
SUBJECT: RECOMMENDATION REPORT
Unionville Special Policy Area Update
File No: PLAN 21 139260 (Wards 3 & 4)

PREPARED BY: Patrick Wong, MCIP, RPP, Senior Planner, Natural Heritage,
ext. 6922

REVIEWED BY: Tony Iacobelli, MCIP, RPP, Manager, Natural Heritage, ext.
7925

RECOMMENDATION:

1. That the staff report entitled “Recommendation Report, Unionville Special Policy Area Boundary Update” dated May 16, 2022, be received; and,
2. That the proposed Special Policy Area boundaries and the Special Policy Area Justification Report be endorsed by Council and forwarded to the Toronto and Region Conservation Authority and the Province of Ontario (Minister of Municipal Affairs and Housing & Minister of Northern Development, Mines, Natural Resources and Forestry) for their endorsement and approval; and,
3. That upon obtaining the endorsement of the changes to the Special Policy Area boundaries from the Toronto and Region Conservation Authority and the Province, the draft Official Plan Amendment, attached hereto as Appendix ‘B’, be finalized, brought to Council for adoption, and forwarded to York Region for approval; and,
4. That upon approval of the Official Plan Amendment by York Region, the Zoning By-law Amendment, attached hereto as Appendix ‘C’, to amend the Special Policy Area overlay on zoning by-laws 1229, 11-72, 122-72, 134-79, 304-87 and 177-96, as amended, be finalized and brought forward to a future Council meeting to be enacted without further notice;
5. And that staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to recommend that Council endorse the updated Special Policy Area (SPA) boundary to reflect the updated floodplain boundary by the Toronto and Region Conservation Authority (TRCA), and to outline the next steps including the necessary TRCA, York Region and Provincial approval process.

BACKGROUND:**Updated Floodplain Mapping was prepared by TRCA in 2019**

In October 2019, Development Services Committee received a staff report on updated floodplain mapping which affect Unionville and surrounding areas. The revised

floodplain boundaries were a result of a technical floodplain analysis completed by the TRCA based on updated data and revised hydrologic modelling.

Portions of the floodplain in Unionville are identified as 'Special Policy Area' and the floodplain changes necessitate an update to the SPA boundary. The updates to the SPA will be implemented through Official Plan and Zoning by-law amendments. The 'Special Policy Area' is identified in the Markham Official Plan 2014 (as partially approved on November 24, 2017 and further updated on April 9, 2018) and is further implemented as an overlay on applicable zoning by-laws 1229, 11-72, 122-72, 134-79, 304-87 and 177-96, as amended. Further information on the history and purpose of the SPA is attached as 'Appendix A'.

Process to Date

- May 24, 2019 – TRCA Board endorsed updated flood plain mapping for the Unionville area in Markham
- October 28, 2019 – Preliminary report to Development Services Committee
- September 17, 2020 – Community Information Meeting #1
- November 16, 2021 – Statutory Public Meeting
- December 21, 2021 – Community Information Meeting #2 (hosted by Councillor McAlpine)

Next Steps

Modifications to SPAs are identified as a matter of provincial interest and in accordance with the Provincial Policy Statement (PPS) require Ministerial review and approval. The Province's guideline identifies that endorsement of the SPA boundaries is required from the TRCA Board of Directors and the Provincial Ministers prior to Council adoption of the Official Plan Amendment. Staff are recommending the following steps be taken to complete the update of the SPA boundary:

1. Endorsement of the updated SPA boundaries by Markham Council;
2. Endorsement of the updated SPA boundaries by TRCA Board of Directors and approval by the Provincial Ministers of Municipal Affairs and Housing and Northern Development, Mines, Natural Resources and Forestry;
3. Adoption of the Official Plan Amendment by Markham Council and approval by York Region;
4. Enactment of Zoning By-law Amendment by Markham Council.

