

# MARKHAM

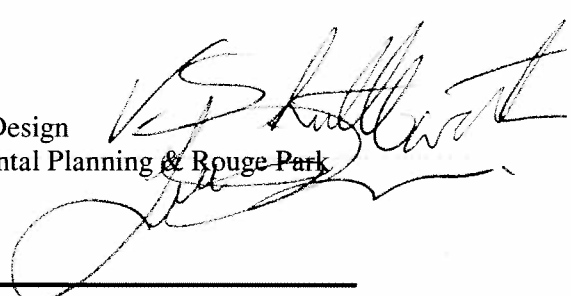
## MEMORANDUM

**DATE:** June 13, 2006

**TO:** Mayor and Members of Council

**FROM:** Val Shuttleworth, Director of Planning and Urban Design  
Lilli Duoba, Senior Project Coordinator Environmental Planning & Rouge Park

**SUBJECT:** SPECIAL POLICY AREA POLICIES



At the Public Meeting held on Tuesday, May 16, 2006, Development Services Committee resolved that the Special Policy Area Official Plan and Zoning By-law amendments be forwarded directly to Council and that staff provide a response to the following items:

- Provide mapping to show lands that will be deleted from the SPA and lands to be added to the SPA (Item 1).
- Provide the acreage of lands to be removed from the Special Policy Area which now form tablelands (Item 2).
- Relationship of the Official Plan Amendment to the Provincial Policy Statement (Item 3)

This memo serves to respond to the questions raised and proposes two additional recommended boundary changes (noted as Item 4) and a response to questions raised by Mr. Chris Sauer following the public meeting (Item 5).

**1. Information Request by Development Services Committee related to mapping to show lands to be removed and lands to be added.**

Attached as Appendix 'A' is a map showing SPA lands to be removed and SPA lands to be added. The map includes the boundary changes identified in items 4 and 5. This map has been included for information in the basis of the draft Official Plan Amendment.

**2. Information request by Development Services Committee regarding area of lands being removed from Special Policy Area falling outside of the limit of the regulatory flood plain.**

The Town's existing SPA comprises approximately 65.63 hectares and the proposed SPA comprises approximately 46.18 hectares which reduces the SPA by approximately 19.45 hectares. A total of 17.68 hectares of land currently identified as Special Policy Area is now located outside of the regulatory flood

plain and is proposed to be designated in the urban land use category that reflect the existing land use. Attached as 'Appendix B' is a summary of the land use, physical and technical consideration for each of the SPA sites.

### **3. Information request by Development services Committee regarding Provincial Policy Statement Implications**

The 2005 Provincial Policy Statement (Section 3.1.3) continues to permit the approval of Special Policy Areas and adjustments to the Special Policy Area boundaries subject to Provincial approval. The Town has been working with Provincial staff to ensure that all requirements for approval of the Town's technical boundary adjustment are met. The draft amendment deals only with this technical adjustment and does not propose any modifications to current Official Plan policies approved in 1990 by the TRCA and the Province in accordance with Provincial legislation then in effect.

The 2005 Provincial Policy Statement introduced new definitions relating to development and site alteration within Special Policy Areas. The PPS definition for Special Policy Area is as follows:

Special Policy Area means 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.

Applications for new development within the Town's Special Policy Areas must conform both to the Town's Official Plan policies and be consistent with the Provincial Policy Statement. Where planning approvals such as Secondary Plans or site specific zoning have not already been secured on lands within the Special Policy Area, new development will be reviewed in the context of the Town's Official Plan and the Provincial Policy Statement. The Town and TRCA would engage the Province where potential conflicts with the Provincial Policy Statement are identified. Staff note that planning approvals, which pre-date the 2005 Provincial Policy Statement, in the form of detailed Secondary Plans, zoning and site plan approvals have been granted in accordance with applicable legislation for most lands within the Special Policy Areas including Markham Centre Secondary Plan and South Unionville Secondary Plan. To date, the Province has not identified any conflict with the PPS relative to the Town's Secondary Plan policies.

