



Staff Report for Committee of the Whole Meeting

Date of Meeting: June 20, 2017

Report Number: SRPRS.17.103

Department: Planning and Regulatory Services

Division: Policy Planning

Subject: Approval in Principle of the Draft Official Plan Amendment and Draft Zoning By-law Amendment for the Lake Wilcox Special Policy Area – Town File # D10-PL-SP (SRPRS.17.103)

Purpose:

The purpose of the Staff Report is to request “Approval in Principle” from Council of the Draft Official Plan Amendment and Draft Zoning By-law Amendment for the Lake Wilcox Special Policy Area, in accordance with Provincial guidelines.

Recommendation(s):

In accordance with the Ministry of Natural Resources and Forestry’s (MNRF) procedures for approval of modifications to existing special policy areas (SPA), it is recommended that:

- a) Council provide “approval in principle” of the Draft Official Plan Amendment and Draft Zoning By-law Amendment for the Lake Wilcox SPA as attached;
- b) That this report (SRPRS.17.103) be provided to the Region of York for a resolution supporting approval in principle for the SPA;
- c) That this report (SRPRS.17.103) be provided to the Toronto and Region Conservation Authority (TRCA) for a resolution supporting approval in principle for the SPA; and,
- d) That subject to resolutions outlined above, Town staff be directed to submit a request for approval of the Official Plan amendment attached hereto from the Minister of Municipal Affairs and the Minister of Natural Resources and Forestry.

Contact Person:

Michal Matyjewicz, Planner II - Policy, phone number 905-747-6428.

Submitted by:

Kelvin Kwan
Acting Commissioner of Planning and Regulatory Services

Approved by:

Neil Garbe
Chief Administrative Officer

Background:

The draft Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBLA) that is the subject of this report is specific to parts of the flood plain, located in proximity to Lake Wilcox in the northern quadrant of the Town of Richmond Hill. In 1995, the Ontario Municipal Board (OMB) approved OPA 129, the secondary plan for this area, which included Special Policy Area (SPA) policies.

An SPA is a Provincially recognized and mandated approach to flood plain management within a given community. It is defined by the Provincial Policy Statement (PPS, 2014) as:

“..an area within a community that has historically existed in the flood plain and where site-specific policies, approved by both the Ministers of Natural Resources and Municipal Affairs and Housing, are intended to provide for the continued viability of existing uses (which are generally on a small scale) and address the significant social and economic hardships to the community that would result from strict adherence to provincial policies concerning development. The criteria and procedures for approval are established by the Province.

A Special Policy Area is not intended to allow for new or intensified development and site alteration, if a community has feasible opportunities for development outside the flood plain.”

The approval of an SPA requires that the Provincial and municipal levels of government, and the applicable Conservation Authority, collectively agree to take on additional risk associated with permitting development in the flood plain which is otherwise not permitted by Provincial Policy. As such, the approval of a new SPA, or modifications to existing SPAs, requires detailed technical and land use analysis. There are only a limited number of SPAs approved by the Province in Ontario.

The existing Lake Wilcox SPA is located within the Humber River watershed on the north side of Lake Wilcox and west of Yonge Street, on the north and south sides of King Road (see Map 1). The policies and boundary of the existing Lake Wilcox SPA were approved by an Order of the OMB respecting OPA 129 (the former North Urban Area Secondary Plan) on July 10, 1995, almost 22 years ago. These policies were intended to permit the continuation of existing uses where they existed within parts of the flood plain.

On July 12, 2010 Council adopted the Richmond Hill Official Plan (OP). The OP identifies studies to be completed in order to implement the OP vision. It includes direction to undertake the Lake Wilcox Special Policy Area (SPA) Review in order to update the existing policies and mapping. The OP contains SPA policies (Section 3.2.2.4) which were largely carried forward from OPA 129, with minor modifications to be consistent with the PPS, 2005.

Generally speaking, the OP policies permit development in accordance with the Zoning By-law, subject to the incorporation of flood protection measures to the satisfaction of the Town and Conservation Authority. In order to implement Provincial policy, the OP policies prohibit the creation of new lots within the SPA. These OP policies were reviewed by the Province and York Region and were determined to comply with Provincial policy. Prohibiting the creation of new lots in the SPA is also essential to minimize the risk to public health, safety and property damage and to the liability assumed by the Town.

It should be noted that in their respective reviews of the Town's OP, the Region of York and the Province indicated that the Town's SPA policies, and specifically the "no new lot creation" policy, duly reflect and implement the PPS definition of SPA. SPAs are not intended to allow for new or intensified development and site alteration, provided that sufficient feasible opportunities for development exist outside of a flood plain within a community. Through the preparation of the OP, and specifically the Housing and Residential Intensification Study, it was determined that Richmond Hill (including the community of Oak Ridges) has ample feasible opportunities to develop outside of the flood plain.

In April 2012, the Ontario Municipal Board (OMB) approved a substantial portion of the OP. On that basis, the OP's SPA policies as contained in Section 3.2.2.4 "Special Policy Areas" are in force and effect except where they remain under appeal site specifically. A hearing on the matter of these policies has not been scheduled.

Lake Wilcox SPA Review:

The Lake Wilcox SPA Review was undertaken to update the existing policies and mapping to ensure consistency with the Provincial Policy Statement, 2014 (PPS, 2014) and the Toronto and Region Conservation Authority's (TRCA) updated flood plain mapping for the area. It was undertaken in accordance with the Ministry of Natural Resources and Forestry's (MNRF) *Procedures for Approval of New Special Policy Areas (SPAs) and Modifications to SPAs Under the Provincial Policy Statement, 2005 (PPS, 2005), Policy 3.1.3 – Natural Hazards - Special Policy Areas* (MNRF's Technical Guidelines for SPAs). The MNRF's Technical Guidelines outline the process for SPA Review Studies and approval.

In accordance with the MNRF's Technical Guidelines for SPAs, a Terms of Reference for the study was received by Council in November 2011 (SRPRS.11.158). Following the Terms of Reference, Town staff, together with TRCA staff, prepared technical information including updated flood plain mapping for the East Humber River area in 2014. Based on this technical information, Town staff, together with TRCA staff, prepared a draft SPA Justification Report that was submitted to the Province for preliminary review.

In late December 2015, Provincial staff provided their comments to Town staff on the draft SPA Justification Report. Based on those comments, Town staff provided Council with an update report on the Lake Wilcox SPA Review in February 2016

(SRPRS.16.030). That update included the draft SPA Justification Report, the proposed OPA to update the SPA policies, and an overview of the next steps in the study process. This information was also made available on the Town's website.

In May 2016, Town staff held targeted stakeholder meetings with the two parties who appealed the SPA policies and schedules in the Town's OP. In June 2016, Town staff hosted an Open House in Oak Ridges to update the community on the purpose and scope of the study, the work completed to date (including Provincial comments) and next steps. In keeping with the Town's protocol, notification was provided to properties within 120 metres of the existing and proposed SPA. TRCA, York Region and Provincial staff were invited to attend the Open House. Approximately 75 community members attended the Open House.

