

Office of the Chair



May 5, 2020

VIA EMAIL

The Honourable Steve Clark
Minister of Municipal Affairs and Housing
17th Floor
777 Bay Street
Toronto, ON
M7A 2C1

steve.clark@pc.ola.org

The Honourable John Yakabuski
Minister of Natural Resources and Forestry
Whitney Block, Suite 6630
99 Wellesley St. West
Toronto, ON
M7A 1W3

john.yakabuski@pc.ola.org

**Re: Bolton Special Policy Area, Town of Caledon
Comprehensive Review and Update and TRCA request for a timely resolution of the
approval process**

Dear Minister Clark and Minister Yakabuski:

Toronto and Region Conservation Authority (TRCA) staff have been working with the Town of Caledon, their planning consultant WSP, as well as Provincial staff, on a comprehensive review and update to the policies and boundaries of the existing Bolton Special Policy Area (SPA) since 2013. The "Special Policy Area" designation is a planning mechanism provided by the Province of Ontario to recognize the unique circumstances of historic communities that exist within the flood plain and where site-specific policies are intended to provide for the continued social and economic viability and revitalization of these areas. Any amendments to the policies, land use designations 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 (MNRF). Conservation Authorities support both our Provincial and municipal partners in the creation, review and implementation of SPAs. Accordingly, given the extensive review and public consultation that has occurred to date, we are seeking your assistance for a timely resolution of the approval process.

At TRCA's Authority Meeting #2/18, held on March 23, 2018, Resolution #A19/18 regarding the Bolton Special Policy Area was approved as follows:

WHEREAS the Town of Caledon, in collaboration with Toronto and Region Conservation Authority (TRCA), has undertaken a comprehensive review to update the policies of the Bolton

Special Policy Area (SPA) in accordance with provincial guidelines for amending the policies and boundaries of existing SPAs;

AND WHEREAS the Town of Caledon has proposed amendments to the policies and mapping in their Official Plan and Zoning By-law associated with the Bolton SPA, based upon this comprehensive review;

AND WHEREAS TRCA staff have reviewed the proposed amendments and support the updates as proposed;

THEREFORE LET IT BE RESOLVED THAT the request of the Town of Caledon to update the policies and boundary of the Bolton Special Policy Area through the approval of an Official Plan Amendment and Zoning By-law Amendment be endorsed;

AND FURTHER THAT the Town of Caledon, the Ministry of Municipal Affairs and the Ministry of Natural Resources and Forestry be so advised by the CEO's Office.

The report associated with the above resolution has been enclosed for your information and documents the comprehensive process to update the Bolton SPA. This update was based upon a flood risk assessment using the most current flood plain information to inform land use and emergency planning. The development of the Town of Caledon's SPA Justification Report, Draft Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) to implement the proposed update was subject to an extensive, collaborative effort amongst staff from the Town, MMAH and MNRF and TRCA to ensure all interests were addressed. In accordance with the provincial procedures and approval process, TRCA's resolution of endorsement of the Draft OPA and ZBA was submitted to the Province.

On August 26, 2019, the Province released comments to the Town of Caledon on their SPA submission package and advised that overall, staff were satisfied with the submission with the exception of the permitted level of development and associated risks to public health, safety and property damage. As such, it has been requested that the Town further reduce the number of new residential units within the SPA and require through policy amendment, safe pedestrian and vehicular movement during a flood event for any new residential units. There has been ongoing dialogue between staff from the Town, MMAH, MNRF and TRCA in an order to address these comments. However, a resolution has not yet been reached and stakeholders continue to express concerns about the length of the approval process.

While the importance of reducing risk to residents is paramount for all involved, the reason that there is an SPA in Bolton is to recognize that there is an historic community within the floodplain, and to allow for its continued viability. In their update, the Town of Caledon is proposing amendments that would reduce the level of risk from that which is currently permitted based upon the original and in effect SPA approval. Other risk reduction measures could be utilized such as a higher minimum floodproofing standard to address the recent provincial comments. Based on TRCA's experience in undertaking these comprehensive reviews, each SPA is unique, requiring an approach based on their site-specific conditions.

It is our desire to support the Province and the Town of Caledon in order to bring this process to a conclusion and timely approval. We would be pleased to meet with you and relevant provincial staff along with the Mayor and senior Town of Caledon staff to discuss this further. If you are agreeable to a meeting, please have your office contact Leena Eappen, Executive Coordinator, CEO's Office at leena.eappen@trca.ca to arrange a time to meet.

