

## **APPENDIX B: Summary of Special Policy Area Policies**

Policies related to the Special Policy Area are extracted from the following Official Plan Amendments: OPA 26, OPA 145, OPA 240, OPA 440, and OPA 597.

### **OFFICIAL PLAN AMENDMENT 26 (1972)**

#### Interpretation

OPA 26 does not identify and provide justification for a Special Policy Area (SPA). Some of the lands in the existing SPA are identified in OPA 26 as “Private Reclamation Areas”, which are noted on Schedule A to OPA 26. It is also noted that about half the business district is below the Hurricane Hazel flood level, and so reclamation is needed to protect from future flood damage.

In this respect, Section 29 of OPA 26 states that:

“‘Drainage Tributary’ lands will remain in natural resource or agricultural use unless shown within a private reclamation area. Private reclamation of land so designated will be permitted in accordance with the designated land use in the Woodbridge Community Plan upon first obtaining approval from the Metropolitan Toronto and Region Conservation Authority.”

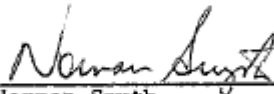
**OFFICIAL PLAN AMENDMENT 145 (1982)**

Interpretation

OPA 145 provides the initial justification for a Special Policy Area in the Woodbridge area and delineates where and why the Special Policy Area should be designated. OPA 145 describes the progression from the previous designation under OPA 26 to the designations in the SPA. The Woodbridge Commercial Core is described as the “central” part of the SPA while parcels further north on Clarence Street, south on Wallace Street, and on Islington Avenue are described as the “peripheral” parts of the SPA.

Evidence of provincial approval of OPA 145 is provided in Figures B-1a and B-1b below.

I, NORMAN SMYTH, Deputy Clerk of The Corporation  
of the City of Vaughan in the Regional Municipality of  
York, do hereby certify that the attached is a true copy  
of Amendment Number 145 to the Official Plan of the  
Vaughan Planning Area which was approved by the Ministry  
of Municipal Affairs and Housing, with modifications on  
the 12th day of October, 1982. The attached text  
incorporates said modifications which are typed in script.

  
Norman Smyth  
Deputy Clerk  
City of Vaughan

DATED at the City of Vaughan  
this 9th day of September, 1991.

Figure B-1a Provincial approval for OPA 145.



Ministry of  
Municipal Affairs  
and Housing

416/988-6418

56 Wellington Street West  
8th Floor  
Toronto, Ontario  
M7A 2K4

1982 10 13

Mr. F.G. Jackman  
Clerk  
Town of Vaughan  
2141 Major Mackenzie Dr.  
Maple, Ontario  
L0J 1E0

**RECEIVED**

**OCT 15 1982**

**TOWN OF VAUGHAN  
CLERK'S OFFICE**

Subject: Amendment No.145 to the Official Plan  
for the Vaughan Planning Area  
File No.19-OP-15-145

Dear Mr. Jackman:

We wish to inform you that on October 12, 1982 the above noted plan was approved, with modification. Your attention is directed to the certificate, wherein the modification is set out in detail.

The original and six duplicate original copies have the approval endorsed thereon. Two of the duplicate original copies have been retained for the minister's records. The original, the remaining duplicate original(s) and the "working copies" are returned herewith.

You should prepare six certified true copies of this plan, as approved, in accordance with the procedures set out in the Manual entitled "Procedures for the Adoption, Submission and Lodging of Official Plans and Amendments Pursuant to the Requirements of The Planning Act". You then should lodge five of those copies with this ministry, and the remaining copy in your own office.

A duplicate original copy, which has the approval endorsed thereon, should be lodged by you in each registry office within the planning area where it will be available.

Yours truly,

Plans Administration Branch  
Central & Southwest

Encl 1, 4, 27

Figure B-1b

Provincial approval for OPA 145 (letter from the Ministry of Municipal Affairs and Housing).

### SPA Policies

Relevant excerpts from OPA 145 are provided below.

#### Purpose

The purpose of this amendment to the Official Plan for the Vaughan Planning Area is three-fold:

- a) To delineate certain lands, as shown on Schedule “A” attached, as “Special Policy Area” in accordance with Provincial Policy for the Floodplain Management, as set out in Appendix 1 attached, and to set forth policies that recognize existing development and permit additions to existing structures or development of individual properties that cannot be practically floodproofed against a Regional Storm in the “Special Policy Area”;
- b) To change the “Conservation Authority Floodline” as shown on Schedule “A” attached to reflect the 1981 Metropolitan Toronto Region Conservation Authority Floodline Mapping;
- c) To change the land use designation of certain lands, shown as “Subject Lands” on the attached Schedule “A” from “Drainage Tributary” to “Residential Low Density” to recognize several existing single family dwellings that lie outside the most recent Metropolitan Toronto and Region Conservation authority Flood Line.

#### Location

The lands to be delineated “Special Policy Area” consist of part of lots 5 to 10 inclusive, Concession 7, in the Town of Vaughan. The said lands are shown as “Special Policy Area” on Schedule “A” attached, and include all lands within the floodplain of the Humber River, which are not designated either “Drainage Tributary” or “Open Space” by Official Plan Amendment #26.

The lands are subject to the change in land use designation from “Drainage Tributary” to “Residential Low Density” are located on the east side of Wallace Street, south of Woodbridge Avenue, being parts of Lot 6 and 7, Concession 7, in the Town of Vaughan. The said lands are shown as “subject lands” on Schedule “A” attached.

#### Basis

The lands subject to the “Special Policy Area” provisions are currently designated for a variety of urban uses, including “Low Density Residential”, “Medium Density Residential”, “Commercial”, “Industrial”, “Utility”, and “Institutional” by Amendment Number 26 to the Official Plan of the Vaughan Planning Area; the Woodbine Community Plan, and are located within the Floodplain of the Humber River as defined by the Metropolitan Toronto Region Conservation Authority.

Amendment Number 26 was approved by the Treasurer of Ontario and Minister of Economic and Intergovernmental Affairs on June 18<sup>th</sup>, 1972, and was compiled from Amendment Number 8 to the Official Plan of the former Woodbridge Planning Area, and Proposed Amendment Numbers 21, 22 and 23 to the Official Plan of the Vaughan Planning Area, all of which were adopted prior to the creation of the Regional Municipality of York on January 1, 1971, but never formally approved by the Province.

The policies contained in this Amendment recognize the historic development patterns of the Woodbridge Community, including the intensive development in the central commercial area on Woodbridge Avenue, between Islington Avenue and Kipling Avenue, and the residential community of Pine Grove, even though both areas are susceptible to flooding under Regional Storm conditions.

*The provincial policy recognizes two zones for the floodplain of a river: the floodway and floodfringe. The floodway is defined as the channel necessary to accommodate a 1:100 year flood while the flood fringe is defined as the area between the 1:100 year flood and the Regional flood, which in the case of the Humber River, is Hurricane Hazel. Generally no development is permitted in the floodway. Development is permitted in the floodfringe only if it can be floodproofed to the Regional Storm Level. In this case, the lands in the floodfringe for the Humber River cannot be satisfactorily floodproofed to the Regional Storm Level. Accordingly, a Special Policy Area designation is required in order to permit extensions to existing structures and some pockets of additional development in the floodfringe area.*

Within the context of Official Plan Amendment Number 26, almost the entire floodway and a major portion of the flood fringe are designated “Drainage Tributary”.