**4. Further SPA boundary adjustment recommended by Toronto and Region Conservation Authority and Town staff**

The TRCA has provided the Town with confirmation and a minor modification to the Special Policy Area boundary on Annina Court. The modification removes lands from the Special Policy Area creating a further reduction in the overall SPA. The plan of subdivision for the parcel has been draft plan approved by the Town. Attached as Appendix 'C' is the TRCA correspondence.

The Unionville parking lot serves a significant parking need in support of the residents and businesses in Main Street Unionville. The earlier proposed removal of the Special Policy Area designation on the Unionville parking lot could potentially impact any future options for modifications to the parking lot. As such, we recommend that the Special Policy Area designation be retained, as currently approved, to ensure that Council is afforded flexibility in addressing future parking matters on these lands.

**5. Additional comments forwarded by Chris Sauer following the Public Meeting**

The Town has received additional comments from a resident following the public meeting (Appendix 'D'). On the issue of whether all properties were considered, the Town and the TRCA spent considerable time examining the existing Special Policy Area. Through this process, the SPA boundary was determined to ensure each property owner within the floodplain would have the flexibility to address the type and scale of development contemplated through existing zoning and planning approvals. Staff are satisfied that the Special Policy Area boundary being recommended will provide the Markham community with the needed certainty and flexibility with respect to flood plain management.

On the issue of extending the Special Policy Area beyond the flood plain to address future variation to the flood plain, the Town cannot under Provincial authority identify lands for a Special Policy Area that are outside of the regulatory flood plain. The current Town requirements for protected valleylands and conveyance of valleyland buffers ensure that all future development is located outside of the regulated flood area and sufficient buffering is provided to ensure protection of the watercourse feature and allowance for the watercourse to meander over time.

# APPENDIX A



LANDS ADDED TO  
SPECIAL POLICY AREA



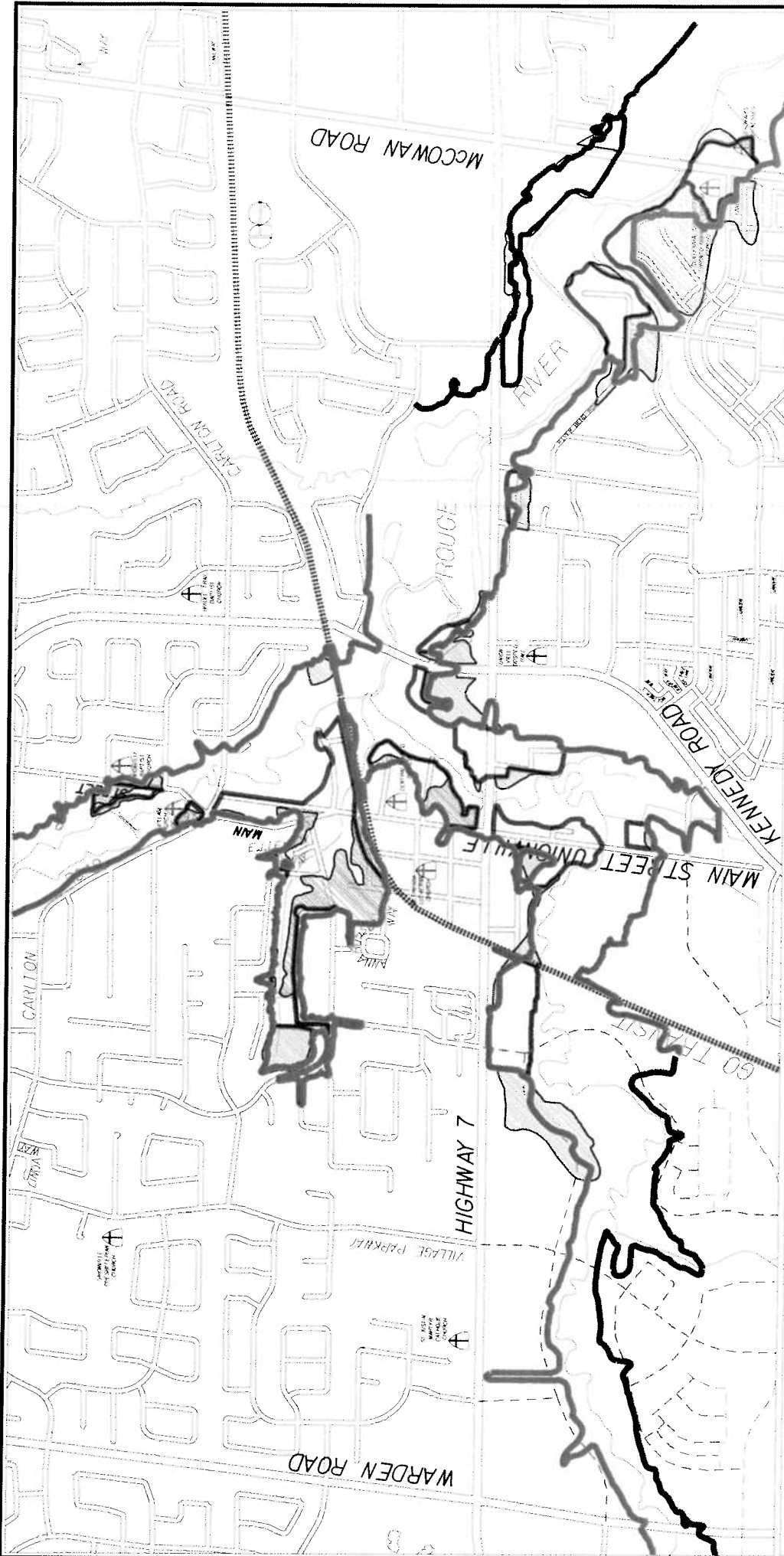
LANDS DELETED FROM  
SPECIAL POLICY AREA