Sincerely,



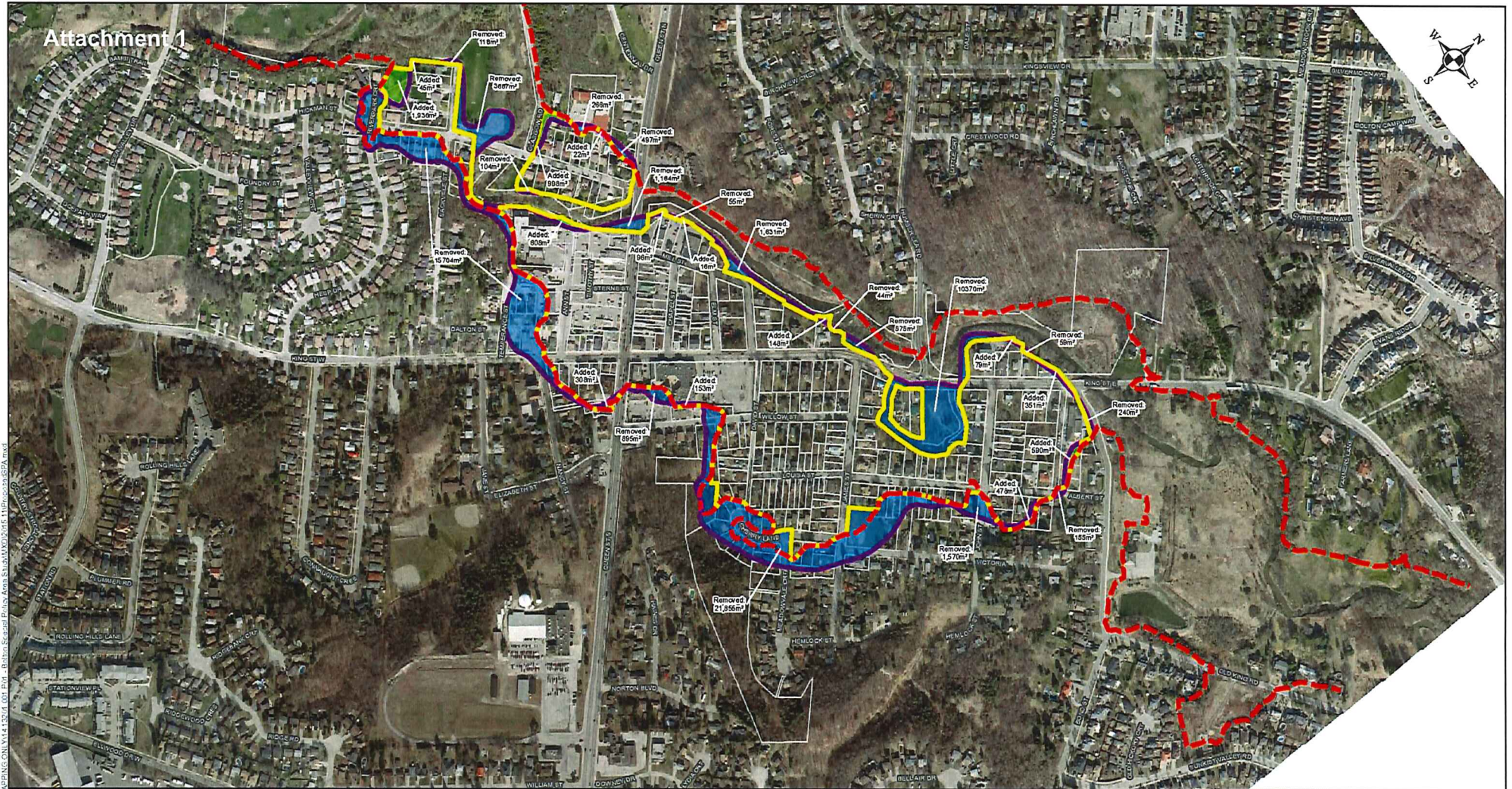
Jennifer Innis
Chair



John MacKenzie, M.Sc.(PI), MCIP, RPP
Chief Executive Officer

Encl. TRCA Resolution #A19/18 and Board Report, Bolton Special Policy Area

Cc: Allan Thompson, Mayor, Town of Caledon allan.thompson@caledon.ca



Legend

--- Regional Floodline Limit

--- Bolton Special Policy Area Boundary to be Amended as Shown

--- Existing Bolton Special Policy Area Boundary

Total Area Added to SPA: 5,827m²

Total Area Removed from SPA: 58,989m²

Net Difference: -53,162m²

100 50 0 100 200 300 Metres

106

BOLTON SPECIAL POLICY AREA

Title: Proposed Updated SPA Boundary

Prepared by: MMM GROUP

14-13201-001-P01

Scale as Shown Review: RR

Date: November 2015

Figure: 11.1

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- creation of a new secondary suite/apartment-in-house is prohibited;
- the Town is to maintain a Community Flood Contingency Plan;
- requiring the preparation of a Flood Contingency Plan for new multi-unit developments;
- amending the Zoning By-law with a new Section: 4.6 – Bolton SPA Floodplain Regulations -“SPA” suffix will be applied to all zones within the SPA to implement updated regulatory standards associated with the SPA; and
- remove uses from existing zone categories that are not permitted within the SPA (e.g. private home day care, day nursery, emergency service facility, etc.)

The comprehensive SPA review was subject to a public/landowner consultation process as per the requirements of the provincial SPA guidelines and as prescribed under the *Planning Act*. TRCA staff is satisfied that the Draft OPA and ZBA capture TRCA's planning and regulatory interests, roles and responsibilities for development within the SPA. Staff recommends that the draft amendments be supported.