Since that time, Town staff, together with TRCA staff, have prepared a revised SPA Justification Report that responds to the Provincial comments received on December 18, 2015 (see www.RichmondHill.ca/LakeWilcoxSPA for the complete report). The revised SPA Justification Report responds to the technical and land use planning information requirements of the MNRF's Technical Guidelines for SPAs and includes a draft OPA which sets out proposed boundary and policy modifications to the existing Lake Wilcox SPA. In accordance with the Province's comments on the matter, a draft ZBLA to the same effect also forms part of the revised SPA Justification Report.

The revised SPA Justification Report addresses the technical and land use planning information requirements of the MNRF's Technical Guidelines for SPAs and is divided into three parts:

Part A: Context

This section provides an analysis of Provincial, Regional and local policies and establishes the policy basis for the study. It was determined that certain policies in the PPS, 2014 have changed compared to the PPS, 2005, which was the relevant PPS at the time that the Town's 2010 Official Plan (OP) was prepared. The revised SPA Justification Report recommends modifications to the OP to ensure the SPA policies are consistent with the PPS, 2014, as required by section 2 and 3 of the *Planning Act*. In accordance with Provincial comments, a ZBLA is also recommended.

Part B: Technical Analysis and Emergency Management

This section provides information to address the technical and emergency management / safety requirements of the MNRF's Technical Guidelines for SPAs. It includes a flood plain characterization undertaken by the TRCA, which determined that the flood plain, based on a major storm event, has expanded (see Map 3). The flood risk assessment identifies the extent of low and high risk areas. This assessment has determined that the majority of lands in the existing SPA are in the high risk category, indicating that the depth of water and/or velocity (speed) of flows and/or a combination of the two may pose a risk for human stability (i.e. a person's ability to stand upright) in a major storm event. To address the emergency management requirements of the MNRF's Technical Guidelines, the Town's emergency management policies and

procedures, as outlined in Richmond Hill's Emergency Plan, were reviewed with the Town's Fire and Emergency Management staff and included in the SPA Justification Report to demonstrate how the Fire and Emergency Services group would be deployed in an emergency situation, including a potential flood event.

Part C: Planning Analysis and Special Policy Area Justification

This section identifies the evolution of the local planning context and examines existing conditions, responding to the land use planning information requirements of the MNR's Technical Guidelines for SPAs. The examination of existing conditions in the Lake Wilcox north shore and King Road SPA sub-areas determined that the continued use of the SPA flood plain management approach is appropriate. However, a boundary reconciliation for the existing SPA is proposed (see Map 2 for the Proposed SPA). As a means of synthesizing the technical/safety (flood plain characterization, flood risk and emergency management) and land use planning policy considerations inherent in SPA boundary reconciliation, planning principles were developed to guide whether lands should or should not be added to the existing SPA.

Generally speaking, principles for removing lands from the existing SPA included: the removal and/or reduction in the flood plain area on the lands; the designation of the lands as part of the Greenway System (as defined by the OP 2010); and potential for expansion of existing uses outside of the flood plain. Principles for adding lands to the SPA included: the expansion of the flood plain to include the lands; the location of the lands within various categories of risk as defined by the major storm event; and impact to the viability/continuation of existing uses in light of the PPS, 2014 policies for hazard lands.

Draft Official Plan and Zoning By-law Amendments:

In accordance with the MNR's Technical Guidelines, a draft Official Plan Amendment (OPA) and draft Zoning By-law Amendment (ZBLA) was presented at the May 24, 2017 Council Public Meeting (see SRPRS.17.088, Appendix A for the draft OPA and Appendix B for the draft ZBLA). Notification was provided to properties within 120 metres of the existing and proposed SPA. The purpose of these amendments is to implement required boundary modifications to the existing "Special Policy Area" (as set out in Schedule A2 and A7 of the Part I OP) and the "Special Policy Area," "Natural Hazards" and "Neighbourhood" policies of the OP based on the Lake Wilcox SPA Review Study.

A series of modifications to the policies of the OP (2010) are set out in the OPA attached in Appendix A. The modifications to the policies of the OP (2010) may be characterized as follows:

Town-wide modifications to ensure consistency with the PPS, 2014

Certain policies of the PPS, 2005 were modified in the PPS, 2014. The OP's Natural Hazard (Section 3.2.2.3) and Special Policy Area (Section 3.2.2.4) policies were based on the PPS, 2005. In order to continue to address the Natural Hazard policy goal of

limiting the risk to public health and safety and/or of property damage resulting from flooding, the OP's "Natural Hazards" and "Special Policy Area" policies are proposed to be modified to reflect changes in policy language of the PPS, 2014. The PPS, 2014 changes clarify that modifications to SPA boundaries, land use designations and/or policies require the approval of the Ministers of Municipal Affairs and Natural Resources and Forestry, the range of permitted and prohibited uses and technical/floodproofing standards and safe access requirements.

Area-specific modifications to the "Neighbourhood" designation in the OP (2010)

Given the direction of the PPS, 2014 to limit intensification within the flood plain and to minimize risk to public health and safety, staff recommend that residential use permissions for SPA lands within the "Neighbourhood" designation be limited to single detached dwellings. This will facilitate implementation of these overarching health and safety considerations while at the same time affording protection for the rights of property owners, by allowing for existing dwellings to be redeveloped in the form of replacement housing.

Modifications to the Schedules in the OP (2010)

Modifications to the OP (2010)'s Schedule A2 "Land Use" and Schedule A7 "Flood Plain Regulation Areas, Special Policy Areas and Flood Vulnerable Areas" are required to implement the Lake Wilcox SPA boundary reconciliation. Schedule 1 of the Draft OPA identifies the land subject to the amendment and the SPA boundary in greater detail.

In accordance with the MNRF's Technical Guidelines for SPAs, prior to final adoption of the OPA, the Town is required to seek the approval of the Minister of Natural Resources and Forestry (MNRF) and the Minister of Municipal Affairs (MMA), who retain approval authority for SPA matters.

Draft Zoning By-law Amendment (ZBLA)

The lands within the proposed SPA are regulated by Zoning By-law 256-88, as amended. The majority of the SPA is in the "R6" zone which permits single detached dwellings. In conjunction with the OPA, a corresponding draft ZBLA was prepared by Town staff. The purpose of the draft ZBLA is to ensure the implementation of the draft OPA described above. Generally speaking, the ZBLA can be characterized as further amending Zoning By-law 256-88 to replace the existing "Flood Damage Centre" overlay with a "Special Policy Area" overlay and to implement updated regulatory standards associated with the SPA. The draft ZBLA also implements OP policy by prohibiting secondary suites within the SPA as a measure to minimize the risk to life and property.

It should also be noted that in May 2017, Provincial staff confirmed that their December 2015 comments on the draft SPA Justification Report have been addressed by the revised SPA Justification Report and the draft OPA and ZBLA.

Conformity with Upper Tier Plans:

The Official Plan Amendment associated with the Lake Wilcox SPA Review Study is required to conform to the planning direction in upper-tier plans and policy statements provided by the Region of York and the Province of Ontario, respectively. The Province of Ontario governs the policy-led land use planning system through the Planning Act, the Provincial Policy Statement (2014), and Provincial Plans. Under section 3(5) of the Planning Act, all decisions made by a municipal council or other planning authority that affect a planning matter must be consistent with Provincial policy statements and must conform with Provincial plans.

