

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Friday, June 24, 2022 Meeting

FROM: Laurie Nelson, Director, Policy Planning

RE: **CITY OF MARKHAM UNIONVILLE SPECIAL POLICY AREA
BOUNDARY UPDATE**
Request for TRCA Board of Directors' endorsement

KEY ISSUE

To request Toronto and Region Conservation Authority (TRCA) Board of Directors' endorsement of the City of Markham's update to the boundary of the Unionville Special Policy Area due to TRCA updated flood plain mapping in the Rouge River watershed.

RECOMMENDATIONS:

WHEREAS TRCA Board of Directors endorsed the flood plain mapping update of the Rouge River watershed in the Unionville Special Policy Area in the City of Markham in 2019;

AND WHEREAS the City of Markham, in collaboration with TRCA, has undertaken a review to update the boundary of the Unionville Special Policy Area (SPA) in accordance with the provincial guidelines for amending the boundaries of existing SPAs;

THEREFORE LET IT BE RESOLVED THAT the request of the City of Markham to update the boundary of the Unionville SPA through the approval of an Official Plan Amendment and Zoning By-law Amendment be endorsed, subject to final approval from the Minister of Municipal Affairs and Housing (MMAH) and the Minister of Northern Development, Mines, Natural Resources and Forestry (MNDMNR);

AND FURTHER THAT the Clerk and Manager, Policy, so advise the City of Markham, the Region of York, MMAH and MNDMNR.

BACKGROUND

Unionville is an existing historical community near Highway 7 and Kennedy Road in the City of Markham that developed within the valley and stream corridors of the Rouge River watershed, prior to the implementation of a provincial flood hazard planning policy. In accordance with current provincial policy and technical guides, flood plains within the valley and stream corridors of TRCA's jurisdiction are subject to the One Zone Concept to flood plain management. In this approach, the entire area within the flood hazard limit, (i.e., the Regulatory Flood Plain – the greater of the 100-year storm and the Regional Storm (Hurricane Hazel)), is considered to be one management unit (i.e., "One Zone") and is referred to as the floodway. The One Zone Concept is the most restrictive and effective way to manage flood hazards from a risk management perspective. In accordance with the One Zone Concept, the Provincial Policy Statement (PPS) and provincial plans generally direct development outside of the flood plain/floodway. Accordingly, these types of policies are also in the York Region Official Plan, the City of Markham Official Plan and in TRCA's Living City Policies.

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An exception to the One Zone approach is municipally initiated and provincially approved Special Policy Areas (SPAs). The SPA approach is employed by the province where it has been demonstrated that the One Zone approach is too restrictive and would not allow for the continued social and economic viability and revitalization of historical communities located within the flood plain. An SPA permits a relaxation of natural hazard policies where it is deemed appropriate by the province. Area-specific policies in the municipal official plan are intended to provide for the continued viability of existing land uses while being sufficiently protective against flood hazards. These site-specific SPA policies are used by TRCA staff to inform and guide TRCA's regulatory permitting responsibilities under section 28 of the *Conservation Authorities Act*.

The PPS states that SPAs are not intended to allow for new or intensified development and site alteration if a community has feasible opportunities outside the flood plain. Application of an SPA requires the approval of two Ministers (MMAH and MNDMNR), and suitable policies and standards must be incorporated into a municipality's official plan and zoning by-law. PPS 3.1.4 states that any change to the land use policies, designations or boundaries of an existing SPA must be approved by the Ministers. Further, the process to make these changes must be in accordance with SPA update procedures established by the province.

In 1990, MMAH and MNDMNR granted approval for the City of Markham to implement the Unionville SPA through Council adoption of an Official Plan Amendment. Since that time, two updates were completed to the SPA: modification of the SPA boundaries in 2008 through Official Plan Amendment 153 to the Official Plan (Revised 1987), as amended, due to updated TRCA flood plain mapping, and modification of the SPA policies through the City's 2014 Official Plan review process. Prior to the provincial approval of these two SPA updates and regional approval of the OPAs, TRCA participated in both SPA review processes and the TRCA Board of Directors endorsed the SPA modifications. The Unionville SPA policies in the City's Official Plan were brought into force and effect by the Ontario Municipal Board in 2016.

In 2018, TRCA updated its flood plain mapping in the Rouge River watershed, and at the Board of Directors Meeting held on May 24, 2019, Resolution #A86/19 was approved as follows:

THAT the Unionville SPA two-dimensional (2D) Modelling and Floodplain Mapping Update (February 2019) prepared by Toronto and Region Conservation Authority (TRCA) staff and Valdor Engineering Inc. be received;

THAT TRCA be directed to disseminate the final floodplain mapping, modelling results, and documentation to municipal staff;

AND FURTHER THAT TRCA staff be directed to incorporate the Unionville 2D hydraulic model and updated floodplain mapping into TRCA's jurisdiction-wide floodplain mapping, and utilize this information to inform land use planning, flood emergency response and flood mitigation planning activities.

Shortly after this update occurred, City of Markham planning staff engaged TRCA and Provincial staff to pursue an update to the Unionville SPA boundary to reflect the new flood plain information.

