



July 8, 2009

Mr. Ken Hetherington  
Manager, Planning Division  
Planning & Development Services  
City of Peterborough  
500 George Street North  
Peterborough, Ontario  
K9H 3R9

Dear Mr. Hetherington:

**RE: Official Plan Amendment, Growth Plan for the Greater Golden Horseshoe, City of Peterborough,  
ORCA File 2009-PA005**

Otonabee Conservation staff have reviewed the circulated Official Plan Amendment (OPA) to implement the requirements of the Growth Plan for the Greater Golden Horseshoe. This is a comprehensive OPA touching on many areas of provincial and local policy. Staff have had the opportunity to review the amendment and offer the following comments.

#### **General Comments**

##### *Extent of the Floodplain*

We note from Schedule A-1 that the floodplain has been delineated, presumably identifying areas that are not appropriate for development. In the past year, a significant portion of land in the Kingsway/Queensway/Parkway/Erskine area has been identified as floodplain. Areas south of the CN rail tracks in that area are also known to flood. Otonabee Conservation suggests that in order to attain the targets outlined by the Growth Plan and the OPA, comprehensive flood plain mapping be undertaken to identify areas considered to be at risk for flooding.

Similarly, we note that at this time lands that are subject to flooding are not identified and zoned appropriately in the City of Peterborough Consolidated Zoning By-law. It is also our opinion that meeting the targets identified in the OPA will depend on the full delineation of hazard lands with the City of Peterborough and their full recognition through appropriate zoning. We will be in a position to provide digital mapping of the area in the near future.

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### *Floodplain Policies*

We note that Sections 2.4.6 through 2.4.13, Section 3.7 and Section 4.2.3 of the OPA borrowing heavily from the Provincial Policy Statement (PPS), often inserting the text from the PPS verbatim. These sections address employment areas, transportation, cultural heritage, natural heritage, infrastructure and public service facilities, sewage and water, water, energy and air quality and housing. Employing the wording of the PPS is a means to ensuring that municipal planning documents and decisions are consistent with the PPS.

The Growth Plan notes that “as provided in the Places to Grow Act, 2005, this Plan prevails where there is conflict between this Plan and the PPS. The only exception is where the conflict is between policies relating to the natural environment or human health. In that case, the direction that provides more protection to the natural environmental or human health prevails.”(Government of Ontario, 2006:11)

The existing text within the City of Peterborough’s Official Plan does not reflect the current text or the intent of the PPS. Section 3.4.3 of the OP states: “flood plains are regarded as hazardous lands. Development and site alteration may be permitted in hazardous lands and sites provided it is demonstrated that the development can be carried out to the satisfaction of the Conservation Authority,” while Section 3.1.2 of the PPS directs that development and site alteration shall not be permitted within a floodway. To ensure that the implementation of the Growth Plan is consistent with the PPS as it relates to human health, Section 3.4 of the Official Plan should be brought into compliance with the PPS. As has been done in other policy areas, the City may wish to consider employing the text of Section 3.1 of the PPS.

### *Urban Growth Centre, Major Transportation Corridor and Intensification Corridor – Schedule A-1*

The three areas targeted for intensification, as required by the Growth Plan, are the “Urban Growth Centre”, “Intensification Corridors”, and “Major Transit Corridors”. The three areas identified for intensification all contain floodplain. As noted above, the PPS does not permit development within a floodway and prevails over the Growth Plan in areas of human health (addressed through Section 3.0 of the PPS – Protecting Public Health and Safety). All lands within a floodplain that are not managed under a two-zone approach (floodway and flood fringe) are considered floodway.

The lands within the floodplain in the Urban Growth Centre were designated a Special Policy Area (SPA) by the Province in 1991. The intent of an SPA is to provide the flexibility in planning decisions in order to allow for the continued viability of the existing uses. The intent of an SPA is not to support significant intensification, particularly that envisioned by the Growth Plan (e.g. residential units), within the floodplain. As such, lands that are within the floodplain should be removed from those areas targeted for intensification.

### Section Specific Comments

#### 2.4.4.1

The first sentence of Section 2.4.4.1 of the OPA reads: “A significant portion of future growth will be directed to areas within the Built Boundary of the City, through infill or appropriate intensification, in locations where infrastructure capacity exists or can be readily improved, and where additional development can be compatibly integrated with existing built form and land use patterns.” To reflect the intent and the requirements of the PPS this sentence should read “A significant portion of future growth will be directed to areas within the Built Boundary of the City, through infill or appropriate intensification, in locations where infrastructure capacity exists or can be readily improved, and development can be compatibly integrated with existing built form, land use patterns, **natural heritage features, and natural hazards.**”

2.4.5.1

The section reads "The Urban Growth Centre, which comprises a significant portion of the Central Area of Peterborough, will be planned to achieve a density of 150 residents and jobs combined by 2031, through increasing intensification of under-developed parcels of land and redevelopment, **having regard to development limitations imposed by the Jackson Creek flood plain.**" Section 3 of the *Planning Act* directs that decisions affecting planning matters "shall be consistent" with the PPS. As noted previously, the PPS does not permit development or site alteration within a floodplain. Therefore, this section should meet the standard identified by the *Planning Act* and the PPS. We would suggest replacing the phrase "having regard to development limitations imposed by the Jackson Creek flood plain" with "**of lands outside of the floodplain of Jackson Creek and the Otonabee River.**"

2.4.10.1

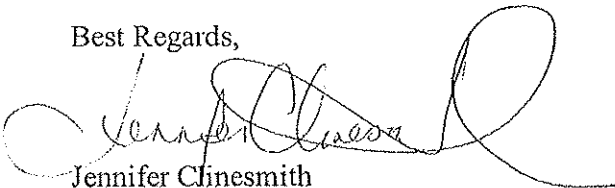
This section notes that no development or site alteration will be permitted in significant habitat of endangered or threatened species, significant wetlands, significant woodlands, significant valleylands, significant wildlife habitat and significant areas of natural and scientific interest unless it has been demonstrated that there will be negative impacts on the natural features or their ecological functions. Please note that Section 2.1.3 of the PPS does not permit any development or site alteration in significant habitat of endangered species and threatened species or significant wetlands. As noted above, in matters related to the natural environment, the provisions of the PPS prevail. The text of this section should be altered to reflect the requirements of the PPS.

In conclusion, the following steps should be taken to ensure consistency with provincial policy:

1. The text of section 3.4 of the City of Peterborough Official Plan, and sections 2.4.4.1, 2.4.5.1 and 2.4.10.1 of the OPA should be revised to reflect the wording and intent of the current PPS with respect to the natural environment and human health.
2. Remove lands within the floodplain from areas targeted for intensification (i.e. intensification corridors).

Please do not hesitate to contact us if you have any questions.

Best Regards,



Jennifer Clinesmith  
Manager, Planning & Regulations

cc. Ron Millen, Otonabee Conservation Chair  
Jack Doris, Otonabee Conservation Board Member  
Bob Hall, Otonabee Conservation Board Member  
John MacDonald, Ministry of Municipal Affairs & Housing  
Darlene Dove, Ministry of Natural Resources