established legislation that allows for development to continue in the floodplain. These areas are know as Special Policy Areas and are recognized districts, created through Official Plan Amendments as directed by the various relevant Provincial Agencies, Conservation Authorities and Municipal Councils.

## **2.0 POLICY REVIEW**

### **2.1 Overview of Provincial Policy Statement**

Section 3.0 of the Provincial Policy Statement outlines Natural Hazard areas where development must not occur. Lands that are impacted by flooding hazards and or erosion hazards are prohibited areas of development.

Where a Special Policy Area has been approved, development and site alterations are permitted. The designation of Special Policy Area or the alteration to any boundary or policy of the Special Policy Area, must be approved by the Ministry of Natural Resources and Ministry of Municipal Affairs and Housing.

Institutional uses associated with hospitals, nursing homes, pre-schools, school nurseries, day care and schools where there is a threat to safe evacuation will not be permitted.

Essential emergency services such as fire, police and ambulance that may be impaired by flooding, will not be permitted in flood plain areas as well as activities related to the disposal or treatment of hazardous materials.

Development and site alterations may be permitted in the flood fringe if the appropriate flood proofing and flood hazards standards are met and agreed upon by the Minister of Natural Resources.

### **2.2 County of Bruce Official Plan**

Section 5.8 - Hazard Land Areas, identify lands that may pose a risk if developed. Municipalities and Conservation Authorities are charged with undertaking the floodplain mapping in order to properly define hazard lands.

Under the current policies, no new building may occur in Hazard Land Areas. Existing uses are recognized as conforming despite the environmental hazard designation. The expansion or enlargement of non-conforming uses is discouraged.

Floodplain Management Areas fall into three categories. The ‘one zone concept’ for flood plain management is most generally used, however a ‘two zone concept’ and Special Policy Area (SPA) may be used through amendments to the local Official Plans.

Special Policy Areas will be permitted where specifically stated in the Bruce County Official Plan or by Amendment to the County Plan and in local Official Plans, where they are consistent with Provincial floodplain policy.

### **2.3 Walkerton Community Official Plan**

The following summarizes the policies related to the flood plain in the Walkerton Community Plan.

#### **“1.5 Community Goals:**

- g) To protect and preserve lands having inherent physical and environmental constraints to development, in order to avoid potential danger to life or property from the use of such lands.*

### **3.7 Environmental Protection**

*It is the intent of the Municipality to protect life and property by respecting natural and manmade hazards and constraints in land use development. These lands should be left in a natural state.*

*The Saugeen River Floodplain includes all lands susceptible to flooding during a regional storm flood as shown on the 1982 floodplain mapping. Generally the floodplain consists of a floodway and a flood fringe. However, there do exist areas particularly in the downtown area and along Silver Creek, which have developed within the floodplain. This Plan applies an Environmental Protection designation along the floodway portion of the Saugeen River and Silver Creek and recognizes constraints to development within the flood fringe of the Saugeen River and Silver Creek.*

#### **3.7.1 Environmental Protection Goal**

*To protect and preserve lands having inherent physical and environmental constraints to development, in order to avoid potential danger to life or property from the use of such lands.*

#### **3.7.2 Environmental Protection Action**

- a) To limit development of lands with poor drainage, potential flooding and erosion, steep slopes or other physical limitations that could endanger human life, cause property damage and / or social disruption.*
- b) Recognize area of existing development for potential redevelopment within the “Flood Fringe Constraint Area” subject to the flood proofing requirements of the Saugeen Valley Conservation Authority.*

#### **3.7.4 Environmental Protection Policies:**

- a) Development and site alteration shall not be permitted within the floodway portion of the floodplain.*

- b) *No new development, structures, including enlargements or additions shall be permitted within 6 metres of the top of bank, on both sides of Silver Creek downstream of Ridout Street.*

### **3.7.7 Flood Fringe Constraint Areas**

*The Flood Fringe Constraint Areas shown on Schedule “A” (see figure 1) Land Use Plan, apply to all lands within the Regional Storm Floodplain between the limit of the Environmental Protection designation and the Regional Storm Floodplain for the Saugeen River and Silver Creek.*

*Development in the flood fringe may be permitted by this plan but does not imply that the flood risk is completely absent. Development could still experience flood damage and disruption from major flood events despite flood control dykes and flood proofing measures, with resulting consequence for landowners.*

#### **3.7.7.1 Flood Fringe Constraint Area - Saugeen River:**

*In the Flood Fringe Constraint Area for the Saugeen River the following policies apply:*