Provincial Policy Regime

The Provincial Policy Statement (PPS, 2014) sets the policy foundation for land use planning in the Province of Ontario. Among other matters, the PPS, 2014 aims to support Ontario's long-term prosperity, environmental health and social well-being. Through its policies, this document provides direction for protecting public health and safety and reducing the potential for public cost or risk to Ontario's residents from natural hazards. It sets out that development shall be directed away from areas of natural hazards, where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards. It also sets the framework for SPAs and provides policy direction for such areas. Municipalities are responsible for implementing the broader Provincial policy framework at the local level through the development of Regional and Local Municipal Official Plan documents.

The Growth Plan for the Greater Golden Horseshoe ("Growth Plan", 2017) supports compact and complete communities, protecting agricultural lands, water resources and natural areas and addresses climate change. However, to ensure the development of complete communities that are healthy and safe, and in order to protect public safety and prevent future flood risks, the plan directs growth away from hazardous areas, including those that have been identified as special policy areas in accordance with the PPS, 2014. The policies of the Growth Plan clarify that intensification and density targets would not require or enable growth beyond what is permitted under the PPS, 2014 for special policy areas and other hazardous lands.

York Region Official Plan

The York Region Official Plan ("ROP") provides policies pertaining to natural features as components of the Greenlands System (Section 2.2) and water systems (Section 2.3). To minimize risks to human health and safety and property associated with natural hazards, the ROP directs development away from hazardous lands and hazardous sites, and prohibits new lot creation in such areas. The ROP identifies the Lake Wilcox SPA as an "Approved Floodplain Special Policy Area" and directs that SPAs not be planned for intensification beyond the level of development that is currently provided for in the local OP, unless it has been demonstrated that no other alternatives exists outside of the flood plain. In addition, ROP policies underscore the Province's role in approving new SPAs or modifications to the policies and/or boundaries of existing SPAs.

The draft OPA and ZBLA are technical amendments which will update the Town's policy and regulatory framework to be consistent with the PPS, 2014 and conform with the Growth Plan, 2017 and the ROP.

Summary of Comments:

The following section summarizes the main comments received from the public on the draft instruments associated with the Lake Wilcox SPA at the May 24, 2017 Council Public Meeting, organized by themes:

- Accuracy of flood plain mapping;
- Flood plain remediation measures;
- Creation of new lots in the SPA; and
- Removal of the Existing SPA.

Staff's responses to the comments are provided under each theme.

Accuracy of flood plain mapping

Comments from the public were received on the accuracy of the flood plain mapping prepared by the TRCA. Flood plain management is a fundamental mandate of the TRCA, and this mandate is supported by policies that limit development within the flood plain. Knowing the extent of the flood plain is an important tool for land use planning and emergency management. This knowledge helps guide sensitive land use away from high-risk areas and, for areas where development has already occurred (such as a SPA area), it helps to identify ways to mitigate flood risk, all with the aim of better protecting people, property, and the resilience of our urban areas. On that basis, the preparation of flood plain mapping is a key purview of the TRCA. A comparison of flood lines is provided in Map 3.

In 2012, TRCA and the Town of Richmond Hill commenced an update of the flood plain maps for the East Humber River, covering an area from Bathurst Street to the headwaters including Lake Wilcox. This update included the most current topographic information available for this study area, including information on new built-up areas, and refined elevation and contour information. This update was also necessary to include smaller watercourses, and their tributary areas, that were not part of the previous East Humber watershed model. The update was based on the SWMM5 model, resulting in a more refined depiction of the flood plain when compared to other models. In addition, the update validated and/or refined the position of the regulatory flood lines to be consistent with the most current topographic information. In 2014, flood plain maps were prepared in accordance with the MNRF's Technical Guide, peer reviewed and approved by TRCA, and provide the technical base for the Lake Wilcox SPA Review. It should be noted that the MNRF also reviewed the technical documentation and have accepted the modeling approach and resultant maps. This provided the technical basis for the SPA Justification Report, the draft OPA and draft ZBLA.

As further set out in the SPA Justification Report, the findings of the modeling and flood risk assessment were as follows:

- The regulatory flow rate at Yonge Street was 83 metres cubed/second according to the SWMM5 model. This is higher than the previous estimates derived from the 2002 SWMHYMO model. The difference is attributed to increased detail, due to subdivision of catchment areas, and better representation of hydrologic processes within the catchments.
- The majority of the existing SPA will experience 1 to 2 metres depth of flooding near the shoreline of Lake Wilcox, while shallow areas will exist at the outer boundaries.
- Velocities are less than 1 metre/second throughout the existing SPA due to the backwater conditions created by the Yonge Street culvert which promotes stagnation and lower flow velocities.
- According to the MNR's "2 x 2" rule, the majority of the existing SPA is considered high risk with low risk areas situated in the northeast area of the SPA. As the velocities in the SPA are generally low, the risk criterion is exceeded on the basis of depth of flooding.

Flood plain remediation measures

Comments were received questioning the scope of the assessment of flood plain remediation options as part of the Lake Wilcox SPA Review and why these options could not be further considered and/or implemented. As part of the study, Burnside Consulting was retained jointly by the TRCA and the Town in 2014 to investigate alternatives available for reducing or eliminating the flood vulnerabilities in the SPA. The study looked at the contributors of flooding that impact the flood limits within the Lake Wilcox area. Where distinct causes of flooding were determined, potential opportunities to reduce the aggregate flood risk within the SPA were identified, and the benefits and costs of such alternatives assessed on a preliminary basis.

The Burnside study concluded that the primary influence on the flood levels within the SPA is the capacity of the culvert at Yonge Street into which the Lake Wilcox outlet channel discharges. During the Regulatory Storm event, the culvert does not have sufficient capacity to convey the Regulatory flows from one end to the other, resulting in floodwaters building up in the valley/flood plain east of Yonge Street. Flood depths on the east side of Yonge Street eventually reach a level that allows water to flow over and across Yonge Street, and into the East Humber River on the west side of Yonge Street. A number of alternatives for remediation or elimination of flood risk within the SPA were identified, all centered on improvements to the capacity of the crossing at Yonge Street.

The alternatives assessed included:

1. "Do Nothing": This alternative was considered as a baseline for comparison. The "Do Nothing" alternative results in minimal capital expenditure, minimal social disruption, and property owners maintain the same opportunities to re-develop as

currently exist. However, there is no reduction to the flood vulnerability within the Lake Wilcox SPA under the “Do Nothing” alternative. It is therefore considered the least preferred alternative in terms of flood plain remediation.