In this respect, Section 29 of Official Plan Amendment Number 26 states that:

“‘Drainage Tributary’ lands will remain in natural resource or agricultural use unless shown within a private reclamation area. Private reclamation of land so designated will be permitted in accordance with the designated land use in the Woodbridge Community Plan upon first obtaining approval from the Metropolitan Toronto and Region Conservation Authority.”

It should be noted that the majority of the lands designated “Drainage Tributary” in the Woodbridge area are owned by various public authorities.

As a result of this policy, and channel improvements undertaken by the Metropolitan Toronto and Region Conservation Authority, no development exists in the floodway, with the exception of three structures south of Highway Number 7, and none is permitted other than for conservation or flood control projects. It is noted that the extensive channel improvements to the Humber River through Woodbridge, undertaken by the Metropolitan Toronto and Region Conservation Authority, will generally contain flood flows up to the 1:350 year flood within the river channel or floodway, as shown on Appendix 3.

As a result, only floods with intensity greater than the 1:350 year flood will overflow into the flood fringe area, which is defined as the area between the Region Flood Line and the floodway, as shown on Appendix 3. This would include a Hurricane Hazel type “flood” (Regional Flood Storm), though its frequency cannot be predicted since it has only occurred once since records have been compiled.

Furthermore, Schedule ‘A’ to Official Plan Amendment Number 26 establishes a “Conservation Authority Floodline” which coincides with the limits of the Regional Flood. In this respect, Section 30 states:

“Lands below the flood line as shown on Schedule ‘A’ along the Humber River and its tributary are within the floodplain as designated by the Metropolitan Toronto and Region Conservation Authority subsequent to Hurricane Hazel in 1954. The use of all such lands for any purpose shall first be subject to the approval of the Conservation Authority prior to seeking approval from the Town of Vaughan for any permitted use.”

With this policy in place, new developments within the flood fringe is subject to detailed review by the Metropolitan Toronto and Regional Conservation Authority, which can recommend flood damage reduction measures as a condition of approval. It should be noted that this Amendment changes the “Conservation Authority Floodline” to reflect the 1981 Metropolitan Toronto and Region Conservation Authority Flood Line Mapping and replaces this policy statement with the “Special Policy Area” designation.

The “Special Policy Area” can be divided into two sub-areas; the “Central Area”, containing a mixture of Commercial and Residential uses; and, the “Peripheral Area”, containing older residential subdivision development. These lands may be subject to inherent environmental hazards, such as floods and erosion susceptibility and other physical conditions which are severe enough to cause property damage and/or potential loss of life if developed. However, they cannot be acquired by a public agency due to the significant extent of development presently existing within the area, existing socio-economic conditions, municipal infrastructure, and/or private investment in the area.

*Although the floodfringe area may be susceptible to some flooding, the town feels that existing development should be permitted to continue with minor extensions and expansions if required. Also new development in and adjacent to the core should be permitted in order to increase the viability of the core. The detailed reasons are outlined in the following sections.*

Details of the Amendment and Policies Relative Thereto

1. Official Plan Amendment Number 26 is hereby amended by deleting Policy Number 30 and replacing it with the following revised Policy Number 30:

“30. a) The “Special Policy Area” includes all lands within the floodplain of the Regional Storm, as defined by the Conservation Authority Floodline, as shown on Schedule ‘A’ Land Use Plan, which are not designated “Drainage Tributary” or “Open Space” within Official Plan Amendment Number 26. *The policies for the land use designation as shown on Schedule A and related policies continue to apply;*

b) Within the limits of the “Special Policy Area”, new buildings or structures, including new additions, shall only be permitted subject to the following policies:

- i. No buildings or structures other than for conservation or flood control projects will be permitted within the “floodway” of the Humber River as defined by the Metropolitan Toronto and Region Conservation Authority;
- ii. Notwithstanding (i) above, in the area located west of Islington Avenue, north of Legion Court Road, designated Commercial and located within the floodway shown as “Subject Lands” on the attached Schedule ‘B’, no new buildings or structures, including new additions shall be permitted, until the Metropolitan Toronto and Region Conservation Authority undertakes remedial measures to remove these lands from the floodway;
- iii. The placing or dumping of fill of any kind or the alteration of any watercourse shall not be permitted within the “special Policy Area” without the approval of the Metropolitan Toronto and Region Conservation Authority, in consultation with the Ministry of Natural Resources;
- iv. Any new buildings or structures, including new addition, shall not be susceptible to flooding under Regional Storm conditions. In this respect, prior to the issuance of a building permit, the MTRCA and the Town of Vaughan shall approve any proposed flood damage reduction measures including such matters as setbacks from the “Drainage Tributary” area, basement elevations, the strength of foundation walls, the placement of fill, the elimination of building openings, the installation of backwater valves and sump pumps, and the installation of waterproof seals at structural joints;
- v. Notwithstanding the provision of (iv) above, where it is technically impractical to floodproof a building or structure to withstand Regional Storm conditions within the “Special Policy Area”, new buildings or structures, including new additions, shall not be subjected to a risk of flooding in excess of 25% over an assumed life of 100 years (approximately the 1:350 year flood) as a minimum;
- vi. Notwithstanding subsections (iv) and (v) no new buildings or structures, including additions, shall be permitted within the “Special Policy Area” where they will be subjected to flows which, due to their velocity and/or depth would be a hazard to life or susceptible to major structural damage as a result of a flood less than or equal to the Regional Storm;
- vii. No development or redevelopment within the “Special Policy Area” which requires a by-law amendment and/or Official Plan amendment application shall be permitted until such time as an engineering study detailing such matters as flood frequency, the velocity and depth of storm flows, proposed flood damage reduction measures, and storm water management has been reviewed and approved by the MTRCA, the Ministry of Natural Resources and the Town of Vaughan, unless it is determined by these agencies that a study is not required;

- viii. Any new restricted area zoning by-laws within the “Special Policy Area” shall contain provisions, where appropriate, relating to minimum building setbacks from the “Drainage Tributary”, maximum lot coverage, minimum height of any opening, and other such matters as determined by the Metropolitan Toronto and Region Conservation Authority, the Ministry of Natural Resources, and the Town of Vaughan.”
2. a) The lands which are subject to the change in land use designation shall be specifically designated to permit their development for Urban Residential purposes. Schedule ‘A’ to Official Plan Amendment Number 26 to the Official Plan of the Vaughan Planning Area, is accordingly amended by redesignating the lands shown on Schedule ‘A’ to this Amendment from “Drainage Tributary” to “Residential Low Density”.
- b) The policies of Official Plan Amendment Number 26 to the Official Plan of the Vaughan Planning Area shall apply to the subject lands.
3. The “Conservation Authority Floodline” has been revised to reflect the most recent Metropolitan Toronto and Region Conservation Authority Floodline Mapping. Schedule ‘A’ to Official Plan Amendment Number 26 to the Official Plan of the Vaughan Planning Area is accordingly amended by substituting the “Conservation Authority Floodline” shown on Schedule ‘A’ to this Amendment.

