



Staff Report for Council Meeting

Date of Meeting: June 9, 2021

Report Number: SRPI.21.051

Department: Planning and Infrastructure
Division: Policy Planning
Development Zoning

Subject: SRPI.21.051 Request for Approval – Official Plan Amendment and Zoning By-law Amendment for the Lake Wilcox Special Policy Area

Purpose:

The purpose of this staff report is to request approval from Council with respect to Official Plan Amendment 22 and an amendment to Zoning By-law 256-88 for the Lake Wilcox Special Policy Area.

Recommendation(s):

- a) That Staff Report SRPI.21.051 be received;
- b) That Council adopt Official Plan Amendment 22 (OPA 22) with respect to the Lake Wilcox Special Policy Area (attached as Appendix A to SRPI.21.051);
- c) That Council enact By-law 64-21 to amend Zoning By-law 256-88 in order to implement OPA 22 (attached as Appendix B to SRPI.21.051); and,
- d) That City staff be directed to submit a request for approval of Official Plan Amendment 22 to the Region of York.

Contact Person:

Chun Chu, Senior Planner, phone number 905-771-5493 (re: OPA 22 or D01-20010)
Ferdinando Toniolo, Senior Planner, Zoning, phone number 905-771-2442 (re: D24-21001)

Report Approval:

Submitted by: Kelvin Kwan, Commissioner of Planning and Infrastructure Department

Approved by: Mary-Anne Dempster, City Manager

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All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner, and City Manager. Details of the reports approval are attached.

Background:

This staff report is an update to the work undertaken by staff with respect to the Lake Wilcox Special Policy Area, building on [Staff Report SRPRS.17.103](#), which was presented at the June 20, 2017 Committee of the Whole Meeting and received by [Council at its meeting on October 2, 2017](#). On that day, Council provided approval in principle for the draft Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBLA) respecting the Lake Wilcox Special Policy Area. Since that time, as noted below, several additional steps were undertaken in order to receive approval of the draft OPA and ZBLA from the Ministers of Municipal Affairs and Housing and Natural Resources and Forestry.

In accordance with the Provincial letter dated April 6, 2021, the City has now received the requisite ministerial approvals (see letter attached as Appendix C). The Ministerial approval is based on endorsements of the OPA and ZBLA from both the Region of York and the Toronto and Region Conservation Authority (TRCA) received in January 2018. These letters of endorsement are attached as Appendices D and E to this staff report.

In February 2018, after receipt of these letters, the City submitted its formal request to the Province for Ministerial approval of the draft OPA and ZBLA. In December 2019, after having reviewed the City's package of materials in support of the draft OPA and ZBLA, provincial staff suggested consideration of some technical modifications to the amendments. In response, the City worked collaboratively with the TRCA, the Region of York, and the Province to address Provincial staff's concerns. This collaboration culminated in the joint Ministerial approval letter dated April 6, 2021. The Ministers' letter indicates approval of the proposed policy and boundary amendments to the special policy area, subject to a few modifications to the draft OPA policies and ZBLA provisions. These requested modifications are supported by City, regional and TRCA staff. Consequently, the City is now in a position to formally adopt the updated OPA and ZBLA and proceed to final approvals with the Region of York.

The Lake Wilcox Special Policy Area (SPA)

Presently, the Lake Wilcox Special Policy Area (SPA) is an area located in a flood plain along the north shore of Lake Wilcox and west of Yonge Street along King Road. In accordance with the Provincial Policy Statement, no development is permitted within a flood plain. However, in special circumstances, the Province has allowed for development to continue and new development to occur. This special circumstance was granted to the City in 1995 for the Lake Wilcox area when Official Plan Amendment 129 was approved and this area was identified as an SPA.

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As a special policy area (SPA), the Province permits existing uses and limited development in this historically flood prone area in order to enable the community to continue to be viable. Within the SPA, development is permitted in accordance with zoning by-law permissions related to matters such as set backs, lot coverage, height, etc., as well as in terms of the level of flood-proofing required to ensure the safety of people and property. Outside of the SPA, the flood-proofing requirements are more stringent and in accordance with the TRCA's permitting system, the gross floor area of development on a lot within a floodplain is limited to 150% of the **existing** building on the property. By identifying the north shore area Lake Wilcox as a SPA, the Province, the TRCA, Region and City have relaxed the natural hazard policy standards in relation to protection from flood-related events. This relaxation of policy poses a greater level of risk to human health and properties, then what is experienced in floodplain areas outside of the SPA. As such, official plan policies and zoning by-law for the area must meet provincial technical standards, and further, approval for this SPA and any changes to the boundary and/or policies related to it is required from two ministries – the Ministry of Municipal Affairs and Housing, and the Ministry of Natural Resources and Forestry.