SPECIAL POLICY AREA



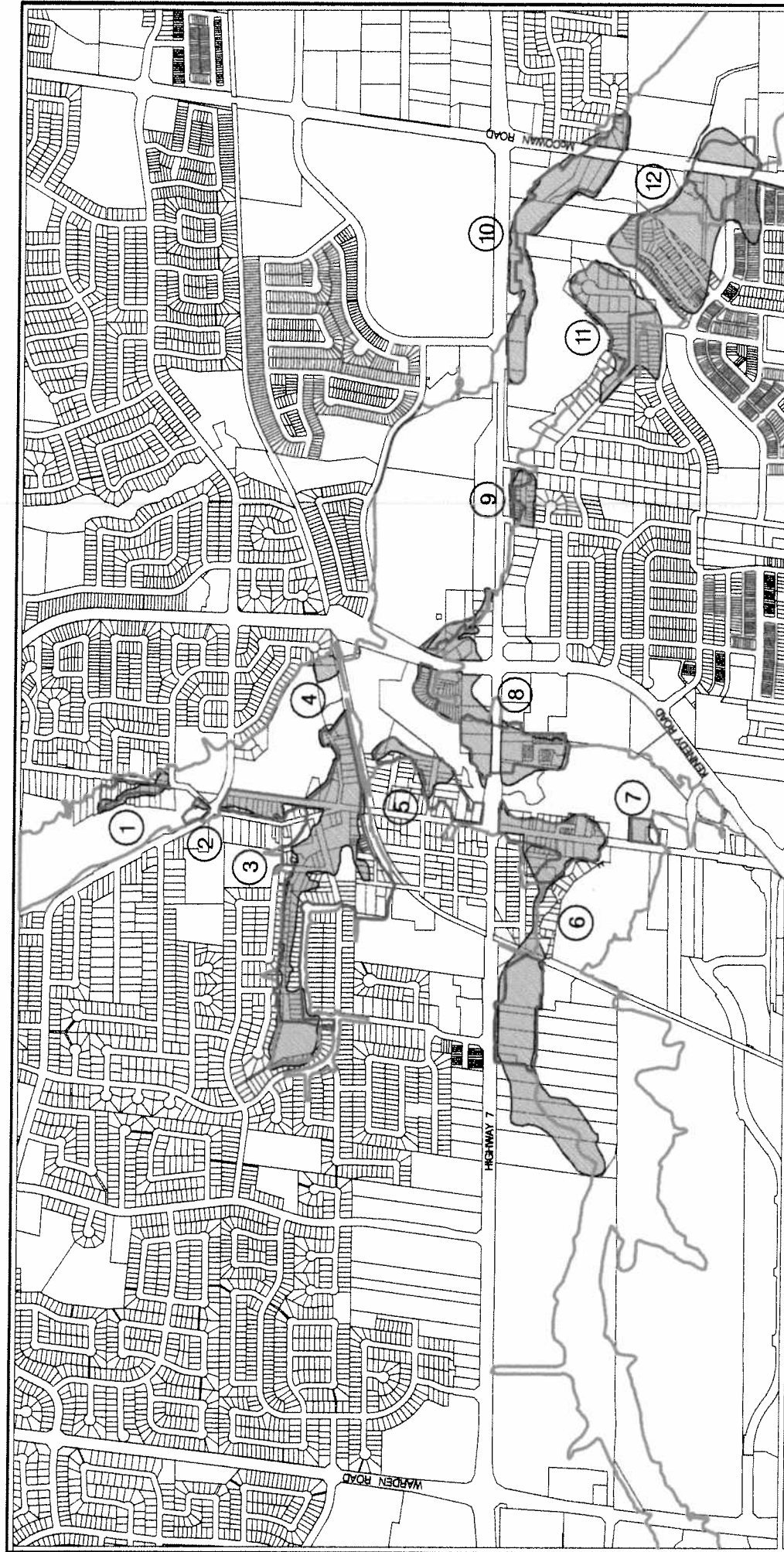
TRCA FLOODLINE



## Appendix B: PROPOSED SPECIAL POLICY AREA MODIFICATIONS

Site	SPA Existing (ha)	SPA Proposed (ha)	Comments (Land Use, Physical Considerations and Technical Rationale)
1	.71	.80	<ul style="list-style-type: none"> <li>existing stable residential area backing onto Toogood Pond</li> <li>subject to the Unionville Heritage Conservation District Plan</li> <li>regional flood limits extends further east</li> <li>floodplain extends across Main street onto two properties, however these properties are small with shallow flood depth and velocity and can therefore be dealt with under the existing Flood Vulnerable Sites policy for a building increase of up to 50%</li> <li>proposed SPA flooding depths and velocities are consistent with the existing SPA values</li> <li>2 properties entirely removed from the proposed SPA boundary</li> <li><b>existing and proposed SPA contained within the flood plain</b></li> </ul>
2	.10	.35	<ul style="list-style-type: none"> <li>existing art gallery site</li> <li>subject to Unionville Heritage Conservation District Plan</li> <li>SPA boundary changes are a result of revised floodplain mapping which now includes as floodplain the land on which the structure is located</li> <li>flood depths and velocities are similar to those of the existing approved SPA</li> <li>no new properties affected by the proposed SPA boundary</li> <li><b>existing and proposed SPA contained within the flood plain</b></li> </ul>
3	11.63	14.40	<ul style="list-style-type: none"> <li>historic Unionville commercial core area and Fonthill area</li> <li>Unionville parking lot and Toogood Park areas removed from the existing SPA</li> <li>proposed SPA has average flood depth of .47 m and flow velocity of .08 m/s (existing SPA has average flood depth of .54 m and flow velocity of .09 m/s)</li> <li>proposed SPA lands would not be associated with a higher level of flood risk compared to existing SPA</li> <li>residential properties proposed to be removed from the SPA can be managed under the Flood Vulnerable Sites policy which allows for a 50% increase in development</li> <li>16 properties are proposed to be removed from the SPA and 30 properties proposed to be added (in whole or part)</li> <li>land use planning matters addressed through the Unionville Heritage Conservation Plan and Official plan Amendment No. 107 (Unionville Core Area Secondary Plan)</li> <li><b>existing and proposed SPA contained within the flood plain</b></li> </ul>