#### Implementation

It is intended that the policies in the Official Plan of the Vaughan Planning Area pertaining to the subject lands shall be implemented through amendment to the Township of Vaughan Restricted Area (Zoning) By-law and site plan control pursuant to the appropriate Sections of the Planning Act, R.S.O. 1980, as amended.

#### Interpretation

The provisions of the Official Plan of the Vaughan Planning Area, as amended from time to time, regarding the interpretation of that plan shall apply with respect to this Amendment.

Relevant excerpts from Appendix “I” of OPA 145 are provided below.

#### APPENDIX "I"

##### POLICY NUMBER 1

The regulatory flood for designation of flood plains in Ontario is defined as the regional flood or the 100-year flood, whichever is greater. (The geographical definition of the Regulatory Floods is contained in Fig.1).

##### POLICY NUMBER 2

Conservation Authorities in Ontario, or where no Authority exists, the Ministry of Natural Resources, in co-operation with the Watershed Municipalities, have the option of selective application of the two-zone floodway-flood fringe concept; (Fig.2 contains the description of this concept).

The floodway is to be based on the minimum of the 100-year flood for those areas where the two-zone concept is adopted:

Development in the flood fringe is to be protected to the level of the regulatory flood by suitable flood damage reduction measures.

##### POLICY NUMBER 3

Where strict applications of Policies 1 and/or 2 is not feasible, the concept of special policy areas within flood plains is recognized and controlled development may be permitted, once such areas are designated

and approved by the Conservation Authority and the Ministries of Natural Resources and Housing. The Ministries of the Environment and Northern Affairs, where appropriate, are to be consulted about the special policy status for such areas.

#### POLICY NUMBER 4

The Conservation Authorities are to continue to administer fill and construction regulations, in accordance with the Conservation Authorities Act;

Construction regulations\* made under the Conservation Authorities Act may be rescinded for those areas where a municipality has adopted Official Plan policies and zoning by-laws which comply with the objectives of flood plain management, and accord with the procedural policies established by the Conservation Authority and the Ministries of Natural Resources and Housing.

#### POLICY NUMBER 5

Ministry of Natural Resources will provide detailed policies and technical guidelines for the calculation and mapping of floodway and flood plain lands;

The Ministry of Housing in co-operation with the Ministry of Natural Resources, will develop policies and procedures for the Administration of the Planning Act, as it relates to flood plain lands, to comply with the objectives of flood plain management;

Ministries of Natural Resources and Housing, in co-operation with the Conservation Authorities, will develop technical criteria and procedures for the selective application of the two-zone floodway-flood fringe concept and for the designation of "Special Policy Areas".

#### POLICY NUMBER 6

Local municipalities have jurisdiction for urban stormwater management in drainage areas of less than 125 ha, and these drainage areas are exempt from construction regulations\* made under the Conservation Authorities Act;

The Conservation Authorities will delegate jurisdiction for urban stormwater management over larger watersheds, regardless of size, to local municipalities once the municipalities adopt stormwater management plans which comply with the objectives of flood plain management, and accord with the procedural policies established by the conservation authorities and the Ministries of Natural Resources, Housing and the Environments;

The Ministries of Natural Resources, Housing and the Environment, in co-operation with the Conservation Authorities, will develop policies, technical guidelines and procedures for the preparation and approval of stormwater management plans.

\* Section 27(1)(e), Conservation Authorities Act R.S.O. 1970, Ch. 78

#### SPA Schedules

Relevant land use schedules from OPA 145 are provided in Figures B-2 and B-3.



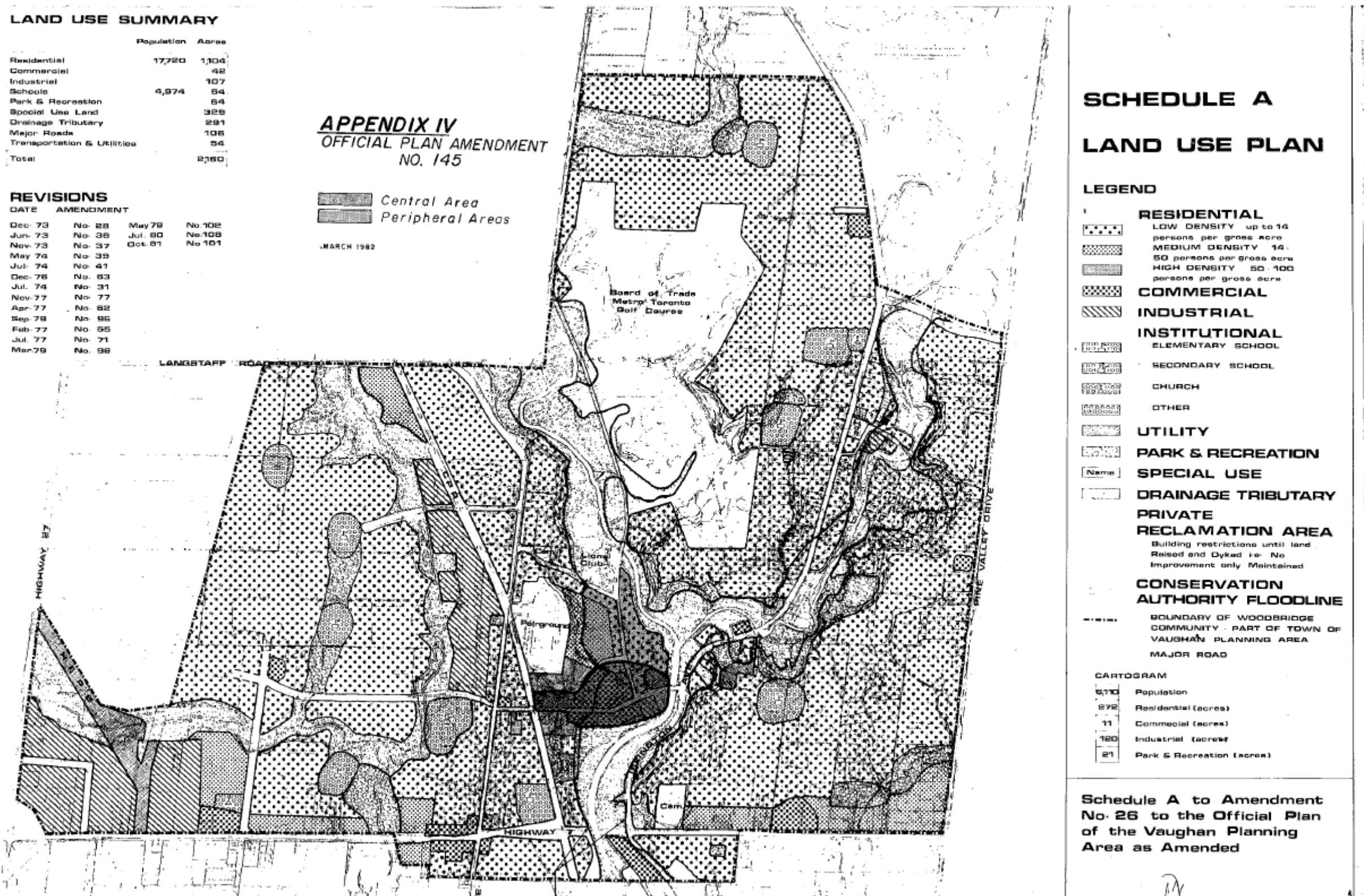


Figure B-2 Schedule 'A' to OPA 145.