RATIONALE

TRCA staff participated throughout the City's public consultation process for the current SPA Boundary Update. In Fall 2020, City of Markham planning staff held a public information

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meeting to provide background information on the SPA Boundary Update, TRCA flood plain mapping updates, and the study process. TRCA staff attended to field any technical questions.

Throughout the study process, TRCA staff worked closely with City staff to determine the updated boundary, to provide regional flood risk mapping, and provide input to the City's SPA Justification Report. The SPA Justification Report, which provides the necessary technical and planning information to support the SPA boundary changes, was prepared in accordance with the province's "Procedures for Approval of New Special Policy Areas and Modifications to Existing Special Policy Areas" under the PPS. For example, TRCA staff developed regional storm flood risk mapping (see Attachment 1) in accordance with criteria set by MNDMNR. The flood risk mapping helped identify areas where flood depths and velocities would be considered low risk (safe for vehicular and pedestrian access/egress), moderate risk (safe for pedestrian access/egress only), and high risk (potentially unsafe for both) during a Regional Flood Event (Hurricane Hazel).

In Spring 2021, City of Markham planning staff, in consultation with TRCA, prepared the draft SPA boundaries and draft Official Plan and Zoning By-law Amendments to apply the existing SPA policies only to those lands within the updated boundaries of the SPA. As a result of the TRCA flood plain mapping updates, some lands in the SPA were no longer in the flood plain and needed to be removed from the SPA. Meanwhile some lands that remained in the flood plain still warranted removal from the SPA. TRCA assisted Markham staff with applying criteria for removing non-developable lands from the SPA, such as lands with natural heritage features and/or valley and stream corridor erosion hazards (in addition to public roads and parks). Overall, the proposed SPA update will result in a reduction in the size of the SPA from 43 hectares to 19.6 hectares (see Attachment 2). In addition to engaging TRCA, Markham consulted provincial staff to ensure they were generally satisfied with the proposed SPA boundary and the Justification Report.

In Fall 2021, Markham held a statutory public meeting and a second public information meeting to receive public comments on the draft OPA and ZBA to implement the proposed SPA boundary change with TRCA staff in attendance. A follow up meeting took place with some members of the public, at the request of a City of Markham Councillor and his constituents, to discuss more about the flood plain mapping and SPA boundary updates. TRCA staff attended upon request to field any technical questions on flood plain mapping and flood plain management.

In May 2022, City of Markham planning staff brought forward a [recommendation report](#) to its Planning and Development Committee and Council including a summary of changes to the SPA boundary. The report recommended that the proposed SPA boundaries and SPA Justification Report be endorsed by Council and forwarded to TRCA and the Province for their endorsement and approval; and that upon obtaining endorsements from TRCA and the Province, that the draft OPA be finalized, brought to Council for adoption, and forwarded to York Region for approval. Finally, the report recommended that the Zoning By-law Amendment to amend the SPA boundary overlay on various City zoning by-laws be finalized and brought forward to a future Council meeting to be enacted without further notice. TRCA is in receipt of the Markham Council resolution adopted on May 31, 2022, that, the Markham staff report be endorsed and be forwarded to TRCA and the Province.

TRCA staff are satisfied that the Unionville SPA boundary modifications reflect the changes to the flood plain and no policy changes are occurring to the SPA policies. No development or intensification in the SPA is allowed beyond what is currently permitted in the SPA policies and

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provisions of the City of Markham Official Plan and Zoning By-law, as approved by the province in 2016. Upon TRCA Board or Directors' endorsement, the next step in the process is for City of Markham planning staff to request the Ministers' approval.

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategies set forth in the TRCA 2013-2022 Strategic Plan:

Strategy 2 – Manage our regional water resources for current and future generations

Strategy 4 – Create complete communities that integrate nature and the built environment

Strategy 8 – Gather and share the best sustainability knowledge

FINANCIAL DETAILS

Staff are engaged in this policy analysis work per the normal course of duty, with funding support provided by TRCA's participating municipalities to account 120-19. No additional funding is proposed to support the policy analysis work associated with the preparation of these comments.

CONCLUSION

The City of Markham has undertaken an SPA boundary update in accordance with provincial procedures for amending the boundaries of existing SPAs. The City's SPA Justification Report is based on the most current flood plain mapping for the Rouge River watershed to inform land use and emergency planning. This was a technical exercise undertaken to align the SPA boundary with updated flood plain mapping. No changes to underlying development permissions are being made. On this basis, TRCA staff recommend that the Board of Directors support the proposed Unionville SPA boundary update to advance next steps of the provincial approval process.

DETAILS OF WORK TO BE DONE

City of Markham staff will request for both Ministers and for York Region to approve the Official Plan Amendment, upon which the City will enact the corresponding Zoning By-law Amendment. Upon approval by the Province and the Region, TRCA will update all applicable external and internal mapping viewers with the revised Unionville SPA boundary.

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Date: June 10, 2022

Attachments: 2

Attachment 1: Unionville SPA Regional Storm Flood Risk Map

Attachment 2: Proposed Unionville SPA Boundaries