2. Twin 3.0 metres by 2.4 metres Box Culverts: This alternative consists of replacing the existing Yonge Street culvert with twin 3.0 metres by 2.4 metres concrete box culverts. It would only result in a flood reduction of 0.04 metres from the existing Regulatory flood elevation. Further, the proposed works would require significant capital cost and result in disruption to local traffic during construction periods. As the culvert works associated with Alternative 2 only result in a minimal reduction in the Regulatory flood elevation, no removal of residential homes and structures out of the flood plain would occur. It was therefore determined that there is no meaningful advantage to this option.
3. 10, 15 and/or 20 metres Clear-Span Bridge: This alternative consists of replacing the existing Yonge Street culvert with a Clear-Span Bridge of varying width. By using a Clear-Span Bridge, the conveyance capacity is improved without being impacted by a support structure in the middle of the channel flow path, as a twin box culvert would present. While some remediation of the flood plain is observed, all vulnerable structures would not be removed and the area surrounding the crossing location is congested with utilities and municipal infrastructure that will require costly relocation. Further, the channel downstream of the crossing will require improvements, which in turn will necessitate property acquisitions to facilitate. Furthermore, the need for improvements extends beyond the Town’s municipal boundary into the Township of King. Finally, as with all replacements, all Clear-Span Bridge alternative options will require traffic disruption during the construction period. It should also be noted that these alternatives would impact streets under the jurisdiction of the Region of York, and associated works would therefore require the Region’s support and approval. The estimated construction cost for these various alternative options, without inclusion of funds required for necessary engineering design studies and utility relocations, would be in the range of approximately \$2,962,880 - \$3,661,440 (in 2013 dollars).

None of the alternatives investigated have the ability to remove all vulnerable structures from the flood plain, as in the end, the relatively flat topography within the overland areas in the SPA promotes a wide, shallow flood plain under expected flow conditions. It would require major engineering works including regrading of the shoreline of Lake Wilcox to eliminate the wide shallow flood plain that exists. Ultimately, the major engineering works required, and their associated costs, would not result in the removal of all vulnerable structures from the flood plain.

Creation of new lots in the SPA

Comments were received from some stakeholders in support of the creation of new lots within the SPA. As noted above, through the adoption of the OP (2010), Council confirmed its support for a policy to prohibit new lot creation within hazard lands, including the SPA. The policy direction of the OP was informed by a number of studies

and reports, including the Environmental Policy Review (2009), the Housing and Residential Intensification Study (2009) and the Major Policy Directions Report (2009). The policy to prohibit lot creation within hazard lands was also supported by the TRCA when Town Staff were drafting the OP.

On April 8, 2011, the Province provided its comments on the Town's Official Plan (2010) to York Region. The comments confirmed that the "no new lot creation" policy reflected the PPS, 2005 definition of the SPA, which stated that: "A SPA is not intended to allow for new or intensified development and site alteration, if a community has feasible opportunities for development outside of the flood plain." Moreover, Provincial staff noted that based on the Housing and Residential Intensification Study, there are feasible alternatives for development outside of the flood plain.

On May 19, 2011, York Region Staff brought forward a report in respect to the approval of Richmond Hill's OP. In respect to the SPA, York Region staff identified that while one submission opposed the restriction of lot creation in the SPA, the PPS, 2005 was clear and restricted intensification within SPAs. The proposed policy was determined to be consistent with the PPS, 2005, and accordingly, no change in the RHOP was recommended by York Region.

As described above, the public agencies responsible for the SPA support the no new lot creation policy of the OP as a means to minimize the risk to life and property within the flood plain. On this basis, no further changes are proposed to the policies as set out in the OP and draft OPA as attached in Appendix A.

Town staff acknowledge that there are certain existing lots within the SPA area which exceed the minimum lot size requirement established by Zoning By-law 256-88, as amended. To ensure that the development of these lots is in keeping with in character of the surrounding community, Town staff will rely on the implementation of the OP's "Neighbourhood" policies (Section 4.9), which speak to design and compatibility with the character of adjacent and surrounding areas, and "Site Plan Control" policies (Section 5.14).

Removal of the Existing SPA

Comments were received regarding the removal of certain lands from the existing SPA. The SPA Justification Report sets out the proposed areas to be removed from the existing SPA based on a planning analysis undertaken by Town staff. These lands include approximately 0.365 hectares in the Lake Wilcox north shore sub-area (corresponding to municipally owned lands used for the purpose of a park) and 2.11 hectares in the King Road SPA sub-areas. The King Ring SPA sub-areas are proposed to be removed as these lands are predominately within the Greenway System of the OP or have some potential to expand outside of the flood plain, as it has decreased in a portion of this area on the basis of the updated flood plain mapping.

It should be noted that the existing SPA will remain in effect until such time that the Provincial Ministers issue their approval, Council formally adopts an implementing OPA

and York Region issues its approval. Should the SPA be removed, the “One Zone Concept” would apply. Generally speaking, it does not permit development within the flood plain. However, in some circumstances, the TRCA may permit limited expansions/additions to existing buildings, and/or accessory structures, within the flood plain through its review process. On that basis, no further changes are proposed to the proposed SPA boundary, as set out in the draft OPA attached in Appendix A.

Financial/Staffing/Other Implications:

The approved Planning and Regulatory Services Department Capital Budget includes funding for this project. There are no financial/staffing/other implications.

Relationship to the Strategic Plan:

Stronger Connections in Richmond Hill

The SPA Review will strengthen and support inter-governmental working relationships with York Region, the Conservation Authority, MMA, and MNRF. In addition, it will strengthen environmental connections by ensuring flood plain lands are appropriately planned to achieve a healthier watershed and enhanced Greenway System.

Better Choice in Richmond Hill

The SPA Review will provide a high-quality option for how to limit the risks to public health and safety and/or property damage resulting from flooding within the Lake Wilcox SPA.

More Vibrant Richmond Hill

The SPA Review helps to maintain a vibrant Richmond Hill by limiting development within the flood plain. In doing so, the larger Greenway System will be enhanced over the long term.

Wise Management of Resources in Richmond Hill

The SPA Review demonstrates the Town’s continued commitment to managing lands within the flood plain to limit risks to public health and safety and/or property damage and to achieve a healthier watershed and lake ecosystem. In addition, the SPA Review demonstrates the Town’s commitment to responsible governance by providing an update of the SPA mapping and policies to reflect contemporary data.

Next Steps:

In accordance with the MNRF’s Technical Guidelines for SPAs, prior to final adoption of the OPA, the Town is required to seek the approval of the Ministers of Natural Resources and Forestry (MNRF) and Municipal Affairs (MMA), who retain approval authority for SPA matters. Should “approval in principle” of the instruments be granted by Council, the draft OPA and ZBLA will be forwarded to York Region Council and the TRCA’s board for endorsement. Once resolutions on this matter have been obtained from all three bodies, Town staff will provide a formal submission to the Province for approval. Once reviewed by the Province, a joint Ministerial decision will be provided on

the draft OPA and draft ZBLA. If the Ministers are satisfied with the amendments, Town staff will bring forward the final OPA and ZBLA for adoption by Council and, with respect to the OPA, approval by York Region.

It should be noted in addition to the OPA and ZBLA, implementation of the SPA policies will also occur through the Town's site plan process. As the SPA lands are within the regulated area as defined by Ontario Reg. 166/06, the TRCA's permitting process will also continue to apply. In the SPA, the TRCA will continue to review and comment on site plan applications and ensure that objectives with respect to natural heritage and/or the reduction of risk to public health and safety and property damage are addressed.

Conclusion:

The Town is undertaking a review of the Lake Wilcox SPA as required by the Town's OP and in accordance with the provincially-mandated approvals process outlined in the MNRF's Technical Guidelines for SPAs. Town staff have prepared a revised SPA Justification Report, which sets out proposed modifications to the existing SPA boundary and policies. Provincial staff have confirmed that their December 2015 comments on the draft SPA Justification Report have been addressed by the revised SPA Justification Report and draft OPA and ZBLA. This report seeks "approval in principle" from Council in accordance with the MNRF's Technical Guidelines for SPAs. Any changes to the SPA boundaries and/or policies that will result from the Official Plan Amendment and Zoning By-law Amendment require the joint approval of the Ministers of MMA and the MNRF.