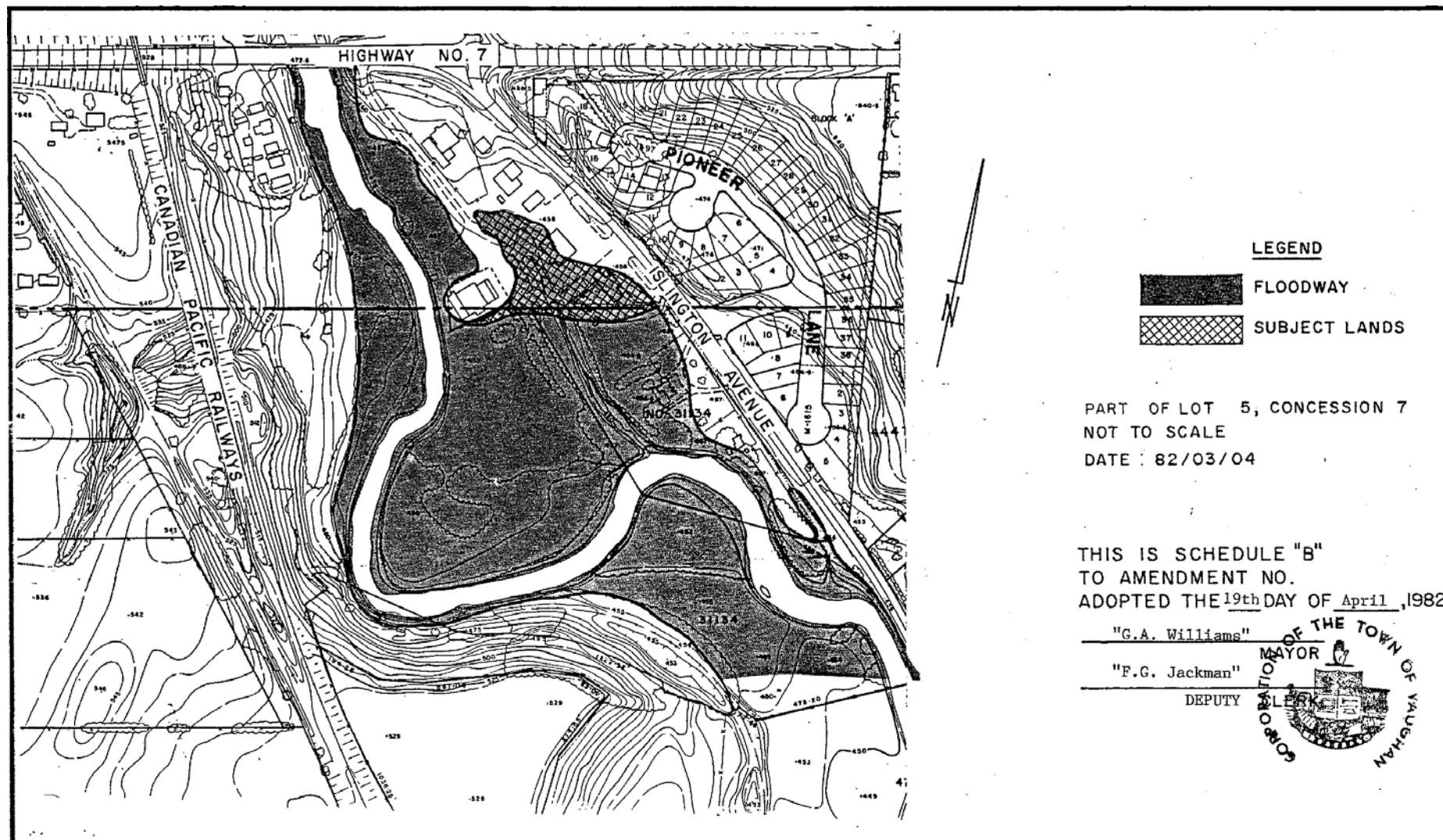


Figure B-3 Schedule 'B' to OPA 145.

**OFFICIAL PLAN AMENDMENT 240 (1982)**

Interpretation

OPA 240 introduced additional policies for development in the SPA that remain essentially unchanged in OPA 440. There are specific policies regarding floodproofing measures and references to issues related to safe access.

Provincial approval of OPA 240 was provided by the Ministry of Municipal Affairs and Housing on April 14<sup>th</sup>, 1994, with the exception of a deferral area related to the Parkway Belt West plan. Evidence of the approval is provided in Figures B-4a and B-4b below. Final approval was provided in 1997 for the deferral area.

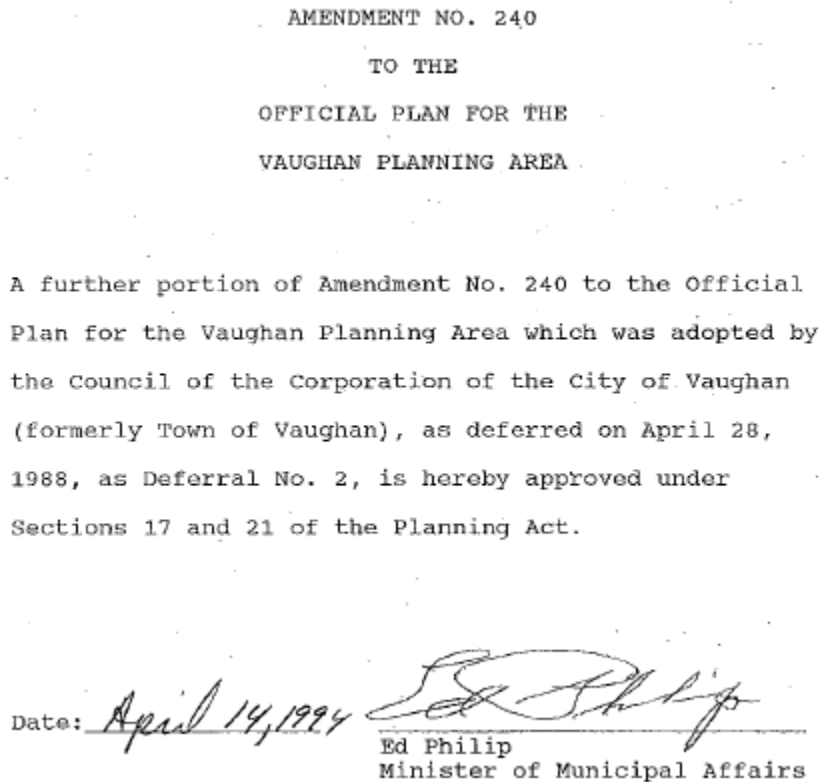


Figure B-4a Provincial approval for OPA 240.

