

Memorandum

Date: July 7, 2020

To: Members of Council

From: Marisa Williams, Acting Manager, Policy, Heritage and Design, Community Services

Subject: Bolton Special Policy Area Update

Purpose

This memo provides an update on the Bolton Special Policy Area Provincial submission.

Background

In 1979, the Province approved flood plain management policies that prevented development on flood plain areas. These policies provided detailed guidelines addressing health and safety concerns of flood prone areas along provincial water courses. Normally provincial policy does not allow for new development within flood prone areas; however, the Special Policy Area (SPA) provision allows for limited development permissions to be granted to ensure the continued economic viability of an area especially where the flood risk is minimal and could be mitigated.

Caledon has one approved SPA designation and it is in Bolton, within the Humber River watershed. The Bolton SPA was established to preserve the social and economic viability of the core, permitting modest level of development and redevelopment. Official Plan Amendment 57 and By-law 85-65 established the Bolton SPA in 1985, with provincial approval in 1986.

In 2009 the Province required municipalities to update existing SPA technical mapping, the Official Plan and the Zoning By-law to reflect any variations due to changes in flooding risk and safety. Changes to policies (and land use designations) and/or boundaries of existing SPAs must be approved by both the Minister of Municipal Affairs and Housing (MMAH) and the Minister of Natural Resources and Forestry (MNR). The Conservation Authority provides support in the creation, review and implementation of SPAs.

The Town initiated the Bolton Special Policy Area study in 2012. The Town's consultant, WSP (formerly MMM group) in consultation with the Toronto Region Conservation Authority (TRCA) and provincial staff prepared a comprehensive study and Flood Risk Assessment and Planning Justification report (Report) in support of the SPAs Official Plan and Zoning By-law amendments. This study involved thorough consultation with the public.

November 2017 Council endorsed the submission package, which was then forwarded to the TRCA Board for their approval. At the TRCA meeting of March 23, 2018, the TRCA approved the Bolton SPA through their Resolution #A19/18. As per provincial procedures and guidelines, the Town forwarded its submission package to the Province in April 2018.

Discussion

The Report included a flood risk assessment that followed the provincial guideline and established certain scenarios, including “Potential Build-Out” based on the recommendations of the Town’s draft Intensification Study, 2015, and the full entitlement envelope based on the “Existing Official Plan and Zoning” permissions. The Report including the draft OP and ZBL amendments provided for the scenario that would see the potential for approximately 219 new residential units to be developed in the SPA. The Report did not recommend a limiting “hard cap” approach.

In its August 26, 2019, letter to the Town, the Province provided comments regarding its Bolton SPA submission package. Staff were satisfied with the submission except for the permitted level of development potential as it relates to potential risk to health, safety and damage to property. It was recommended that the OP and ZBL amendments be amended to diminish the number of potential new residential units by applying a higher standard of access/egress related to redevelopment of uses with overnight accommodation. The re-evaluation results in the projection of 155 residential units within the SPA, including the 69 units recently approved in a Zoning By-law Amendment for 50 Ann Street. The difference between the Report’s scenario and this revised scenario is the removal of 64 residential units.

The policy measures stated in the Town’s original submission, such as the Heritage Conservation District, the exclusion of second units within the SPA and limits to density increases provide enough development controls and mitigation of risk.

The TRCA’s CEO requested (letter dated May 5, 2020 and attached as correspondence to Council’s agenda of May 28, 2020) to Ministers Clark and Yakabuski their assistance in bringing a conclusion to this process with an invitation to meet with TRCA, the Mayor and senior Town staff.

The lengthy time it has taken to bring this to a resolution and to receive ministerial approval of the Bolton SPA had delayed the passing of the OPA and ZBL amendments. As such, Strategic Initiatives Revitalization of the Bolton Core study, which would be informed by the Bolton SPA policies is also impacted.

Next Steps:

- Resolution of Policy Direction required - 2020
- Council meeting to adopt the OPA and ZBL amendments – anticipated 2020

Attachments

Schedule A: Figure 1: Bolton Special Policy Area

Schedule B: Bolton Special Policy Area Correspondence