Attachments:

The following attached documents may include scanned images of appendices, with maps and photographs. If you require an alternative format, please call the contact person listed in this document.

Appendix A Draft Official Plan Amendment

Appendix B Draft Zoning By-law Amendment

Map 1 Existing (1995) Lake Wilcox Special Policy Area

Map 2 Proposed Lake Wilcox Special Policy Area

Map 3 Comparison of Flood Plain Mapping: Special Policy Area – Lake Wilcox

Draft Official Plan Amendment

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(i)

RICHMOND HILL OFFICIAL PLAN

OFFICIAL PLAN AMENDMENT NO. _____

The attached schedule and explanatory text constitute Amendment No. _ to the Richmond Hill Official Plan.

This amendment was prepared and recommended by the Richmond Hill Council and was adopted by the Council of The Corporation of the Town of Richmond Hill by by-law No. __-__ in accordance with Sections 17 and 21 of the *Planning Act* on the ____ day of _____, 20__.

Mayor

Town Clerk

(ii)

THE CORPORATION OF THE TOWN OF RICHMOND HILL

BY-LAW NO. ___-1__

A By-law to Adopt Amendment No. _ to the
Richmond Hill Official Plan.

The Council of the Corporation of the Town of Richmond Hill in accordance with provisions of the *Planning Act*, R.S.O. 1990, hereby enacts as follows:

1. That Amendment No. _ to the Richmond Hill Official Plan, consisting of the attached Part Two and Schedule 1 is hereby adopted.
2. That the Clerk is hereby authorized and directed to make application to The Regional Municipality of York for approval of the aforementioned Amendment No. _ to the Richmond Hill Official Plan.
3. That this by-law shall come into force and take effect on the day of the final passing thereof.

PASSED THIS ____ DAY OF _____, 20__.

Mayor

Town Clerk

PART ONE - THE PREAMBLE is not a part of the Amendment.

PART TWO - THE AMENDMENT, consisting of text and schedule, constitutes Amendment No. _ to the Richmond Hill Official Plan.

PART THREE - THE ATTACHEMENTS, which is not a part of the Amendment, contains background information relevant to the Amendment.

DRAFT

PART ONE - THE PREAMBLE

1.1 PURPOSE

The purpose of this Amendment to the Richmond Hill Official Plan is to implement policy modifications to the “Special Policy Area,” “Natural Hazards” and “Neighbourhood” policies and to implement a revised boundary for the Lake Wilcox Special Policy Area (SPA) as approved by the Ministers of Natural Resources (MNRF) and Municipal Affairs and Housing (MMAH).

1.2 LOCATION

The lands affected by this Amendment are located within the floodplain as determined by the 2014 Floodline and identified as Area “A” – Lake Wilcox North Shore on Schedule “1” attached hereto.

1.3 BASIS

The proposed Amendment is considered by Council to be appropriate for the following reasons:

- The proposed Amendment recognizes that in the Lake Wilcox SPA, strict adherence to the policies of the PPS, 2014 concerning new development would result in social and economic hardships and provides a separate set of policies to provide for the continued viability of existing uses, which are generally on a small scale.
- The proposed Amendment has been approved by the Ministers of Natural Resources (MNRF) and Municipal Affairs and Housing (MMAH).
- The proposed Amendment is consistent with the Provincial Policy Statement, 2014 (PPS, 2014).
- The proposed Amendment conforms to the Region of York Official Plan.
- The proposed Amendment implements the policies of the Richmond Hill Official Plan that require an update to the policies and mapping of the Lake Wilcox SPA.

- The proposed Amendment will support development within the Lake Wilcox SPA in a manner that is consistent with the Richmond Hill Official Plan.

PART TWO - THE AMENDMENT

- 2.1 All of this part of the document entitled **PART TWO – THE AMENDMENT** consisting of the following text and the attached schedule designated as Schedule “1” constitute Amendment No. ___ to the Richmond Hill Official Plan.
- 2.2 The Richmond Hill Official Plan is amended as follows:
- 2.2.1 That **Schedule A2** (Land Use) be amended to identify the updated boundary of the Lake Wilcox SPA and to identify Area “A” – Lake Wilcox North Shore of the SPA.
- 2.2.2 That **Schedule A7** (Floodplain Regulation Areas, Special Policy Areas and Flood Vulnerable Areas) be amended to identify the updated boundary of the Lake Wilcox SPA and to identify Area “A” – Lake Wilcox North Shore of the SPA.
- 2.2.4 That **Section 3.2.2.3 Natural Hazards** be amended in the following manner:
- i. Policy (2) be deleted and replaced with Policy 3.2.2.3 (2) as follows:
Development shall not be permitted to locate in hazardous lands and hazardous sites where the use is:
 - a. an institutional use including a hospital, long-term care homes, retirement home, pre-school, school nursery, day care and/or school where there is a threat to the safe evacuation of vulnerable populations such as older persons, persons with disabilities, and those who are sick or young, during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion;

- b. an *essential emergency service* such as that provided by fire, police and ambulance stations and electrical substations
- c. a use associated with the disposal, manufacture, treatment or storage of *hazardous substances*.

- ii. Policy (3) be deleted and replaced with Policy 3.2.2.3 (3) as follows:

The Town shall support the efforts of the Conservation Authority in the management of floodplain lands and *Special Policy Areas*, which are within the Floodplain Regulation Area as shown on Schedule A2 (Land Use) and Schedule A7 (Floodplain Regulation Areas, *Special Policy Areas* and Flood Vulnerable Areas). The designation of a *Special Policy Area*, and any change or modification to the official plan policies, land use designations or boundaries applying to *Special Policy Area* lands, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources prior to the approval authority approving such changes or modifications.

- 2.2.5 That **Section 3.2.2.4 Special Policy Areas** be amended in the following manner:

- i. Policy (2) be deleted and replaced with Policy 3.2.2.4 (2) – (5) as follows:
 - 2. For lands in *Special Policy Areas* shown on Schedule A2 (Land Use) and Schedule A7 (Floodplain Regulation Areas, *Special Policy Areas* and Flood Vulnerable Areas), the development, redevelopment or rehabilitation of buildings or structures shall be subject to site plan control.
 - 3. Where lands designated Neighbourhood are identified as being located in “Area “A”” of the *Special Policy Area* as shown on Schedule A2 (Land Use) and Schedule A7 (Floodplain Regulation Areas, *Special Policy Areas* and Flood Vulnerable Areas), the development, redevelopment or rehabilitation of buildings or structures may be permitted subject to the following criteria:

- a. Notwithstanding the land use permissions established in 4.9.1, only *low-rise* single unit detached uses shall be permitted.
 - b. New *low-rise* single unit detached uses shall be required to be floodproofed to the satisfaction of the Conservation Authority.
 - c. Secondary suites shall not be permitted.
4. New development must locate primary building system controls such as service units and panels, above the Regulatory Flood level.
 5. Pursuant to 3.2.2.4 (15), site specific Official Plan Amendments to the *Special Policy Area* for intensification beyond the level of *development* permitted in this Plan shall only be considered through a *municipal comprehensive review* and subject to the approval of the Ministers of the Ministry of Municipal Affairs and Housing and Natural Resources.
 6. The Town shall amend the Zoning By-law on lands wholly or partly designated *Special Policy Area* and enact provisions, where appropriate, related to minimum building or structure setbacks, maximum lot coverage, minimum height of any building or structure opening, floodproofing and other such matters as may be determined to be necessary by the Town and/or the Toronto and Region Conservation Authority.
 - ii. Policy (3) be renumbered to Policy (6);
 - iii. Policy (4) be renumbered to Policy (7);
 - iv. Policy (5) be renumbered to Policy (8);
 - v. Policy (6) be renumbered to Policy (9);
 - vi. Policy (7) be deleted and replaced with Policy (10) as follows:
 1. That access and egress to all new buildings and structures providing overnight accommodation shall be safe, pursuant to the provincial floodproofing standards (dry access/egress is

preferred). Where access and egress cannot achieve provincial flood proofing standards, they must achieve the maximum level of flood protection determined by the Town and the TRCA to be practical and feasible. The stated safe access for all pedestrian and vehicular traffic shall be demonstrated to the satisfaction of the Town and TRCA. No new building, structure or addition, shall be permitted within the *Special Policy Area* unless it has been demonstrated to the satisfaction of the Town and Conservation Authority that:

- a. It would not be subjected to flows, which due to their velocity, depth or both, would be a hazard to life or property;
 - b. It would not be susceptible to major structural damage as a result of a flood below or equal to the level of the Regulatory Flood;
 - c. The necessary flood protection measures would not have a negative impact on adjacent properties; or
 - d. Adverse downstream and/or upstream impacts would not be created/exacerbated and/or an increase in risk to life or property would not occur as a result of flooding.
- vii. Policy (8) be renumbered to Policy (11);
- viii. Policy (9) be renumbered to Policy (12);
- ix. Policy (10) be deleted and replaced with renumbered to Policy (13) as follows:

New development shall be prohibited on any parcel of land which is wholly or partly in a *Special Policy Area* where the use is:

- a. an institutional use including a hospital, long-term care homes, retirement home, pre-school, school nursery, day care and/or school where there is a threat to the safe

evacuation of vulnerable populations such as older persons, persons with disabilities, and those who are sick or young, during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion;

- b. an *essential emergency service* such as that provided by fire, police and ambulance stations and electrical substations;
 - c. an use associated with the disposal, manufacture, treatment or storage of *hazardous substances*.
- x. Policy (11) be deleted;
 - xi. Policy (12) be renumbered to Policy (14);
 - xii. Policy (13) be deleted and replaced with renumbered Policy (15) as follows:

The designation of a *Special Policy Area*, and any change or modification to the official plan policies, land use designations or boundaries applying to *Special Policy Area* lands, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources prior to the approval authority approving such changes or modifications.

- 2.2.6 That Section **4.9 Neighbourhood** be amended by adding policy 4.9.1 (6) as follows:

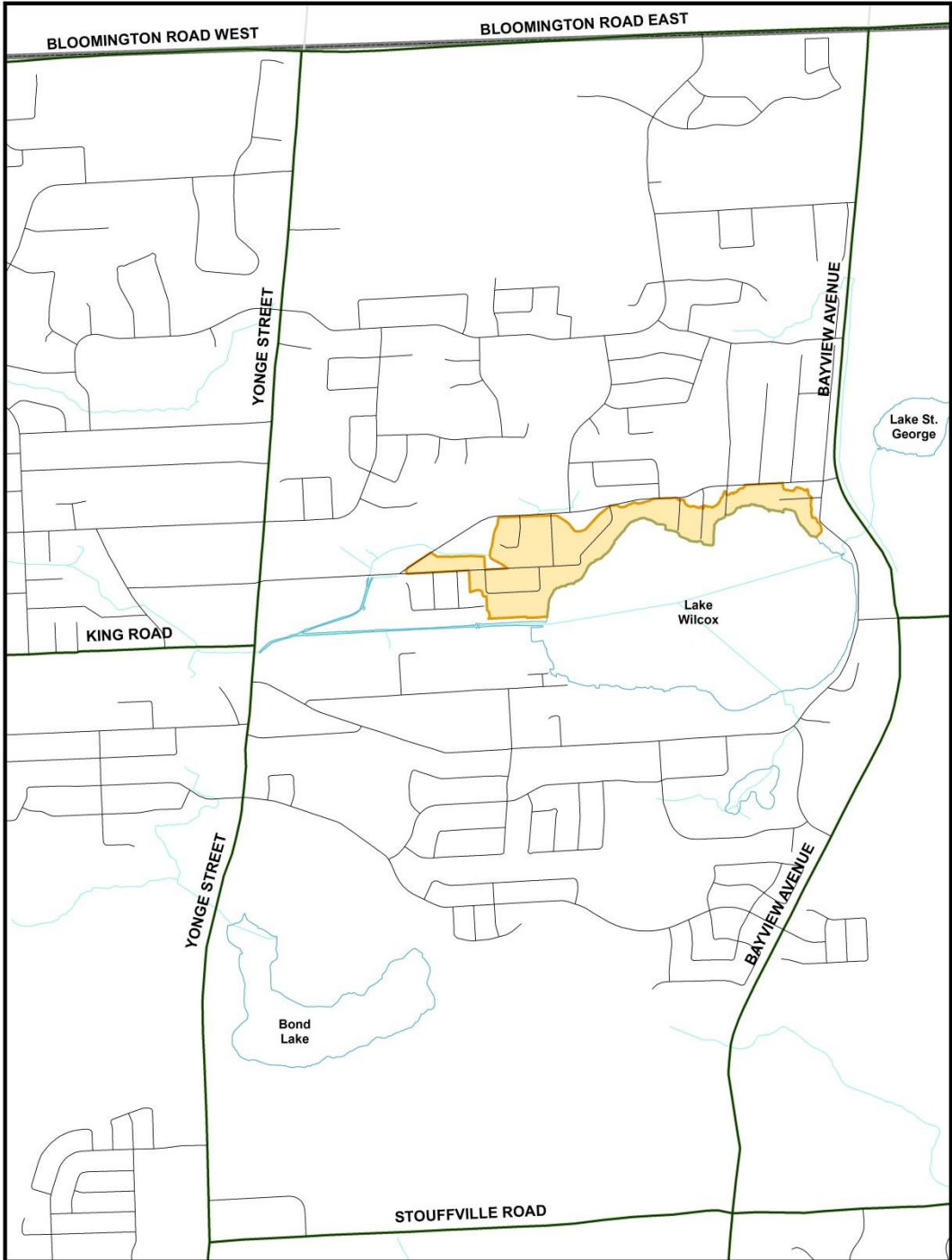
Notwithstanding policies of Section 4.9, the development, redevelopment or rehabilitation of buildings or structures on lands in the *Special Policy Area* identified as "Area "A"" and shown on Schedule A2 (Land Use) and Schedule A7 (Floodplain Regulation Areas, Special Policy Areas and Flood Vulnerable Areas) may only be permitted subject to the policies of Section 3.2.2.4 Special Policy Areas.