DETAILS OF WORK TO BE DONE

The following is a summary of the concluding steps in the process to update the Bolton SPA boundary and policies, in accordance with the provincial guidelines:

- Town Council resolution of support of the Draft Official Plan Amendment and Draft Zoning By-law Amendment (December 12, 2017);
- TRCA resolution of endorsement of the Draft OPA and ZBA;
- Council and TRCA resolutions forwarded to MMA and MNRF;
- Submission of final/formal documentation to the Province for approval;
- Ministers of MMA and MNRF issue a decision;
- Town Council adopts the OPA and enacts ZBA

FINANCIAL DETAILS

Funding for the flood plain modelling and mapping was provided by the Region of Peel under account 129-19. Funding to support policy and planning input and GIS services for mapping products was provided by the Region of Peel under accounts 120-12 and 120-19.

CONCLUSION

The Town of Caledon, in collaboration with TRCA, has undertaken a comprehensive review of the Bolton Special Policy Area in accordance with provincial guidelines for amending the policies and boundaries of existing SPAs. The SPA Planning Justification is based upon a flood risk assessment using the most current flood plain management information for the Humber River to inform land use and emergency planning. The development of the Town's submission, including the SPA Justification Report, Draft OPA and ZBA, has been subject to extensive discussions with MMA and MNRF staff to ensure that their comments have been addressed. On this basis, TRCA staff recommends that the Authority support the proposed updates to the Bolton SPA boundary and policies as outlined in this report in order to advance to the next steps of the provincial approval process.