4	.48	0	<ul style="list-style-type: none"> <li>small existing SPA area encompassing rear of existing residential properties</li> <li>rear of properties within regional flood limit</li> <li>properties can be managed under the Flood Vulnerable Sites policy which allows for a 50% increase in development</li> <li>SPA proposed to be removed on this site</li> <li>no new properties affected</li> <li><b>existing SPA contained within the flood plain</b></li> </ul>
5	1.41	2.72	<ul style="list-style-type: none"> <li>existing stable heritage residential area and existing Highway 7 commercial property</li> <li>subject to Unionville Heritage Conservation District Plan</li> <li>proposed additional SPA average depth of flooding is estimated at .49 m with a flow velocity of .41 m/s (existing SPA has flood depths of in excess of 2 m and flow velocity of .41 m/s)</li> <li>new proposed SPA would have a reduced level of flood risk than the lands within the existing approved SPA</li> <li>flood line extends partially over two properties on the west side of Main Street, however, these properties can be managed under the existing Flood Vulnerable Sites Policy which allows for a 50% increase in development</li> <li>9 new properties added to the proposed SPA in whole or part</li> <li><b>existing and proposed SPA contained within the flood plain</b></li> </ul>
6	13.24	7.48	<ul style="list-style-type: none"> <li>Main Street south and Highway 7 Markham Centre area</li> <li>land use planning and conservation matters address in part through the Unionville Heritage Conservation District Plan and Markham Centre Secondary Plan (OPA No. 21)</li> <li>minor adjustments to the proposed SPA boundary west of Main Street resulting from revised floodplain mapping</li> <li>depth of flooding on proposed SPA estimated at .18 m with a flow velocity estimated at .16 m/s (existing SPA has average flood depth of 1.4 m and average flow velocity of .35 m/s).</li> </ul>