2.2.7 That Section **7.2 Definitions** be amended by adding the following definitions:

Essential emergency service: for the purpose of policy 3.2.2.3 and policy 3.2.2.4 means services which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion.

Hazardous substances: for the purpose of policy 3.2.2.3 and policy 3.2.2.4 means substances which, individually, or in combination with other substances, are normally considered to pose a danger to public health, safety and the environment. These substances generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

DRAFT



RICHMOND HILL
OFFICIAL PLAN
Lake Wilcox
Special Policy Area
Sch. "1" to OPA

Legend

- Waterbodies
- SPA (Revised Proposed)
- Watercourses

“DRAFT”

NOTE: The information provided in this Schedule constitutes an operative part of the Richmond Hill Official Plan. Where any other provision in this Schedule is inconsistent with any other provision of the Official Plan, the provisions of this Schedule shall prevail. The City Council is not responsible for any errors or omissions. Interested parties are therefore urged to make inquiries with the Town of Richmond Hill Planning and Regulatory Services Department to ensure that the information reflected in this Schedule is accurate, current and complete in all respects.



PLANNING & REGULATORY SERVICES
 DEPARTMENT



Draft Zoning By-law Amendment

THE CORPORATION OF THE TOWN OF RICHMOND HILL

BY-LAW NO. XX-17

A By-law to Amend By-law No. 256-88 of
The Corporation of the Town of Richmond Hill, as amended.

WHEREAS the Council of The Corporation of the Town of Richmond Hill at its Council Meeting of X, 2017, directed that this by-law be brought forward to Council for its consideration;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF RICHMOND HILL ENACTS AS FOLLOWS:

1. That By-law No. 256-88, as amended, of the Town of Richmond Hill, be hereby further amended by:
 - a. removing the “FLOOD DAMAGE CENTRE,” as indicated in a cross hatch overlay on Schedule “A” of By-law 256-88 and replacing it with Schedule “A” attached hereto;
 - b. adding the “SPECIAL POLICY AREA,” as indicated in a cross hatch overlay on Schedule “B” to this By-law xx-17 and attached hereto; and
 - c. removing Section 6.2 (6) and Section 10.1 and adding the following to Section 10 – Exceptions / Additional Provisions:

10.1

Notwithstanding any other inconsistent or conflicting provisions of By-law 256-88, as amended, of the Corporation the following special provisions shall apply to the lands within the “SPECIAL POLICY AREA” as indicated in a cross hatch overlay on Schedule “B” to this By-law xx-17 and attached hereto:

- (a) Only SINGLE DETACHED DWELLINGS shall be permitted within the SPECIAL POLICY AREA.
- (b) SECONDARY SUITES shall not be permitted within the SPECIAL POLICY AREA.
- d. Adding the following definitions to Section 4 – Definitions:

“ACCESSORY” means a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or BUILDING, and allocated on the same LOT.

“SECONDARY SUITE” means a self contained DWELLING UNIT ACCESSORY to the main dwelling unit.

“SPECIAL POLICY AREA” means an area that has historically existed in the flood plain and where site-specific policies, approved by both the Ministers of Natural Resources and Forestry and Municipal Affairs and Housing, are intended to provide for the continued viability of existing uses (which are generally on a small scale) and address the significant social and economic hardships to the community that would result from strict adherence to provincial policies concerning development. The criteria and procedures for approval are established by the Province.

e. Removing the following definitions from Section 4 – Definitions:

“FLOOD DAMAGE CENTRE”

f. Removing the term “FLOOD DAMAGE CENTRE” from Section 5.20 Site Plan Control (a) of By-law 256-88 and replacing it with the term “SPECIAL POLICY AREA” as set out in this By-law xx-17.

2. Schedules “A” and “B” to this By-law xx-17 and attached hereto are declared to form a part of this By-law.

PASSED THIS X DAY OF X, 20XX.

Mayor

Town Clerk

File: DXX-XXXXX

SCHEDULE "A"

The map shows a residential area with a central lake labeled "LAKE WILCOX". The area is bounded by King Rd to the north, Yonge Street to the east, and Bayview Avenue to the south. A specific residential area is highlighted with a thick black border, containing several lots and a building. The text "R6" is visible within this highlighted area. A north arrow is located in the bottom right corner of the map area.

SCHEDULE "A"
TO BY-LAW No. XX-17

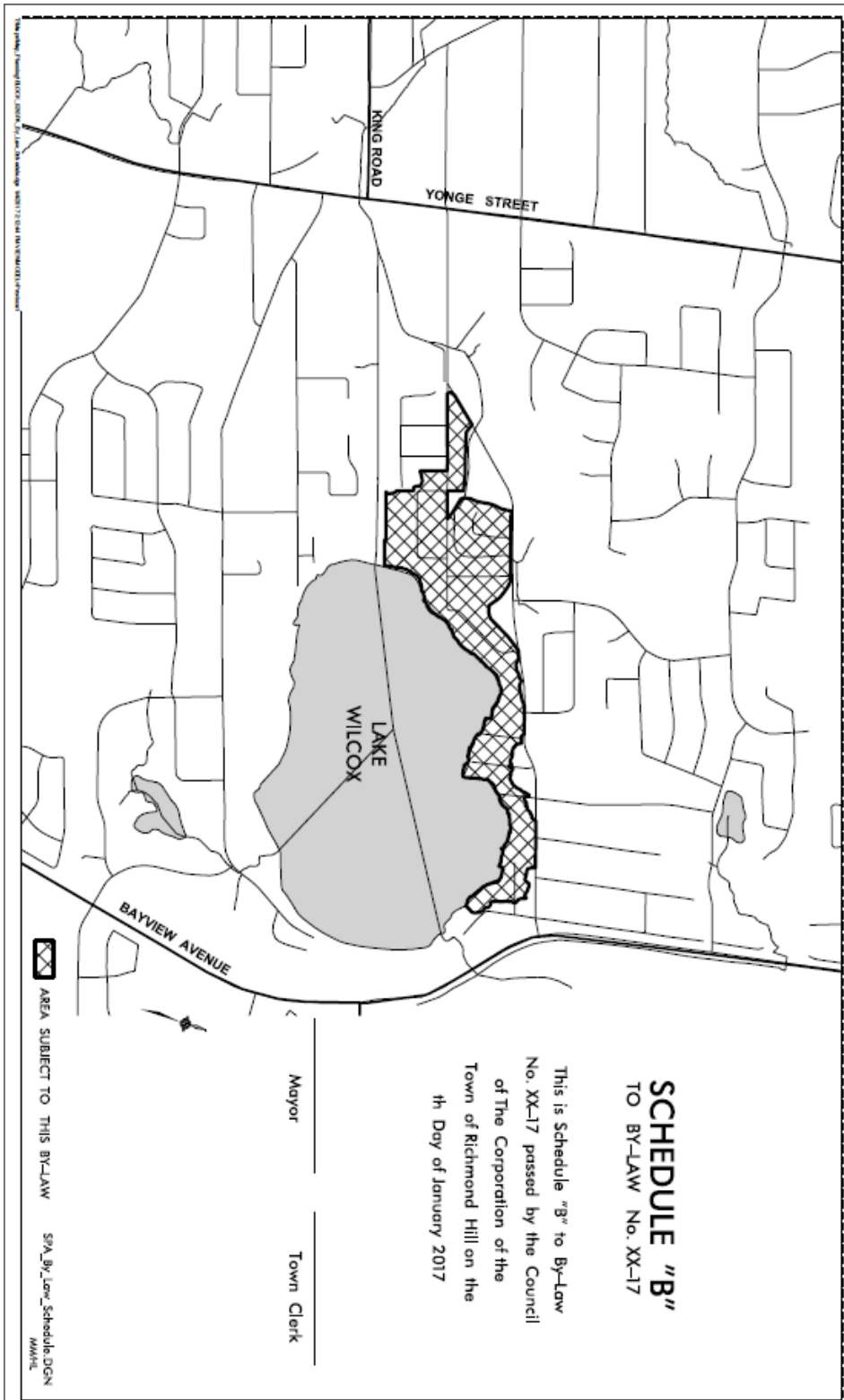
This is Schedule "A" to By-Law No. XX-17 passed by the Council of The Corporation of the Town of Richmond Hill on the th Day of January 2017