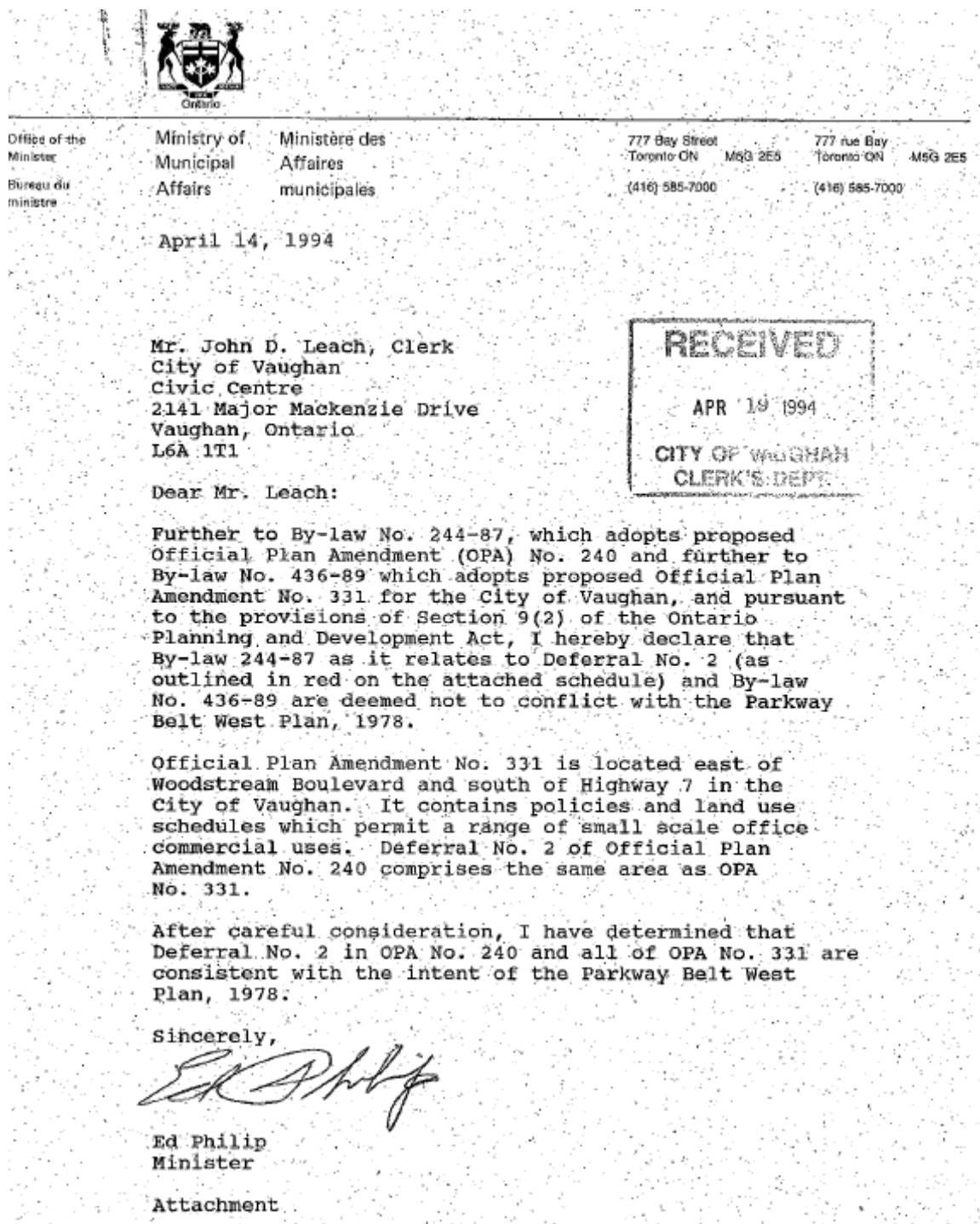


Figure B-4b

Provincial approval for OPA 240.

### SPA Policies and Schedules

Select excerpts from OPA 240 are provided below. Text in square brackets [ ] is interpreted from the original text.

#### 6.B Drainage Tributary

(a) The Drainage Tributary designation permits only parks, valley lands, woodlots and other environmental protection areas.

(b) Where lands designated as Drainage Tributary are under private ownership, this plan does not indicate that these lands will necessarily remain designated as such indefinitely, nor shall it be construed as implying that such areas are free and open to the general public, nor that such lands will be purchased by the municipality or by any other public agency. Where such lands other than valley lands and woodlots are not acquired by a public body, an application for their designation for other uses will be given due consideration by the municipality.

(c) Any area deemed environmentally sensitive by virtue of special characteristics or hazard shall be designated "Drainage Tributary". While this designation includes area of known hazard, changing conditions within any watershed and improvements in the methods used to define such lands may result in additional lands being so defined. Where appropriate, these lands may be considered for inclusion in the pedestrian [and] bicycle system.

(d) No buildings shall be constructed on lands designated Drainage Tributary except where such buildings are intended for flood and erosion control and meet the requirements of the Metropolitan Toronto and Region Conservation Authority.

(e) The valley lands shall include the slopes, valley and floodplain lands and lands below the top-of-bank of the Humber River and its tributaries as determined by the Metropolitan Toronto and Region Conservation Authority. The precise limits of these lands will be determined in conjunction with the authority in considering development proposals. Where detailed engineering has not been prepared, the proponent may be required to carry out studies to determine the extent and severity of the hazard. The dedication of valley lands to the Metropolitan Toronto and Region Conservation Authority shall be encouraged as a condition of subdivision approval.

(f) There will be no development or placing of fill or alterations to any watercourse in areas regulated by the Metropolitan Toronto and Region Conservation Authority.

(g) Any lands in areas regulated by the Metropolitan Toronto and Region Conservation Authority will, if such lands are released from the above mentioned regulation by the Metropolitan Toronto and Region Conservation Authority, be considered for development, subject to the processing of an Official Plan Amendment.

(h) Any storm water retention and detention ponds incorporated into the valley land system shall preserve the significant natural environmental features and presents minimal safety, hazards to the public.

#### 6.C Special Policy Area

Provincial floodplain management policies generally prohibit development or redevelopment below the level of the Metropolitan Toronto and Region Conservation Authority (M.T.R.C.A.) Regulatory Floodline. These policies, nevertheless, recognize that in some areas and in some circumstances it may be in the public interest to assume a higher degree of flood risk than that which would otherwise be acceptable.

In accordance with the Special Policy Area Provisions of the provincial floodplain management policies certain lands within the Town Centre Community have been identified as "Special Policy Areas" on Schedule 'A'. On these lands, development has already occurred or has been committed and new development, redevelopment, and the rehabilitation of buildings and structures is in the public interest to ensure community viability.