Between 2011 and 2014, the City with the assistance of TRCA, undertook a study regarding this area, and determined that due to changes in provincial policy and the flood plain itself, changes to policy, the applicable zoning regime and the boundary of the SPA were needed. The Ministers' letter acknowledges that these changes are necessary and through their approval the City can move to formal adoption of the OPA and ZBLA for the SPA.

Update to the Proposed Lake Wilcox SPA Official Plan Amendment and Zoning By-law Amendment

As noted above, the Ministers' have approved of the policy and mapping changes subject to modifications. The Provincially requested modifications are minor and stylistic in nature. More specifically, the Province has clarified that "dry passive floodproofing" is preferred, and that the minimal elevation of exterior openings to any structure or dwelling should be no less than the "1:350 storm elevation" standard. Aside from these minor edits, the majority of the OPA and ZBLA remain the same as the version approved in principle by Council in 2017.

Staff also notes that Schedule A to the draft ZBLA has been further modified to reflect the boundary of Zoning By-law 256-88, as amended by By-law 313-96 which removed certain lands from the Zoning By-law 256-88 area.

The OPA and ZBLA, with the modifications requested by the Ministers would serve to:

- Continue to limit the permitted uses in the SPA to single detached dwellings on existing lots of records in order to minimize risks to public health and safety;
- Continue to prohibit new lot creation in order to protect lives and property;
- Expand the boundary of the SPA according to updated floodplain mapping, which allows existing lots within the floodplain around Lake Wilcox to have

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development/redevelopment potential, where they are located outside of the City's Greenway System;

- Remove the SPA boundary from those areas that are within the City's Greenway System, or are no longer in the floodplain, or for which there is opportunity for development / redevelopment outside of the floodplain.
- Update the 2010 Official Plan Schedules A2 "Land Use" and Schedule A7 "Flood Plain Regulation Areas, Special Policy Areas and Flood Vulnerable Areas" to reflect changes to the SPA boundary;
- Update the language in the policies to reflect changes to the Provincial Policy Statement, 2014 and 2020, which include the range of permitted and prohibited uses, technical / floodproofing standards, and safe access requirements; and,
- Update Zoning By-law 256-88 to implement OPA 22, which includes replacing the existing "Flood Damage Centre" overlay with a "Special Policy Area" overlay, and prohibiting additional residential units (secondary suites) in the area.

Planning Analysis

Staff Report SRPRS.17.103 provided a full analysis of how the draft OPA and ZBLA for the Lake Wilcox Special Policy Area (SPA) conforms with regional and provincial policies. Since that time, a number of provincial plans and policies have been updated. Nonetheless, provincial directions for SPAs remain unchanged, and hence, OPA 22 and the associated ZBLA continues to conform to provincial and regional policies.

Provincial Policy Statement, 2020 (PPS)

The Provincial Policy Statement (PPS) identifies SPAs as lands located within natural hazards, and as such, growth should be directed outside of flood plains. Consequently, SPAs are not intended to allow for new or intensified development and/or site alteration. In addition, any changes to official plan policies, land use designations or boundaries of SPAs must be approved by the Province (Policy 3.1.4(a)).

OPA 22 and the associated ZBLA for the Lake Wilcox Special Policy Area only provide for modest low density development within the proposed SPA. The amendments do not permit new lot creation, and the only dwelling type permitted is single-detached dwelling units on existing lots. As noted above, the City received Ministerial approval of the draft OPA and ZBLA in April 2021. As such, the amendments are consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020

The *Growth Plan* notes that growth should be directed away from hazardous areas, including SPAs. Furthermore, the minimum intensification and density targets in the provincial plan do not require SPAs to develop beyond what is permitted by the Province (Policy 5.2.5(7)(a)).