			<ul style="list-style-type: none"> <li>• new proposed SPA will have a lower level of risk than the existing approved SPA properties.</li> <li>• SPA proposed to be removed on the west boundary are now predominantly tablelands and existing structures within the flood plain which can be managed through the existing Flood Vulnerable Sites Policy which allows for a 50% increase in development.</li> <li>• re-development opportunities subject to approved Markham Centre Secondary Plan (OPA 21)</li> <li>• 15 properties entirely removed from the SPA and 1 property added in whole or part</li> <li>• <b>4.17 hectares of land currently identified as SPA are outside of the flood plain limit</b></li> </ul>
7	.47	.58	<ul style="list-style-type: none"> <li>• Main Street south</li> <li>• minor boundary adjustment based on the revised flood plain mapping.</li> <li>• no new structures or properties are included in the proposed SPA</li> <li>• land use planning matters are addressed through the Markham Centre Secondary Plan (OPA No. 21)</li> <li>• <b>existing and proposed SPA contained within the flood plain</b></li> </ul>
8	9.67	5.11	<ul style="list-style-type: none"> <li>• existing stable residential areas north and south of Highway 7</li> <li>• regional flood plain has been removed from a portion of the existing SPA</li> <li>• east of Kennedy Road the portion of SPA proposed to be removed will be administered under the existing Flood Vulnerable Sites Policy which allows for a 50% increase in development</li> <li>• 28 properties removed entirely from the SPA</li> <li>• <b>2.61 hectares of land currently identified as SPA are outside of the flood plain limit</b></li> </ul>
9	1.34	.44	<ul style="list-style-type: none"> <li>• Oakcrest Avenue and Hwy 7</li> <li>• proposed SPA has been reduced as a result of the revised flood plain mapping</li> <li>• minor boundary adjustment does not result in any new properties being added to the proposed SPA</li> <li>• 13 properties entirely removed from SPA and none added</li> <li>• <b>.70 hectares of land currently identified as SPA are outside of the flood plain limit</b></li> </ul>
10	7.59	6.17	<ul style="list-style-type: none"> <li>• Hwy 7 and McCowan Road</li> <li>• proposed SPA is reduced due to revised regional flood limit</li> <li>• 2 properties entirely removed from flood plain and SPA</li> <li>• <b>.79 hectares of land currently identified as SPA are outside of the flood plain limit</b></li> </ul>
11	6.13	3.59	<ul style="list-style-type: none"> <li>• existing residential area</li> <li>• proposed SPA to be reduced due to revised regional flood plain</li> <li>• properties removed from the SPA within the flood plain on the southern boundary are located in the outermost portion of the flood fringe and depths and velocities are expected to be small and the small rear portion of the properties can be administered through the existing Flood Vulnerable Sites Policy which allows for a 50% increase in development</li> <li>• 21 properties entirely removed and none added</li> <li>• land use planning matters addressed through Unionville South Secondary Plan (OPA No. 22)</li> <li>• <b>1.42 hectares of land currently identified as SPA are outside of the flood plain limit</b></li> </ul>
12	12.86	4.54	<ul style="list-style-type: none"> <li>• existing residential area</li> <li>• proposed SPA to be reduced due to revised flood plain</li> <li>• most properties along Annina Court are no longer flood prone and are proposed to be removed from the flood plain</li> <li>• rear properties of lands on south Annina Court have been excluded from the SPA as the structures on these lands are not within the regional flood limit and management of these properties would be administered through the Flood Vulnerable Sites Policy which allows for 50% intensification on these lands</li> <li>• Land use planning matters addressed through the Unionville Secondary Plan (OPA 22)</li> <li>• 96 properties entirely removed from the SPA and 0 added</li> <li>• <b>7.99 hectares of land currently identified as SPA are outside of the flood plain limit</b></li> </ul>
Total	65.63	46.18	