The strategy embodied in this policy is based on comprehensive floodplain management policy prepared by the M.T.R.C.A. on a watershed basis.

(a) The "Special Policy Area" includes all lands within the floodplain of the Regional Storm, as shown on Schedule 'A' - Land Use Plan, which are not designated "Drainage Tributary" or "Open Space". The policies for the land use designations as shown on Schedule 'A' within the "Special Policy Area" and related policies continue to apply.

(b) Within the limits of the "Special Policy Area", new buildings or structures, including additions to existing structures shall only be permitted subject to the following policies:

(i) No buildings or structures other than for conservation or flood control projects will be permitted within the "floodway" of the Humber River as defined by the Metropolitan Toronto and Region Conservation Authority;

(ii) Notwithstanding (i) above, in the area located west of Islington Avenue, north of Legion Court Road, designated "General Commercial" and located within the floodway, no new buildings or structures, or additions shall be permitted, until the Metropolitan Toronto and Region Conservation Authority undertakes remedial measures and remove these lands from the floodway;

(iii) The placing or dumping of fill or any kind or the alteration of any watercourse shall not be permitted within the "Special Policy Area" without the approval of the Metropolitan Toronto and Region Conservation Authority, in consultation with the Ministry of, Natural Resources;

(iv) Any new buildings or structures, including additions, shall not be susceptible to flooding under Regional Storm conditions. In this respect, prior to the issuance of a building permit, the Metropolitan Toronto and Region Conservation Authority and the Town of Vaughan shall approve any proposed flood damage reduction measures including such matters as setbacks from the "Drainage Tributary" area, basement elevations, the strength of foundation walls, the placement of fill, the elimination of building openings, the installation of backwater valves and sump pumps, and the installation of waterproof seals at structural joints;

(v) Notwithstanding the provision of (iv) above, where it is technically impractical to floodproof a building or structure to withstand Regional Storm conditions within the "Special Policy Area", new buildings or structures, including new additions, shall not be permitted if subject to a risk of flooding in excess of 25% over an assumed life of 100 years (approximately the 1:350 year flood) as a minimum;

(vi) Notwithstanding subsections (iv) and (v) above, no new buildings or structures, including additions, shall be permitted within the "Special Policy Area" where they will be subjected to flows which, due to their velocity and/or depth would be a hazard to life or susceptible to major structural damage as a result of a flood less than or equal to the Regional Storm;

(vii) No development or redevelopment within the "Special Policy Area" which required a By-law Amendment and/or Official Plan Amendment application shall be permitted until such time as an engineering study detailing such matters as flood frequency, the velocity and depth of storm flows, proposed flood damage reduction measures, and storm water management has been reviewed and approved by the Metropolitan Toronto and Region Conservation Authority and the Town of Vaughan, unless it is determined by these agencies that a study is not required;

(viii) Any new restricted area Zoning by-laws within the "Special Policy Area" shall contain provisions, where appropriate, relating to minimum building setbacks from the "Drainage Tributary", maximum lot coverage, minimum height of any opening in the building, and other such matters as determined by the Metropolitan Toronto and Region Conservation Authority and the Town of Vaughan.

SPA Schedules

Relevant schedules from OPA 240 regarding the SPA are provided in Figure B-5 and Figure B-6 below.

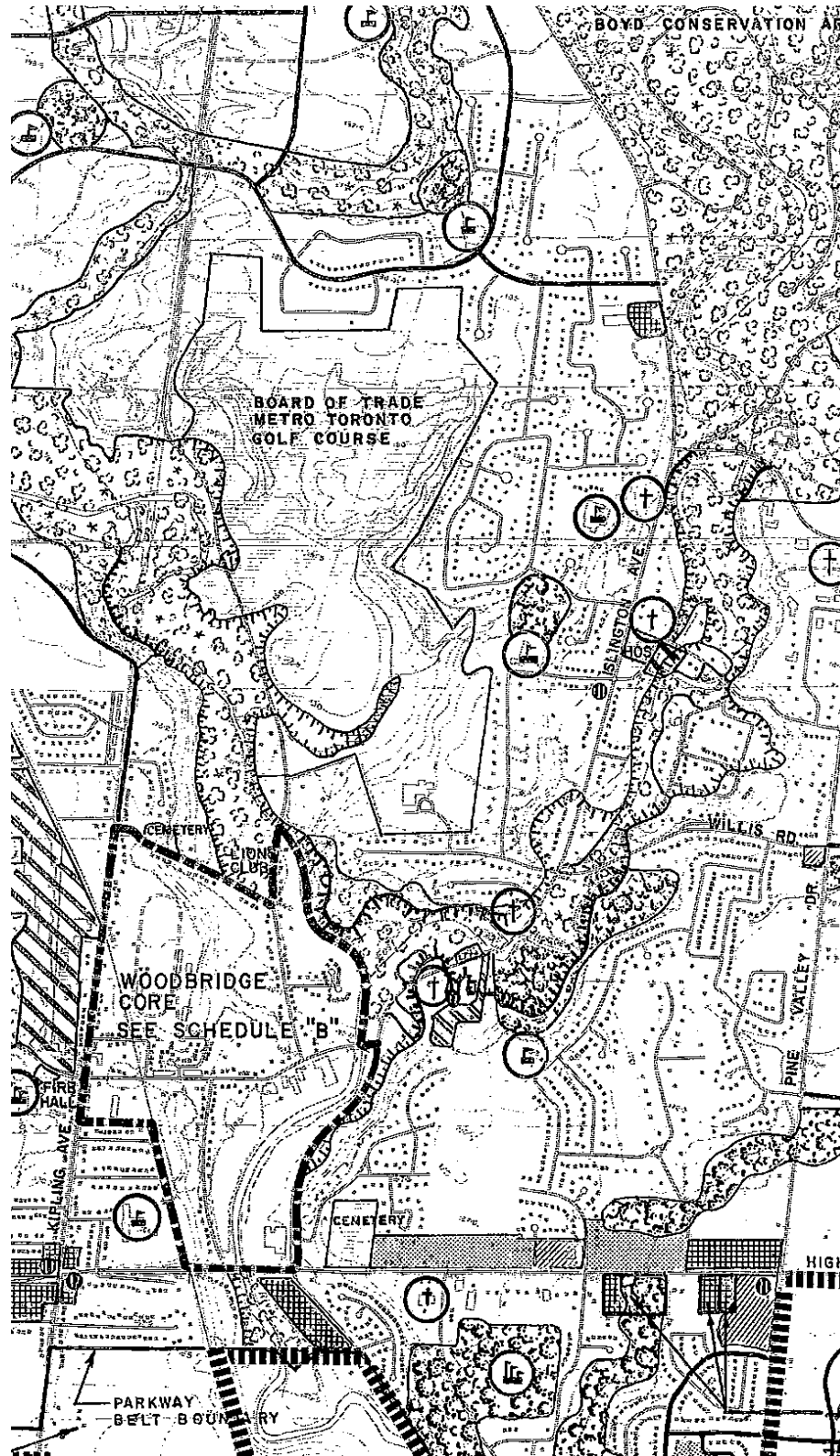
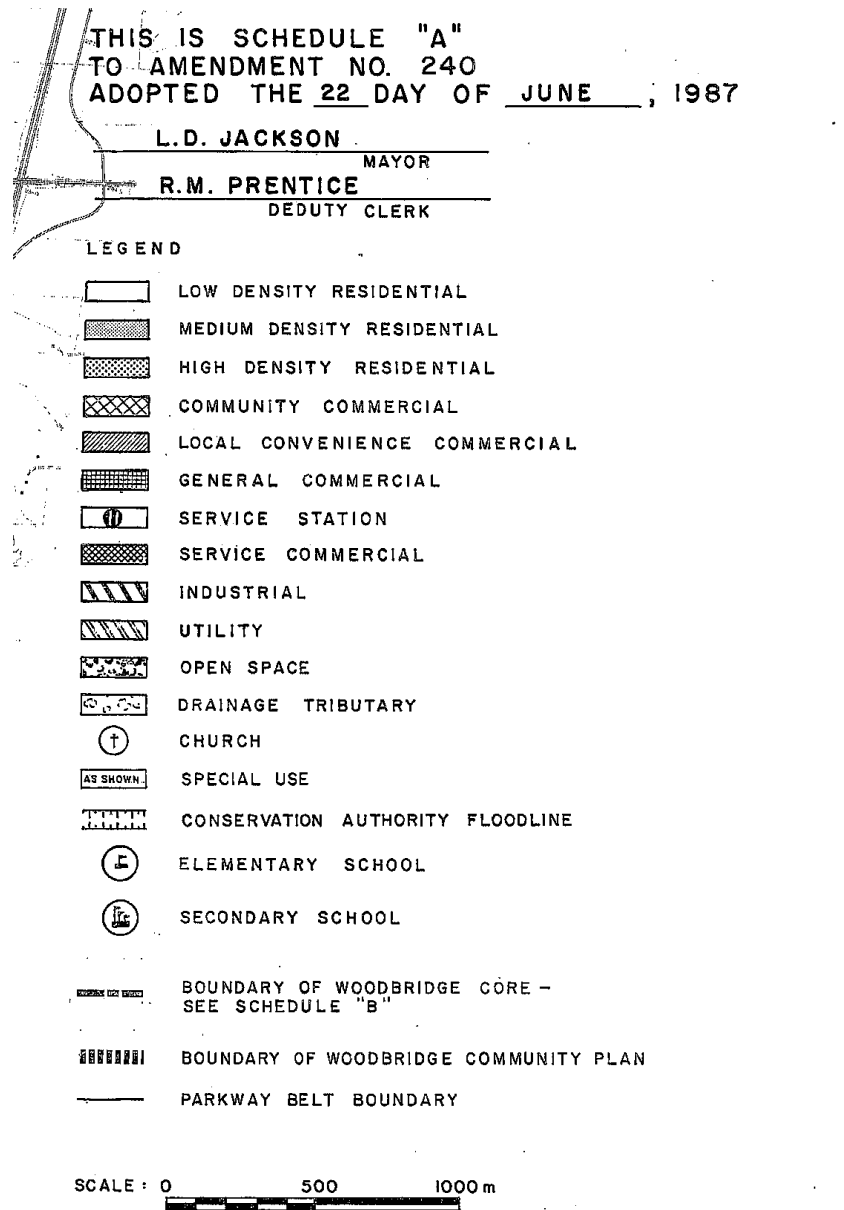