Report prepared by: Laurie Nelson, extension 5281

Emails: lnelson@trca.on.ca

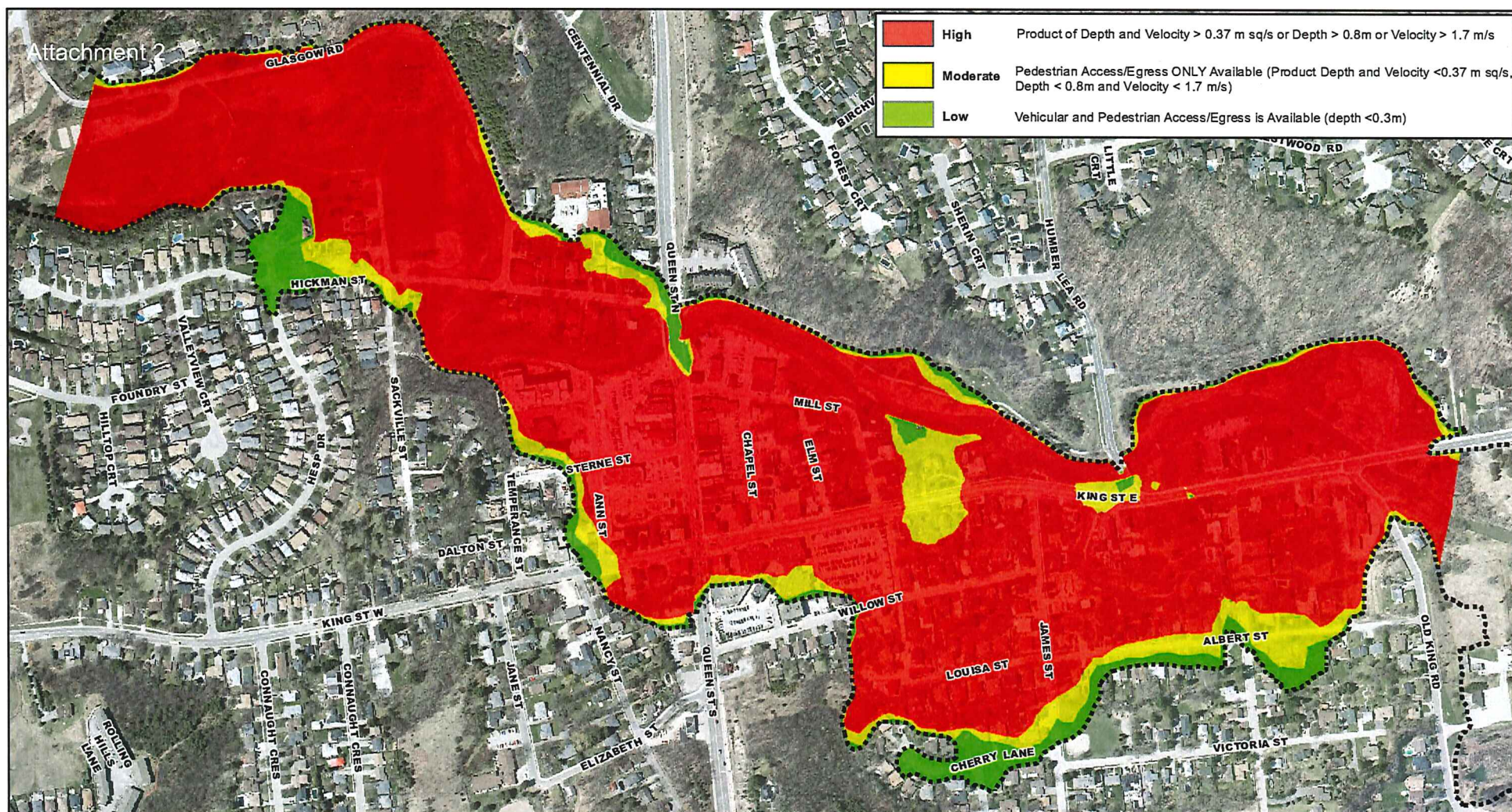
For Information contact: Laurie Nelson, extension 5281;

Quentin Hanchard, extension 5324

Emails: lnelson@trca.on.ca, qhanchard@trca.on.ca

Date: February 23, 2018

Attachments: 2



Toronto and Region Conservation Authority
Special Policy Area
-BOLTON-

Regional Flood Plain - High, Moderate and Low Risk Conditions

Legend:

- Regional Flood Line (2014)
- HEC-GeORAS Analysis (GIS Modelling)



November 2014

0 50 100 200 300 400 Metres

April 3, 2018

Sent via email

SEE DISTRIBUTION LIST

At Authority Meeting #2/18, of Toronto and Region Conservation Authority (TRCA), held on March 23, 2018, Resolution #A19/18 in regard to Bolton Special Policy Area was approved as follows:

WHEREAS the Town of Caledon, in collaboration with Toronto and Region Conservation Authority (TRCA), has undertaken a comprehensive review to update the policies of the Bolton Special Policy Area (SPA) in accordance with provincial guidelines for amending the policies and boundaries of existing SPAs;

AND WHEREAS the Town of Caledon has proposed amendments to the policies and mapping in their Official Plan and Zoning By-law associated with the Bolton SPA, based upon this comprehensive review;

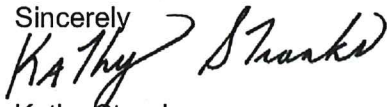
AND WHEREAS TRCA staff have reviewed the proposed amendments and support the updates as proposed;

THEREFORE LET IT BE RESOLVED THAT the request of the Town of Caledon to update the policies and boundary of the Bolton Special Policy Area through the approval of an Official Plan Amendment and Zoning By-law Amendment be endorsed;

AND FURTHER THAT the Town of Caledon, the Ministry of Municipal Affairs and the Ministry of Natural Resources and Forestry be so advised by the CEO's Office.