- EXISTING SPECIAL POLICY AREA
- PROPOSED SPECIAL POLICY AREA
- TRCA FLOODLINE

**Duoba, Lilli**

**APPENDIX C**

---

**From:** Laurie Nelson [LNelson@trca.on.ca]  
**Sent:** Friday, May 12, 2006 2:34 PM  
**To:** lduoba@markham.ca  
**Cc:** Don Haley; Carolyn Woodland  
**Subject:** Fw: Markham SPA - Annina Cres. Revisions  
**Importance:** High

Hi Lilli:

TRCA is now in receipt of the engineered post development flood line for File 19TM-04002, the Annina Crescent Subdivision. This was received from the proponents engineer and is now tied into our engineered mapping as an update. The attached PDF illustrates the proposed SPA boundary for Area 12 in the SPA OPA and the post development flood line (dashed blue line) for the Annina Cres. subdivision. The area in blue is no longer in the flood plain and therefore it is recommended that this area be removed from the SPA. Essentially, this pdf represents a further refinement to Area 12, which is a reduction in the SPA.

If you have any questions, please call me. I also want confirm that Carolyn, Don Haley and myself will be attending the public meeting on Tuesday night.

Thanks,

Laurie

Laurie Nelson  
Senior Manager  
Development Planning and Policy  
Planning and Development  
Toronto and Region Conservation