Figure B-5 Extract from Schedule 'A' to OPA 240.



## WOODBIDGE COMMUNITY PLAN

Figure B-6

Legend from Schedule 'A' to OPA 240.

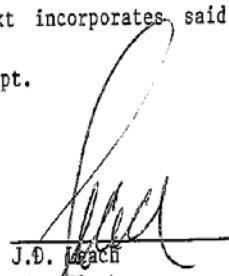


## OFFICIAL PLAN AMENDMENT 440

### Interpretation

The current urban structure of the Woodbridge community was set by OPA 240, as amended by OPA 440. OPA 240 defined the Woodbridge Core, as depicted on Schedule 'B' of the Plan (see Figure 1-5 in the Special Policy Area Justification Report for the Woodbridge Centre Secondary Plan), as the area along Woodbridge Avenue from Kipling Avenue to Islington Avenue, and including Wallace Street and parts of Clarence Street. This is amended in OPA 440 as shown in Schedule 'I' of the Plan (See Figure 1-4 in the Special Policy Area Justification Report for the Woodbridge Centre Secondary Plan). As noted in Section 1.2, Land Use Planning Context, of the main report of the Special Policy Area Justification Report for the Woodbridge Centre Secondary Plan, it is estimated that land use changes to OPA 440 provided for an additional 400 to 500 dwelling units in the SPA above that provided for in OPA 240. A copy of the cover page to OPA 440 noting Ministerial approval is provided below (Figure B-7) as well as the modifications requested by the Province and notice of approval by MMAH (Figure B-8).

I, JOHN D. LEACH, City Clerk of The Corporation  
of the City of Vaughan in the Regional Municipality of  
York, do hereby certify that the attached is a true copy  
of Amendment Number 440 to the Official Plan of the  
Vaughan Planning Area, which was approved by the Ministry  
of Municipal Affairs, with modifications, on the 16th day  
of June, 1995. The attached text incorporates said  
modifications which are typed in script.



J.D. Leach  
City Clerk  
City of Vaughan

DATED at the City of Vaughan  
this 18th day of October, 1996.

Figure B-7 Cover page to OPA 440 indicating approval by the Ministry of Municipal Affairs in 1995.

AMENDMENT NO. 440  
TO THE  
OFFICIAL PLAN FOR THE  
CITY OF VAUGHAN

This Amendment No. 440 to the Official Plan which was adopted by the Council of the Corporation of the City of Vaughan is hereby modified as follows:

1. Schedule '1' of Amendment No. 440 is hereby deleted and replaced with a new Schedule '1' of Amendment No. 440 (dated June 7, 1995).
2. 4.2.2 General Policies be modified to add a new subsection r) as follows:  

"r) any development or redevelopment adjacent to the Humber River shall ensure that there is an adequate vegetative buffer strip along the streambanks of the Humber River, to be maintained in a naturally vegetated, undisturbed state, to the satisfaction of the Ministry of Natural Resources and the City of Vaughan."
3. 4.2.7 SITE SPECIFIC POLICIES, a) Lands located on the south side of Woodbridge Avenue designated High Density Residential be modified to delete the first sentence and to replace it with the following:  

"The maximum residential density shall be 99 units per net hectare with the exception of the land south east of the intersection of Woodbridge Avenue and Clarence Street, being 53 Woodbridge Avenue, which shall have a maximum residential density of 128 units per hectare.

The maximum density of 128 units per net hectare in conjunction with the density bonusing provisions of subsection 4.2.8 of the Plan, may permit a maximum of 115 residential units on the lands located at 53 Woodbridge Avenue."
4. 4.2.7 DENSITY BONUSING be modified by renumbering it to 4.2.8 DENSITY BONUSING and renumbering any internal references accordingly.