DISCUSSION:**Provincial and Regional Policy Conformity**

The PPS, Growth Plan for the Greater Golden Horseshoe and the York Region Official Plan generally direct development outside of floodplain areas. In exceptional circumstances, the Province may consider the establishment of Special Policy Areas to recognize historic development permissions within the floodplain to address the social and economic hardships that would otherwise result from strict adherence to floodplain policies. Staff have worked closely with TRCA and Provincial staff to ensure that the proposed SPA modifications respect applicable Provincial technical guidelines and that no intensification is proposed in the SPA, as directed by the PPS. Staff are of the opinion

that the amendments are consistent with the PPS and conform to applicable Provincial Plans and the York Region Official Plan.

Special Policy Area vs One-Zone Floodplain Policy

The Special Policy Area is a tool to recognize existing development permissions within a floodplain. The SPA is necessary for those properties which are currently underdeveloped or vacant. For instance, the commercial lands along both sides of Highway 7 near Main St Unionville are located in the floodplain and designated in the City's Official Plan for mixed use development. Redevelopment to a mixed use form, including additional dwelling units, may only be realized with a Special Policy Area. No intensification is permitted beyond what is currently permitted in the Official Plan or Zoning By-law.

Lands in the floodplain, but outside of the Special Policy Area, are subject to TRCA's One-Zone Floodplain Policy. The One-Zone Floodplain Policy is more restrictive than the Special Policy Area and is the default standard used to protect floodplain lands in Ontario. The One-Zone Floodplain Policy approach is generally recommended for properties that are already built out to capacity. Potential additions to an existing building can be considered without an SPA designation. The One-Zone Floodplain Policy generally limits development to building expansions up to 50% of the original footprint (as well as potential second-storey additions) and which do not result in the creation of additional dwelling units.

Development or site alteration within either the Special Policy Area or the One-Zone Floodplain require a permit and technical review by the TRCA. The TRCA permit process seeks to reduce and address flood-related risks to life and property, and includes matters such as floodproofing, demonstration of safe access and floodplain analysis.

One of the City's objective is to reduce the overall area of the Special Policy Area and to minimize the overall flood risk to the community. The use of the SPA is only recommended where it is necessary to recognize existing development permissions and after proper consideration of lands subject to high flood risks.

Proposed SPA Boundary has been reviewed by TRCA and Provincial staff

City staff have worked closely with TRCA staff to identify the updated Special Policy Area boundary (see Figure 1) and to prepare the necessary technical report to demonstrate compliance with Provincial requirements. The justification report has been prepared in accordance with the Province's Procedures for Approval of New Special Policy Areas and Modifications to Existing SPAs under the PPS which provides the necessary technical and planning information to support the changes to the SPA boundary. TRCA and Provincial staff are generally satisfied with the proposed Special Policy Area boundary and the City's Justification Report (see Appendix D).

Summary of changes to the Special Policy Area

The area of the Special Policy Area has decreased in size from 46.3 hectares to 19.4 hectares. This represents a net decrease of 26.9 hectares which consists of the removal of 31.9 hectares and the addition of 5.0 hectares of lands. The number of properties in the SPA has decreased from 425 to 223.

Non-developable lands have been removed from the SPA boundary

Non-developable lands such as natural heritage features, public roads and parks have been removed from the Special Policy Area. In addition, erosion hazards such as valley slopes and areas subject to stream erosion (meanderbelt) have been removed.

Amendment to the Greenway designation is recommended for 4812 Highway 7 E

During the study process, staff identified that the existing structure in the proposed SPA at 4812 Highway 7 East was incorrectly designated 'Greenway' in the Official Plan 2014. The structure does not qualify for inclusion in the Greenway System (see Figure 2) and it is recommended that the Official Plan Amendment re-designate these lands from 'Greenway' to 'Mixed Use Mid Rise' consistent with the front portion of this property. The valleylands and woodlands at the back of the property will remain designated as 'Greenway' to protect the natural heritage system.