Enclosed for your information and any action deemed necessary is the report as approved by the Authority. If you have any questions or require additional information, please contact Laurie Nelson at 416-661-6600 extension 5281, lnelson@trca.on.ca.

Sincerely



Kathy Stranks

Clerk and Senior Manager, Corporate Records

cc. Laurie Nelson, Associate Director, Planning and Policy, TRCA

/Encl.

DISTRIBUTION LIST

Marisa Williams, Senior Policy Planner, Town of Caledon

Steven Strong, Senior District Planner, Ministry of Natural Resources and Forestry

Alejandra Gonzalez, Senior Planner (Acting), Community Planning and Development (West),
Ministry of Municipal Affairs

RES.#A19/18 -

BOLTON SPECIAL POLICY AREA

Comprehensive Policy and Boundary Update, Town of Caledon.
Endorsement of the proposed Official Plan Amendment and Zoning By-law Amendment that will implement the updated Special Policy Area policies and boundary of the Bolton Special Policy Area based upon a comprehensive flood risk management and planning analysis in accordance with provincial guidelines.

Moved by: Jennifer Drake
Seconded by: Jennifer McKelvie

WHEREAS the Town of Caledon, in collaboration with Toronto and Region Conservation Authority (TRCA), has undertaken a comprehensive review to update the policies of the Bolton Special Policy Area (SPA) in accordance with provincial guidelines for amending the policies and boundaries of existing SPAs;

AND WHEREAS the Town of Caledon has proposed amendments to the policies and mapping in their Official Plan and Zoning By-law associated with the Bolton SPA, based upon this comprehensive review;

AND WHEREAS TRCA staff have reviewed the proposed amendments and support the updates as proposed;

THEREFORE LET IT BE RESOLVED THAT the request of the Town of Caledon to update the policies and boundary of the Bolton Special Policy Area through the approval of an Official Plan Amendment and Zoning By-law Amendment be endorsed;

AND FURTHER THAT the Town of Caledon, the Ministry of Municipal Affairs and the Ministry of Natural Resources and Forestry be so advised by the CEO's Office.

CARRIED

BACKGROUND

A "Special Policy Area" designation is a planning mechanism provided by the Province of Ontario to recognize the unique circumstances of historic communities that existed within flood vulnerable areas prior to the implementation of a provincial flood hazard planning policy and where it has been demonstrated that the application of other provincial flood hazard planning management approaches (One Zone or Two Zone) would not allow for the continued social and economic viability and revitalization of these areas. New SPAs and any amendments to the policies, land use designations or boundaries of existing SPAs must be approved by both the Minister of Municipal Affairs and the Minister of Natural Resources and Forestry because they allow for reductions to provincially prescribed floodproofing standards within these areas, where this is deemed appropriate. As stated in the Provincial Policy Statement (PPS), SPAs are not intended to allow for new or intensified development, if a community has feasible opportunities for development outside the flood plain.

The proposal for a new SPA or modifications to the boundaries or policies of an existing provincially approved SPA may only be initiated by lower-tier or single-tier municipalities as the proponent. Such proposals must be undertaken in accordance with the Ministry of Natural Resources and Forestry Technical Guide, Appendix 5 – River and Stream Systems: Flooding Hazard Limit, “Procedures for Approval of New Special Policy Areas (SPAs) and Modifications to Existing SPAs Under the Provincial Policy Statement, 2005 (PPS, 2005), Policy 3.1.3 – Natural Hazards – Special Policy Areas, dated January 2009”. The policies and boundaries of an SPA are determined through a consultative process between the municipality, TRCA, Ministry of Municipal Affairs (MMA) and the Ministry of Natural Resources and Forestry (MNRF), and implemented through policies and mapping in a municipality’s Official Plan and Zoning By-law. These site specific SPA policies are used by TRCA staff to inform the standards applied within these areas through TRCA’s regulatory permitting responsibilities under Section 28(1) of the *Conservation Authorities Act*.

The historic village core of Bolton, (intersection of King Street and Queen Street), in the Town of Caledon is located within the valley corridor and flood plain of the Humber River. In 1986, the Province of Ontario approved Official Plan Amendment (OPA) No. 57, which established the policies and boundary of an SPA for the downtown area of Bolton (Attachment 1).