- a) *Within the Constraint Area, lands may be used according to their underlying land use designation provided that all development including expansion, conversion or reconstruction of existing uses and structures, or new development, provided that sufficient flood proofing measures and/or flood damage reduction measures, are incorporated into the structure to the satisfaction and approval of the Saugeen Valley Conservation Authority.*
- c) *Lands designated within the Constraint Area will be zoned according to their underlying land use designation, except that every zone shall include a reference to the flood fringe constraint with the appropriate zone symbol.*

#### **3.7.7.2 Flood Fringe Constraint Area - Silver Creek:**

*The Plan recognizes the need to permit the minor expansion of existing buildings and the creation of a limited number of lots for low density residential purposes by consent. It is the intent of this Plan therefore that the Silver Creek area will retain its present character and that any new development which could adversely impact on the storage capacity of the Silver Creek floodplain will not be permitted.*

- c) *Where site conditions make the attainment of flood proofing to the Regional Storm Floodline elevation unfeasible, a variance to this elevation may be considered in the following circumstances:*

- i) *Where the existing building is being changed from a residential to a non-residential use;*
- ii) *Where an addition to an existing building is intended for non-habitable use;*
- iii) *Where in the opinion of the Saugeen Valley Conservation Authority the difference in the above-ground floor elevation between the existing floor and a proposed floor, if above the Regional Flood level, would be excessive.*

**4.1.1 Economic Goals:**

*To provide a positive economic climate to attract industry, encourage private investment, create a wide range of employment opportunities, and enhance a balanced municipal assessment base.*

**4.1.2 Economic Actions:**

- c) *Strengthen Walkerton's downtown as the community's commercial focal point.*

*This reiterates the need for having a favorable economic climate and uninhibited development opportunities in order to meet this goal and make it feasible”.*

**3.0 ZONING IMPLEMENTATION**

The current Zoning By-law for the Walkerton Community contains the following regulations:

**“6.28 Watercourse Setbacks:**

*Requires a general 8 metre setback from an open municipal drain or from the top bank of any watercourse be maintained. This setback does not apply to lands under the Silver Creek Zone symbol ‘S’ as they are dealt with in section 14 of the by-law.*

**6.13 Non-Compliance of Existing Uses:**

*Where a building has been erected prior to the enactment of the by-law on a lot lacking the appropriate setbacks or other requirements may be enlarged, repaired or renovated, provided further setback reductions do not take place.*

**14 Silver Creek “S” Zone:**

*Where lands appearing on schedule ‘A’ (see figure 1) with a zone symbol followed by the Silver Creek Zone symbol ‘S’ such lands may be used in accordance with the zone symbol preceding the ‘S’ and shall be flood proofed to the satisfaction of the Saugeen Valley Conservation Authority.*

#### **4.5 Saugeen Valley Conservation Authority Permits:**

*Prior to any development taking place within designated areas outlined in Schedule “A” consultation with the Saugeen Valley Conservation Authority is required. Development may be permitted in part of the floodplain, provided appropriate flood proofing measures are incorporated into the development design”.*

### **4.0 FLOOD PLAIN CLASSIFICATION OF THE PROVINCE**

#### **4.1 One Zone Concept**

Planning authorities determine the flooding hazards limit, and prohibit all development or site alterations within those boundaries. Where the one zone approach is applied, the entire flood plain or the entire flooding hazard area defines the floodway.

All buildings or structures are prohibited, other than those that make use of the waterway, such as marinas and bridges.

#### **4.2 Two Zone Concept**

This approach identifies the floodway and the flood fringe. The Floodway refers to that portion of the floodplain where development and site alteration would cause a threat to public health and safety and property damage. The flood fringe is the portion of the flood plain where development may be permitted subject to certain established standards and procedures including flood proofing.

This concept is meant for communities within the floodplain that need to grow and meet new needs in an existing urban area.

#### **4.3 Special Policy Area**

In unique situations, communities are allowed to continue uses in a flood plain if the area is officially designated as a Special Policy Area (SPA). The application of the SPA concept is limited to those areas, which are essential for the continued viability of existing uses; e.g. historical sites or old neighbourhoods built before flood plain provisions were established.

The most permissive of floodplain policy, SPA’s are for communities for which even a two zone approach is too restrictive to ensure a communities existence. Each SPA will have its own criteria on a case by case basis.