As noted above, OPA 22 and the associated ZBLA do not permit new lot creation, and only single-detached dwellings are permitted on existing lots. Therefore, the proposed policies and provisions conform with the *Growth Plan*.

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Oak Ridges Moraine Conservation Plan, 2017 (ORMCP)

The lands within the proposed SPA are designated “Settlement Area” within the *Oak Ridges Moraine Conservation Plan* (ORMCP). The ORMCP is silent on SPAs and generally refers to the other Provincial and municipal plans for more detailed land use direction.

Region of York Official Plan, 2010

The Region’s Official Plan identifies the Lake Wilcox SPA as an “approved floodplain special policy area” and states that any change to designation or boundaries would require provincial approval prior to obtaining regional approval (Policy 2.3.23). The City has fulfilled the regional requirements through the approvals obtained from the Ministry of Municipal Affairs and Housing and the Ministry of Natural Resources and Forestry.

Financial/Staffing/Other Implications:

There are no financial implications resulting from recommendations made in this staff report.

Relationship to Council’s Strategic Priorities 2020-2022:

The approval of Official Plan Amendment 22 (OPA 22) and the amendment to Zoning By-law 256-88 support Council’s Strategic Priority for 2020-2022 related to “Balancing Growth and Green” and “Strong Sense of Belong” by providing housing options to residents while addressing environmental risks due to climate change. The amendments are based on updated TRCA flood modelling data and therefore comply with provincial standards for flood plain management.

Climate Change Considerations:

OPA 22 and the amendment to Zoning By-law 256-88 directly address climate change adaptation by updating policies and provisions to protect people and properties from flood damage arising from extreme storms, while still ensuring the long-term viability of the community.

Next Steps:

After OPA 22 and its associated ZBLA are adopted by City Council, staff will provide notice to all prescribed bodies and those parties who have requested notification. City staff will also forward OPA 22 to the Region of York as they are the approval authority for the City’s SPAs. Following regional approval, there will be a 20-day appeal period, after which and pending no appeals on the regional approval, the proposed amendments will come into full force and effect.

Conclusion:

The City has collaborated with the TRCA, the Region of York, and the Province to modernize the policies, provisions, and mapping of the Lake Wilcox Special Policy Area.

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The collective work has resulted in the preparation of an updated draft OPA and ZBLA that conform with provincial policy, and reflect provincial technical standards and up-to-date flood modelling data. The draft OPA and ZBLA have been approved with requested modification by the Ministers of Municipal Affairs and Housing and Natural Resources and Forestry. The City is in the final stage of completing this work by seeking Council's adoption of the updated OPA and ZBLA, and requesting final approval of same from the Region.

Attachments:

The following attached documents may include scanned images of appendixes, maps and photographs. All attachments have been reviewed and made accessible. If you require an alternative format please call the contact person listed in this document.

- Appendix A – Official Plan Amendment 22
- Appendix B – By-law 64-21 to Amend Zoning By-law 256-88
- Appendix C – Approval Letter from the Ministry of Municipal Affairs and Housing and the Ministry of Natural Resources and Forestry, dated April 6, 2021
- Appendix D – Letter of Endorsement from York Region, dated January 23, 2018
- Appendix E – Letter of Endorsement from the Toronto and Region Conservation Authority, dated January 29, 2018

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Report Approval Details

Document Title:	SRPI.21.051 Request for Approval-Official Plan Amendment and Zoning By-law Amendment - Wilcox Special Policy Area.docx
Attachments:	- SRPI.21.051-Appendix A-Official Plan Amendment 22.pdf - SRPI.21.051-Appendix B-Amendment to Zoning By-law 256-88.pdf - SRPI.21.051-Appendix C-Approval Letter from Province.pdf - SRPI.21.051-Appendix D-Endorsement Letter from York Region.pdf - SRPI.21.051-Appendix E-Endorsement Letter from TRCA.pdf
Final Approval Date:	May 31, 2021

This report and all of its attachments were approved and signed as outlined below:

Gus Galanis - May 18, 2021 - 10:28 AM

Patrick Lee - May 18, 2021 - 11:18 AM

Kelvin Kwan - May 18, 2021 - 12:03 PM

MaryAnne Dempster - May 31, 2021 - 9:45 AM