In 2012, Town of Caledon Council authorized staff, in partnership with TRCA, to undertake a comprehensive review of the Bolton SPA in order to update the existing policies and mapping to be consistent with the current PPS and reflect current flood plain information. The Town retained the consulting services of WSP (formerly MMM Group) to conduct the update to the Bolton SPA. The recommendations of this report are based on the outcome of the comprehensive SPA policy and boundary review process that has now been completed.

RATIONALE

The proposed policy and boundary modifications to the Bolton SPA reflect a collaborative and consultative effort between staff from the Town of Caledon and WSP, TRCA (policy, planning and engineering staff), MMA and MNRF. This process was undertaken to ensure consistency with the PPS, 2014 and informed by updated flood plain mapping for the area. The provincial approval procedures require an endorsement of the proposed updated SPA policies and boundary by Town Council as part of the Town’s final submission package to the Province of Ontario. A similar endorsement from the Authority is also required. On December 12, 2017, Town Council supported the Draft Official Plan Amendment and Draft Zoning By-law Amendment as detailed in the Staff Report 2017-134 to the Committee of the Whole held on November 28, 2017.

Flood Risk within the Bolton SPA

A fundamental element of the comprehensive SPA review was to update the boundary of the SPA based upon current flood plain mapping. Flood plain mapping for the Humber River was updated in 2014 in accordance with the methodology and specifications for regulatory mapping prescribed by the Ministry of Natural Resources and Forestry (Technical Guide-River and Stream Systems: Flooding Hazard Limit, 2002).

TRCA prepared a series of maps to illustrate the current technical flood plain information to inform and assist the Town with the risk analysis, land use and emergency management components of the SPA review. This included maps illustrating flood depths and velocities for both the Regulatory (Regional/Hurricane Hazel) Flood event and the 1:500 year storm. Modelling shows that flood depths during a Regulatory Flood will range from 0 to 3 metres, with the majority of the SPA experiencing 1 to 2 metres depth of flooding. Under the 1:500 year storm (more frequent), flood depths are for the most part within the 0 to 1 metre range, with depths up to 2 metres in the eastern portion of the SPA.

In addition, TRCA generated a Regional Risk analysis map (Attachment 2) in accordance with criteria set by MNRF to identify areas within the SPA where flood depths and velocities would be considered low risk (safe for vehicular and pedestrian access/egress); medium risk (safe for pedestrian access/egress only); and high risk (potentially unsafe for both). The risk assessment determined that the majority of the SPA is within the high risk area.

Existing Flood Remedial Works

In the early 1980's, flood control remedial works were designed and constructed to alleviate flood risk from the Humber River within the area of the Bolton SPA up to the 500 year flood event. The flood control remedial works included:

- a diversion channel, parallel to King Street through the Humber Lea Road to convey higher flows;
- a box culvert installed at the upstream end of the oxbow to restrict and maintain low flow to the oxbow and a weir constructed at the upstream end of the diversion channel to allow higher flows through the diversion channel;
- the Humber Lea Road bridge was constructed over the diversion channel and the existing bridge by Old King Road was replaced; both bridges were designed to convey the 500 year flow;
- a concrete crib wall installed upstream of King Street into the oxbow on the east bank; and
- earth berms constructed along the south side of the Humber River from the bridge by Old King Road to Queen Street.

Through the recent flood plain mapping update and comprehensive SPA review process, TRCA identified the need to revisit and evaluate the performance of the existing flood remedial works. TRCA has since initiated a Level of Service and Restoration Study, to assess the current risk associated with existing remedial works and to determine potential recommendations for improvements, if necessary. TRCA staff will be arranging a meeting this spring with staff from the Town and Region of Peel to discuss the initial results of this study.

Emergency Management

Emergency management and planning plays an important role in minimizing the risk to public health, safety and property damage within the Bolton SPA. The Town of Caledon and TRCA work closely together to ensure that the most current flood risk information is shared to facilitate the coordination of flood forecasting and emergency planning. TRCA operates a Flood Forecasting and Warning System that monitors watershed and weather conditions daily in order to issue timely warning of anticipated or actual flood conditions. Conditions during a flood event are closely monitored by TRCA and communicated to the municipality. As with all emergencies, municipalities have the primary responsibility for the welfare of residents and incorporate flood emergency response into municipal emergency planning.

In addressing the provincial SPA guidelines, the Town's emergency management policies and procedures, as outlined in Town of Caledon's Community Emergency Response Plan, were reviewed. The Town's Fire Department has a Flood Contingency Plan prepared that guides and operationalizes an emergency response to a flood event in Bolton. Furthermore, some individual buildings in Bolton, such as River's Edge at 60 Ann Street, have a site specific Flood Plain Evacuation Plan. These individual plans are included in the Town's Flood Contingency Plan.