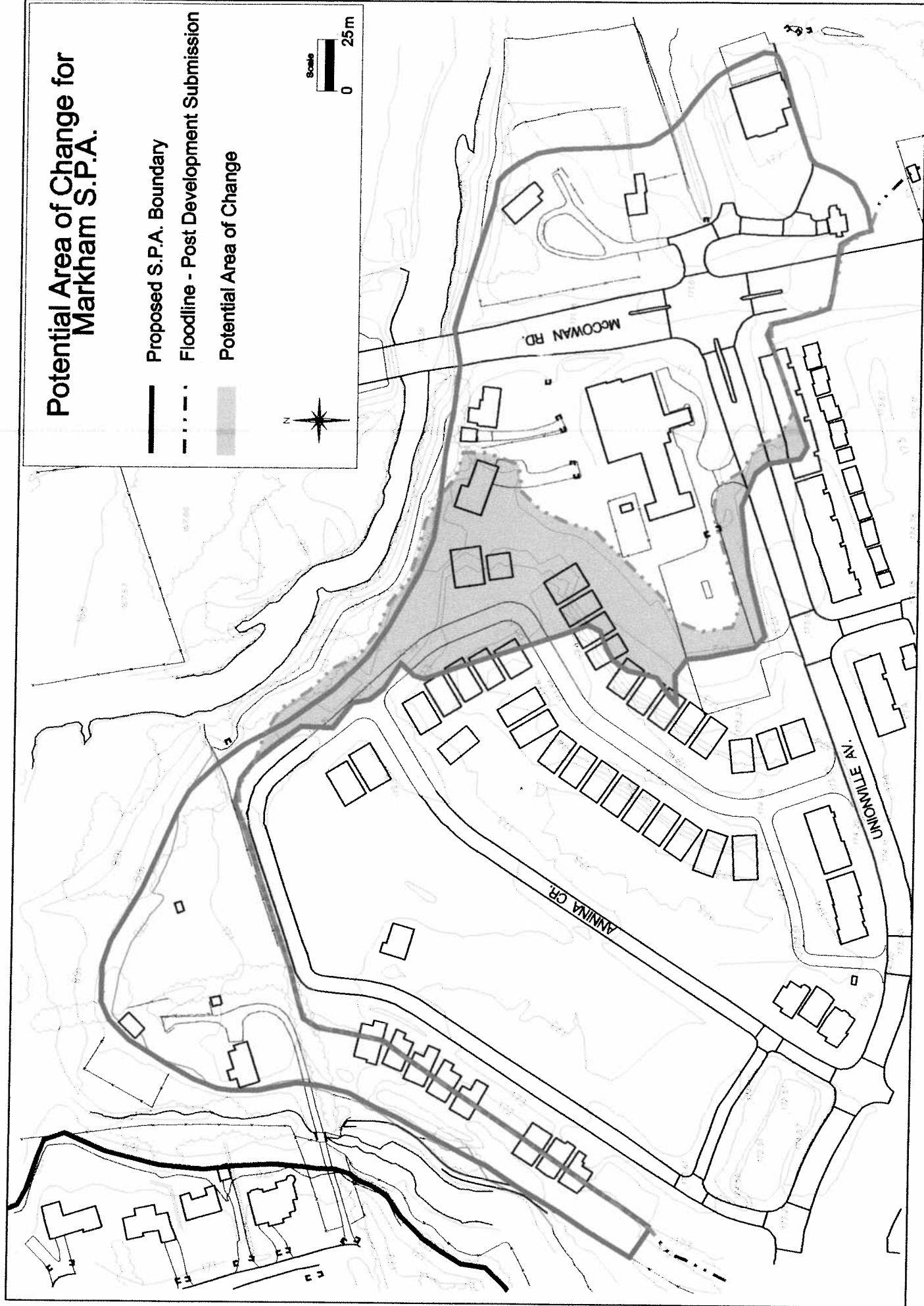
Phone: (416) 661-6600 Extension 5281  
Fax: (416) 661-6898  
Email: lnelson@trca.on.ca

5/18/2006



# Potential Area of Change for Markham S.P.A.

- Proposed S.P.A. Boundary
- Floodline - Post Development Submission
- Potential Area of Change



Hi Joe,

## APPENDIX D

I wanted to follow up with you and the other councillors regarding the meeting last night on the floodplain and SPA boundaries. As a concerned member of the public and someone who lives adjacent to hazard lands, I was disappointed when the matter was sent to council for next weeks meeting.

I believe that the concerns raised by yourself and councillor Shapero were appropriate, and warranted consideration and response by staff. During the meeting, the following items came to light:

1. Ms. Duoba admitted to the committee that there were some properties that they could re-look at to see whether the merited inclusion in the SPA. If the person advising the committee actually concedes that there are a couple more things they could look at, I can't imagine why the committee would not instruct staff to do this. This is especially true when dealing with an issue of public safety and liability.
2. The TRCA staff conceded that the floodplain is a constantly changing structure that was mapped out in 2003. One of the things that tends to affect floodplain boundaries is new development (i.e. the proliferation of pavement). In general, this tends to increase the amount of space required for floodplain. Markham has undergone significant development since 2003, and will undergo significant development over the next 20 years. It is prudent then, under these circumstances for the Town to take a cautious approach and instruct staff to review the proposed boundaries, and if and where any grey areas exist, err on the side of caution.

To conclude, as a concerned member of the public I believe that the questions raised by yourself and Ms. Shapero did indeed warrant response by staff. I was also pleased to see that councillors Heath and McKelvey supported your views. I was particularly disturbed by councillor Horchik's statement that 'we are just talking about lines on a map'. To me, this is a cavalier attitude to a significant public safety and liability issue that deserves careful consideration and review. I was also disappointed by the fact that councillor Chiu seemed to be asleep and did not even vote on the issue.

I encourage you to continue to push for a further review of this issue as it is important for all parties to make sure that when the boundaries are modified, they are modified correctly.

Thanks.

Chris Sauer

--

Internal Virus Database is out-of-date.

Checked by AVG Free Edition.

Version: 7.1.385 / Virus Database: 268.4.6/324 - Release Date: 4/25/2006