Public Input

The statutory public meeting was held on November 16, 2021. Two written submissions were received from the public and three deputations were made to Council. The following matters were raised by members of the public and Committee:

- Question whether the 2019 floodplain line should be included on Map 8 as proposed in the draft Official Plan Amendment
Response: Staff have removed the 2019 floodplain line as it is not currently included on Map 8 of the Official Plan.
- Concerns that the amendment will remove protections to the floodplain
Response: For lands taken out of the Special Policy Area (and which remain in the floodplain), the TRCA's One-Zone Floodplain Policy would apply which is more protective of the floodplain than the Special Policy Area.
- Concerns about site alteration in Fonthill Creek and within the CN rail corridor
Response: Any alterations to ground elevation, including structures or fill, within the floodplain are regulated by the TRCA and any suspected activities should be reported to the TRCA's enforcement unit.
- Questions on floodplain model and climate change considerations
Response: The floodplain model is prepared in accordance with Provincial guidelines and is based on the precipitation levels of Hurricane Hazel which is the largest storm to hit southern Ontario in recorded history. Floodplain models are regularly updated by the TRCA and reflects the latest available information such as ground elevation and culverts/bridges.

FINANCIAL CONSIDERATIONS

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The update of the Special Policy Area boundary utilizes the latest floodplain information available to the City in order to minimize flood-related risks to life and property. It supports Goal #3 in the City's 2020 – 2023 Strategic Plan of 'Safe, Sustainable and Complete Community'.

BUSINESS UNITS CONSULTED AND AFFECTED:

The application has been circulated to internal departments, TRCA, York Region and the Province. Comments have been incorporated into the draft amendments.

RECOMMENDED BY:

Darryl Lyons, MCIP, RPP
Senior Manager, Policy & Research

Arvin Prasad, MCIP, RPP
Commissioner, Development Services

FIGURES AND APPENDICES:

Figure 1:	Proposed Unionville Special Policy Area Boundary
Figure 2:	Air photo of 4812 Highway 7 East Subject to Re-designation
Appendix A:	History and Purpose of the Unionville Special Policy Area
Appendix B:	Draft Official Plan Amendment
Appendix C:	Draft Zoning By-law Amendment
Appendix D:	Unionville Special Policy Area Boundary Review Justification Report

Appendix A: History and Purpose of the Unionville Special Policy Area

In 1990, Markham Council adopted an Official Plan Amendment to establish the Unionville Special Policy Area. Since 1990, two updates have been completed to the Special Policy Area as follows:

- Modification of the SPA boundaries through Official Plan Amendment 153 to the Official Plan (Revised 1987), as amended – adopted by Markham Council in 2006 and approved by York Region in 2008
- Modification of the SPA policies through the Official Plan 2014 – adopted by Markham Council in 2013. The SPA policies were brought into force and effect by the Local Planning Appeal Tribunal in 2016.

The current boundaries of the Unionville Special Policy Area are shown on Figure 1. A Special Policy Area (SPA) is described as an “area within a community that has historically existed in the floodplain and where site-specific policies [...] are intended to provide for the continued viability of existing uses [...] and address the significant social and economic hardships to the community that would result from strict adherence to provincial policies concerning development” (Provincial Policy Statement, 2020). The Unionville Special Policy Area is one tool that supports the continued vibrancy and economic viability of the Unionville community. Within the Unionville Special Policy Area, certain development rights are retained which can allow for development, such as new structures and building expansions which may otherwise be prohibited.

While the SPA provides for certain development permissions, steps are taken to minimize the extent of flood-related risk. All proposals for development or site alteration within the Unionville Special Policy Area must obtain permission from the TRCA. Requirements such as flood proofing and flood response plans are imposed on new developments. Sensitive uses such as those that serve vulnerable populations (e.g., schools, daycares, elderly homes) and emergency services are prohibited from locating within the SPA. Finally, site-specific requests to intensify or to increase the population within the SPA beyond the permissions of the underlying land use designation are not permitted.

The current Special Policy Area boundary is identified on Map 8 – Special Policy Area of the Markham Official Plan 2014.

Current Special Policy Area Boundary (Map 8, Official Plan 2014)