Special Policy Area Planning Justification

A comprehensive policy and land use planning analysis was undertaken in accordance with the requirements of the provincial SPA guidelines. The findings of the technical analysis (flood plain characterization, analysis of risk, flood plain remediation assessment and assessment of emergency management) and the land use planning analysis (policy context, assessment of existing conditions and land use vision established by the Official Plan) established the basis for the recommended boundary revisions and policy modifications for the SPA.

Reconciling the new flood plain and risk mapping with the existing property fabric and existing land use considerations resulted in a revised SPA boundary as illustrated in Attachment 1. Overall, the revised SPA boundary results in a net decrease by approximately 5.9 ha. Lands removed from the existing SPA included: the removal/or reduction in the flood plain area based on the updated mapping; lands designated environmental protection area; Town-owned parkland; TRCA-owned lands; and further adjustments to reflect the parcel fabric.

The Town's Intensification Study identified that suitable opportunities for intensification within the Town exist outside the Bolton core and therefore intensification within the SPA has not been contemplated. The existing Official Plan and Zoning By-law development permissions with respect to extent and intensity of permissible development are to remain. However in accordance with the PPS 2014, existing entitlements for non-permitted uses in the SPA (e.g. institutional uses, emergency services, hazardous uses) will no longer be permitted through the Town's Official Plan and Zoning By-law.

All proposed development within the Bolton SPA will continue to be subject to the review and approval by TRCA through the existing permitting process. The minimum 1:500 year floodproofing standard remains to be the minimum acceptable level of flood protection where floodproofing to the Regional flood level is not feasible. This existing standard has not proven to place any undue hardships on lands within the Bolton SPA. Through the permitting process, all efforts are made to achieve the highest level of flood protection.

The Town has prepared a draft Official Plan Amendment and draft Zoning By-law Amendment (ZBA) to be consistent with current provincial legislation and implement the outcome of the comprehensive SPA review. The following is a summary of changes:

- the Special Policy Area (Section 5.10.4.5.13.1) policies in the Official Plan have been modified to reflect the policy language and requirements of the PPS, 2014;
- clarification that modifications to SPA boundaries, land use designations and/or policies require the approval of the Ministers of MMA and MNRF;
- the Town will monitor growth within the SPA in relation to existing development permissions and will not support OPAs that propose an increase in development beyond that currently permitted in the Official Plan and Zoning By-law
- clarification on the range of permitted and prohibited uses, technical/floodproofing standards and safe access/egress requirements;
- new lot creation for development is prohibited;



Allan Thompson
Mayor

June 19, 2020

The Honourable Steve Clark
Minister of Municipal Affairs and Housing
17th Floor, 777 Bay St.
Toronto, ON M7A 2C1

The Honourable John Yakabuski
Minister of Natural Resources and Forestry
Whitney Block, Suite 6630, 99 Wellesley St. W.
Toronto, ON M7A 1W3

RE: Bolton Special Policy Area, resolution of the approval process

Dear Minister Clark and Minister Yakabuski,

I wholeheartedly agree with the TRCA's letter (attached). The Town initiated this work in 2012 through a collaborative process with the staff from TRCA and both ministries. Numerous public consultations were held including a Public Information Meeting. In 2017, Council endorsed the submission package, which included risk assessment, technical mapping and draft amendments to the official plan and zoning by-law and forwarded to TRCA for endorsement as per the provincial requirements.

In August 2019, the Town received the comments from the Province being overall supportive, with the exception of maintaining the existing as-of-right development potential within the area. From that time to the present, staff has had many discussions with provincial staff to resolve this issue, being delayed further by waiting for the recommendations of Flood Advisor's Report, to determine if any would pertain to SPAs. We would also be pleased to participate in the meeting suggested by the TRCA to bring this process to a close.

Town staff have prepared a status report regarding this matter for the June 30, 2020 Council meeting and anticipate bringing forward the final Official Plan and Zoning by-law amendments for Council, subject to Ministerial approval, this Fall. In the interim, I would appreciate any efforts from your end to expedite the approvals."

Sincerely,

Mayor Allan Thompson
c. Hon. Sylvia Jones

THE CORPORATION OF THE TOWN OF CALEDON

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