Mayor

Town Clerk

SP4_21_Law_ScheduleA.DGN
MAY18

SCHEDULE "B"



THE CORPORATION OF THE TOWN OF RICHMOND HILL

EXPLANATORY NOTE TO BY-LAW NO. XX-17

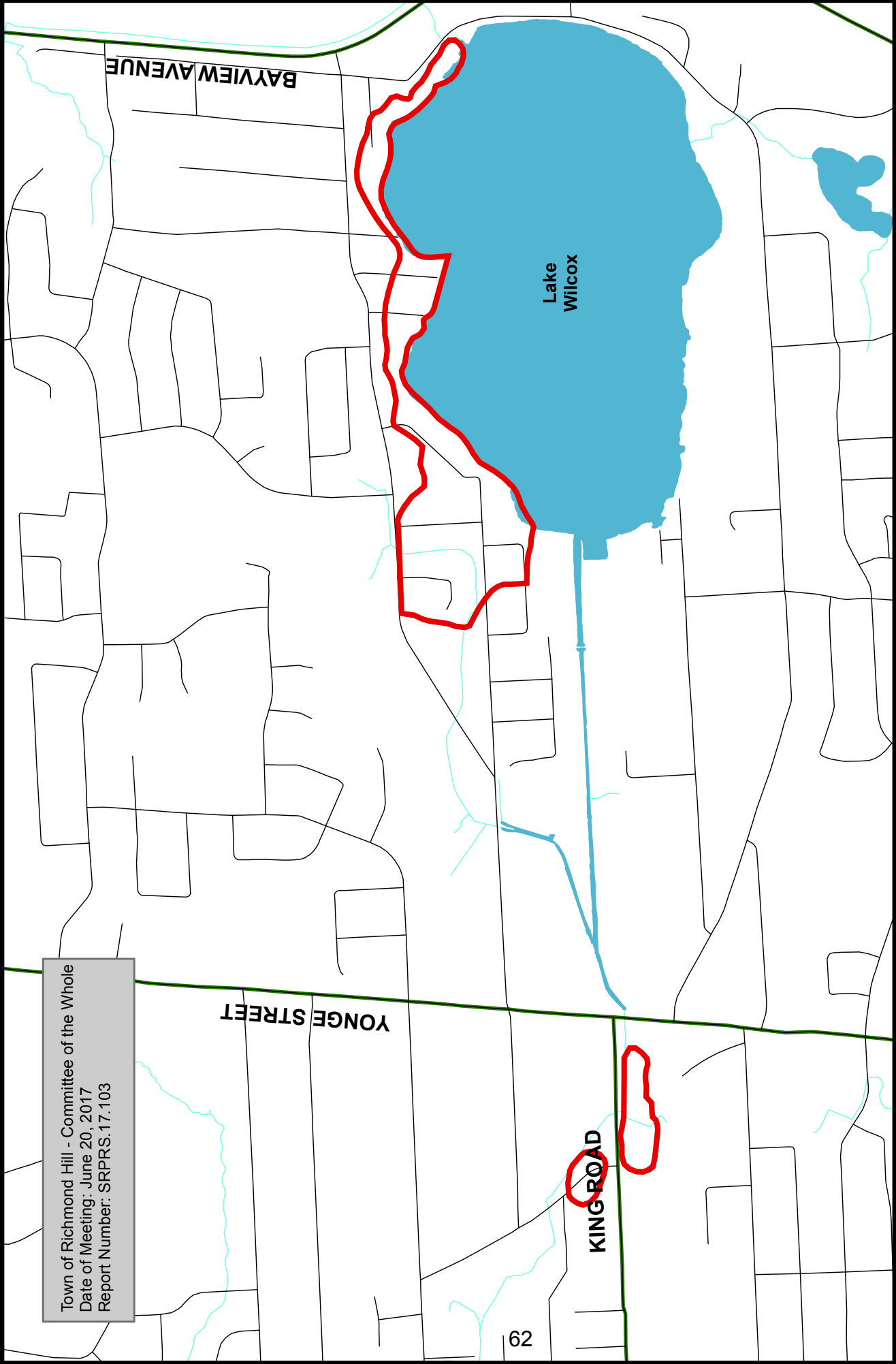
The purpose of By-law No. xx-17 is to implement the Provincially-approved SPECIAL POLICY AREA policies set out in Official Plan Amendment No. X by amending By-law No. 256-88, as amended.

By-law No. xx-17 replaces the FLOOD DAMAGE CENTRE overlay set out in By-law No. 256-88, as amended, with a SPECIAL POLICY AREA overlay within the north shore area of Lake Wilcox and as more precisely indicated on Schedule “B” to this By-law.




By-law No. xx-17 restricts permitted uses for those lands subject to the SPECIAL POLICY AREA to SINGLE DETACHED DWELLINGS and it prohibits SECONDARY SUITES.

DRAFT

Town of Richmond Hill - Committee of the Whole
Date of Meeting: June 20, 2017
Report Number: SRPRS.17.103



Legend

-  SPA (Approved)
-  Waterbodies
-  Watercourses



Existing (1995) Special Policy Area

MM/HL SRPRS.17.103 MAP 1

TOWN OF RICHMOND HILL
PLANNING AND REGULATORY
SERVICES DEPARTMENT

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Town of Richmond Hill - Committee of the Whole
Date of Meeting: June 20, 2017
Report Number: SRPRS.17.103



Legend

- Revised Proposed SPA
- Waterbodies
- Watercourses

Proposed Special Policy Area



TOWN OF RICHMOND HILL
PLANNING AND REGULATORY
SERVICES DEPARTMENT

MM/HL SRPRS.17.103 MAP 2

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Town of Richmond Hill - Committee of the Whole
 Date of Meeting: June 20, 2017
 Report Number: SRPRS.17.103

SRPRS.17.103 MAP 3

YORK

RICHMOND HILL



Toronto and Region Conservation Authority Special Policy Area - Lake Wilcox Regional Floodline with SPA Boundary

- Legend:**
- Flood Line (2014)
 - Flood Line (2006)
 - Flood Line (1977)
 - Current SPA Boundary
 - Flood Plain (2006)

February 2015

