

Appendix A to SRPI.21.051

**Official Plan Amendment 22 regarding the Lake Wilcox Special
Policy Area**

Amendment 22 to the Richmond Hill Official Plan

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THE CORPORATION OF THE CITY OF RICHMOND HILL

BY-LAW NO. 65-21

A By-law to Adopt Amendment No. 22 to the
Richmond Hill Official Plan.

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

1. That Amendment No. 22 to the Richmond Hill Official Plan, consisting of the text and maps provided in the attached Part Two, Section 2.2. of this document, is hereby adopted and consolidated with the Richmond Hill Official Plan.
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. 22 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 _____, 2021.

Joe DiPaola
Acting Mayor

Stephen M.A. Huycke
City Clerk

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 Special Policy Area (Revised Proposed) 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 hazard policies of the Provincial Policy Statement (PPS), 2020 concerning new development would result in social and economic hardships and provides a separate set of policies in accordance with the PPS Special Policy Area policies and definition, to provide for the continued viability of existing uses, which are generally on a small scale.
- By way of letter dated April 6, 2021, the proposed Amendment has been approved by the Ministers of Natural Resources and Forestry (MNRF) and Municipal Affairs and Housing (MMAH) in accordance with the Provincial Special Policy Area approval guidelines.
- The proposed Amendment is consistent with the Provincial Policy Statement (PPS), 2020.
- 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.

PART TWO - THE AMENDMENT

2.1 All of this part of the document entitled **PART TWO – THE AMENDMENT** consisting of the following text in section 2.2 and the attached Schedule “1” constitute Amendment No. 22 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 remove the boundary of the Lake Wilcox SPA and replace it with the updated boundary identified as “SPA Boundary (Revised Proposed)” on Schedule 1 of this document.

2.2.2 That **Schedule A7** (Floodplain Regulation Areas, Special Policy Areas and Flood Vulnerable Areas) be amended to remove the boundary of the Lake Wilcox SPA and replace it with the updated boundary identified as “SPA Boundary (Revised Proposed)” on Schedule 1 of this document.

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 home, 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 City 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 and Forestry 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 (1) be amended by replacing the word “Town” with “City” so that it reads as follows:

The policies established and used within the defined limits of *Special Policy Areas* shown on Schedule A7 (Floodplain Regulation Areas, Special Policy Areas and Flood Vulnerable Areas) are areas where the Province of Ontario, the Conservation Authority, and the City agree to accept a higher level of flood risk.

- ii. Policy (2) be deleted and replaced with Policies 3.2.2.4 (2) – (6) 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 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 detached dwelling units shall be permitted.
- b. New *low-rise* single detached dwelling units shall be required to be floodproofed to the highest level technically feasible.
- c. *Additional Residential Units* 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 and Forestry.

6. The City 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 City and/or the Toronto and Region Conservation Authority.

iii. Policy (3) be renumbered to Policy (7);

iv. Policy (4) be deleted and replaced with Policy (8); as follows:

The approval of minor variance and/or site plan applications for buildings or structures in *Special Policy Areas* shall be conditional upon the landowner incorporating into the project flood measures capable of ensuring that the new buildings or structures, or additions to existing buildings or structures, will not be flooded under Regulatory Flood conditions, to the satisfaction of the City and the Conservation Authority. Dry passive floodproofing to the Regulatory Flood level is preferred.

v. Policy (5) be renumbered to Policy (9);

vi. Policy (6) be renumbered to Policy (10);

vii. Policy (7) be deleted and replaced with Policy (11) as follows:

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) as outlined in Provincial guidance. Where access and egress cannot achieve provincial flood proofing standards, they must achieve the maximum level of flood protection determined by the City 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 City 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 City 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.
- viii. Policy (8) be renumbered to Policy (12);
- ix. Policy (9) be renumbered to Policy (13);
- x. Policy (10) be deleted and replaced with renumbered to Policy (14) 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 home, retirement home, pre-school, school nursery, day care, school and/or any land uses 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*.

- xi. Policy (11) be deleted;
- xii. Policy (12) be renumbered to Policy (15);
- xiii. Policy (13) be deleted and replaced with renumbered Policy (16) 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 and Forestry 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 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.

Schedule 1 to OPA 22