### **5.0 DEFINING A SPECIAL POLICY AREA**

In order to get permission for a Special Policy Area the Municipality must satisfy the Province that the current two zone approach is too restrictive. Consideration of the hardship faced by property owners and business in the floodplain, costs to flood-proof

buildings to the required standards and preserving the economic viability of areas is considered in this process. The Special Policy Area would establish a level of flood protection less than the regulatory level. In Walkerton the regulatory level is the Hurricane Hazel flood event, which is very close to a 1:100 year storm. In essence, approval of the SPA increases flood damage risk in return for social and environmental benefits.

The procedure for SPA approval includes:

1. Pre consultation stage;
  - Discussion regarding the merits of the application and preliminary dialogue.
  - The Ministry of Natural Resources and Conservation Authority will be involved.
2. Request for Approval in Principle for Special Policy Area Status;
  - Municipal Council resolution.
  - Documents in support of the SPA including an outline of the technical criteria required.
  - Upper-tier Municipal Council resolution where applicable (Bruce County).
3. Application for Final Approval of Special Policy Area;
  - SPA Steering Committee is established to provide input regarding information requirements.
  - Once all technical studies are completed and the OPA policies have been prepared, they must be submitted to the appropriate provincial agencies for review and comment.
  - The final submission will include:
    - Adopted in principle OPA;
    - CA endorsement of the OPA;
    - Confirmation of the public review process;
    - Final version of the documentation supporting the establishment of the SPA, including all technical papers;
    - Justification of the SPA policy outlining its basis, the SPA boundary and the proposed future land uses and densities set out in the OP or OPA; and,
    - Implementation tools such as zoning or site plan control.
4. Post approval requirements;
  - Policies must be reviewed every five years in accordance with the Planning Act.
  - In accordance with the agreed upon implementation strategy, changes to the Zoning By-law must be made in a timely manner.
  - Changes to the Emergency response plan must be made in order to implement the SPA policies.

The Province, Municipality and Conservation Authority work together and consult with the Community to determine validity. Once agreed upon the appropriate policies are incorporated into the Official Plan and Zoning By-law.

## **6.0 PROPOSED POLICY FRAMEWORK**

The Regulatory Flood Plain is the approved standard used in a particular watershed to define the limit of the flood plain for regulatory purposes. Within the Saugeen Valley Conservation Authority's jurisdiction, the Regulatory Flood Plain is based on Hurricane Hazel.

- 1.0 Unless as otherwise permitted in this Plan, all new structures created in the floodplain will be flood proofed to the Regulatory Floodline in accordance with the requirements of the Conservation Authority.
- 2.0 Within the Walkerton Special Policy area new development and redevelopment of existing buildings and structures shall be permitted with a lesser level of flood protection. The level of flood protection in the Special Policy Area shall be the 1 in 500 years flood
- 3.0 Ingress and egress for all buildings shall be secured in accordance with the Provincial Flood Plain Planning Policy and technical studies conducted on local site-specific flooding conditions.
- 4.0 Before a building permit is issued, the Municipality will consult with the Conservation Authority regarding the use of fill and review construction regulations. Any proposed flood damage reduction measure, which may include setback, basement elevation, the strength of foundation walls, the placement of fill and the restriction of building openings, are to be evaluated. Appropriate flood proofing measures may be used as a condition for development approval.
- 5.0 The use of fill, the alteration of any watercourse or the construction of any proposed structures within the regulatory floodplain, will not be permitted within the Special Policy Area without the consultation and approval of the Conservation Authority.
- 6.0 Notwithstanding the provisions of the SPA, no new development or redevelopment will be permitted in areas where structures will be subjected to hazardous water flows either because of velocity and or depth of water or where buildings would be susceptible to major structural damage as a result of a flood, less than or equal to the Regulatory Flood line.
- 7.0 For reasons of public safety, the following uses shall not be permitted in a Special Policy Area:

- a) Elementary schools, day care centre, hospital, nursing home, seniors citizen housing, a home for the physically or mentally handicapped, residential care facility.
  - b) Automobile service station or development that includes, storage, handling, production or use of a chemical, flammable, explosive, toxic, corrosive or other dangerous material and the treatment, collection or disposal of sewage.
  - c) Building or Structure directly related to the distribution and delivery of an essential or emergency public service including police, fire, and ambulance ( EMS).
- 8.0 New development and redevelopment within the SPA may be required to complete relevant studies, possibly even including an environmental impact study. The need for such studies will be determined by both the Municipality and The Saugeen Valley Conservation Authority.
- 9.0 The Zoning By-law will permit the expansion and development of lands within the flood plain as to ensure the economic viability of the Walkerton downtown area.
- 10.0 All development within the SPA will be subject to site plan control.