As thus modified, this amendment is hereby approved pursuant to Sections 17 and 21 of the Planning Act.

Date: 1995-06-16

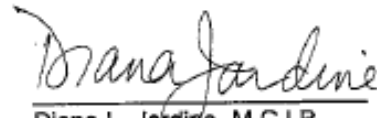
  
Diana L. Jardine, M.C.I.P.  
Director  
Plans Administration Branch  
Central and Southwest  
Ministry of Municipal Affairs

Figure B-8 Copy of approval of OPA 440 by the Ministry of Municipal Affairs in 1995.

### SPA Policies and Schedules

Excerpts from OPA 440 are provided below and the schedule depicting the SPA is provided in Figure B-9.

#### 6 C. Special Policy Area

The Provincial Flood Plain Planning Policy generally prohibits development or redevelopment below the Regulatory Flood as determined by the Metropolitan Toronto and Region Conservation Authority.

However, the Provincial Flood Plain Planning Policy also recognizes that parts of certain urban areas have historically developed within floodplains. In accordance with the Special Policy Area provisions of the Provincial Flood Plain Planning Policy, certain lands within the Regulatory Floodplain of the Humber River in the Woodbridge Community have been identified as "Special Policy Area" on Schedule D. The continued viability of these areas depends on a reasoned application of the Provincial standards for flood plain management.

The Provincial Flood Plain Planning Policy recognizes the concept of special policy area status as a possible option for flood prone communities or portions thereof where the Province, Conservation Authority and the City agree to accept a higher level of risk to floodplain management. The implementation of flood proofing measures will be a condition of development approval by the City in co-operation with the MTRCA.

- a) The "Special Policy Area" includes all lands designated SPA on Schedule D. The policies for the land use designations as Shown on Schedule A of Official Plan Amendment #240 located within the "Special Policy Area" and related policies continue to apply.
- b) Within the limits of the Special Policy Area, new development, redevelopment, rehabilitation of and addition to existing buildings and structures, shall only be permitted subject to the following policies:
  - i) the proposed development is flood protected to the Regulatory Flood, as defined by regulations made under Section 28 of the Conservation Authorities Act, and to the satisfaction of the City in co-operation with the Metropolitan Toronto and Region Conservation Authority;
  - ii) No buildings or structures other than for conservation or flood control projects will be permitted within the "floodway" of the Humber River as defined by the Metropolitan Toronto and Region Conservation Authority;
  - iii) Notwithstanding 6 C. b)(ii) above, in the area located west of Islington Avenue, north of Legion Court Road, designated "General Commercial" and located within the floodway, no new buildings or structures, or additions shall be permitted, until these lands are removed from the floodway through remedial measures undertaken by the Metropolitan Toronto and Region Conservation Authority or otherwise removed from the floodway through remedial measures undertaken by the Metropolitan Toronto and Region Conservation Authority and the City.
  - iv) Notwithstanding the provision of 6 C. b)(i) above, where it is technically impractical to flood protect a building or structure, or an addition thereto, to the level of the Regulatory Flood, the city in consultation with the Toronto and Region Conservation Authority, may permit a lower level of flood protection to a minimum of the 1:350 year flood.
  - v) The specific level of flood protection to be imposed, and any flood protection measures to be implemented relative to individual development applications, shall be determined by the Metropolitan Toronto and Region Conservation Authority in consultation with the City. The level of protection to be required shall be the highest level determined to be

technically feasible or practical.

- vi) All applications for development approval on lands designated Special Policy Area shall be accompanied by engineering studies, prepared by a qualified professional, detailing such matters as flood frequency, the velocity and depth of storm flows, proposed flood damage reduction details, stormwater management techniques and other information and studies as may be required by the Metropolitan Toronto and Region Conservation Authority and the City.
  - vii) Prior to development proceeding, the Metropolitan Toronto and Region Conservation Authority and the City of Vaughan shall approve any proposed flood damage reduction measures including such matters as setbacks from the Floodway, the use of fill, columns or design modifications to elevate openings in buildings and structures above the regulatory flood level, the use of water tight doors, waterproof seals at structural joints, berms/floodwalls, strengthened foundation walls, the installation of backwater valves and sump pumps.
  - viii) For all types of development, dry, passive floodproofing measures shall be implemented to the extent technically and/or practically feasible. Where dry passive floodproofing may not be achieved or practical, wet floodproofing and/or dry, active floodproofing measures may be considered by the Metropolitan Toronto and Region Conservation Authority and the City. The placement of fill as a method of flood damage reduction shall be minimized.
  - ix) Upon completion of the foundation of any building or structure, the Metropolitan Toronto and Region Conservation Authority and the City may require a letter from an OLS or Professional Engineer verifying the required floodproofing levels.
  - x) Ingress and egress for all buildings should be "safe", pursuant to the Provincial floodproofing standards, and/or achieve the maximum level of flood protection determined by the Metropolitan Toronto and Region Conservation Authority in consultation with the City to be feasible and practical.
- (c) Notwithstanding the provisions of 6 C.(b), no new development, including additions, shall be permitted on any parcel of land which is designated Special Policy Area if:
- i) the building or structure will be subject to a risk of flooding in excess of 25% over an assumed life of 100 years (approximately 1:350 flood - a probability of occurrence once in every 350 years).
  - ii) the development will be subjected to flows which due to their velocity and/or depth would be a hazard to life or susceptible to major structural damage as a result of a flood less than or equal to the Regulatory Storm.
  - iii) the necessary flood damage reduction measures would increase the risks associated with flooding and erosion on adjacent, up stream or downstream properties.
- d) The following uses shall be prohibited on lands designated Special Policy Area:
- i) public or private elementary school, day care centre, hospital, nursing home, senior citizens housing, a home for the physically or mentally handicapped; and
  - ii) an automobile service station or any development which includes the storage, handling, production, disposal or use of a chemical, flammable, explosive, toxic, corrosive, or other dangerous material which would pose an unacceptable threat to public safety if they were to escape their normal containment and the treatment, collection or disposal of sewage; and

- iii) a building or structure directly related to the distribution and delivery of an essential or emergency public service including police, fire, ambulance and electric power transmission.
- e) Modifications to the boundaries of the Special Policy Area designation as shown on Schedule “D” may be considered, based on flood or erosion control remedial measures, approved by the Metropolitan Toronto and Region Conservation Authority. Such modifications, if approved by the City shall be adopted by amendment to the Official Plan.
- f) The Zoning By-law may be amended to show lands designated Special Policy Area on Schedule “D” and to include the necessary provisions to implement the policies of 6 C.(d) of the Official Plan.
- g) Any new restricted area zoning by-laws within the Special Policy Area shall contain provisions, where appropriate, relating to minimum building or structure setbacks, maximum lot coverage, minimum building or structure setbacks, minimum height of any building or structure opening, and other such matters as determined by the Metropolitan Toronto and Region Conservation Authority and the City of Vaughan.
- h) The implementation of flood proofing and all other requirements of the Metropolitan Toronto and Region Conservation Authority shall be a condition of the City for development in the Special Policy Area.

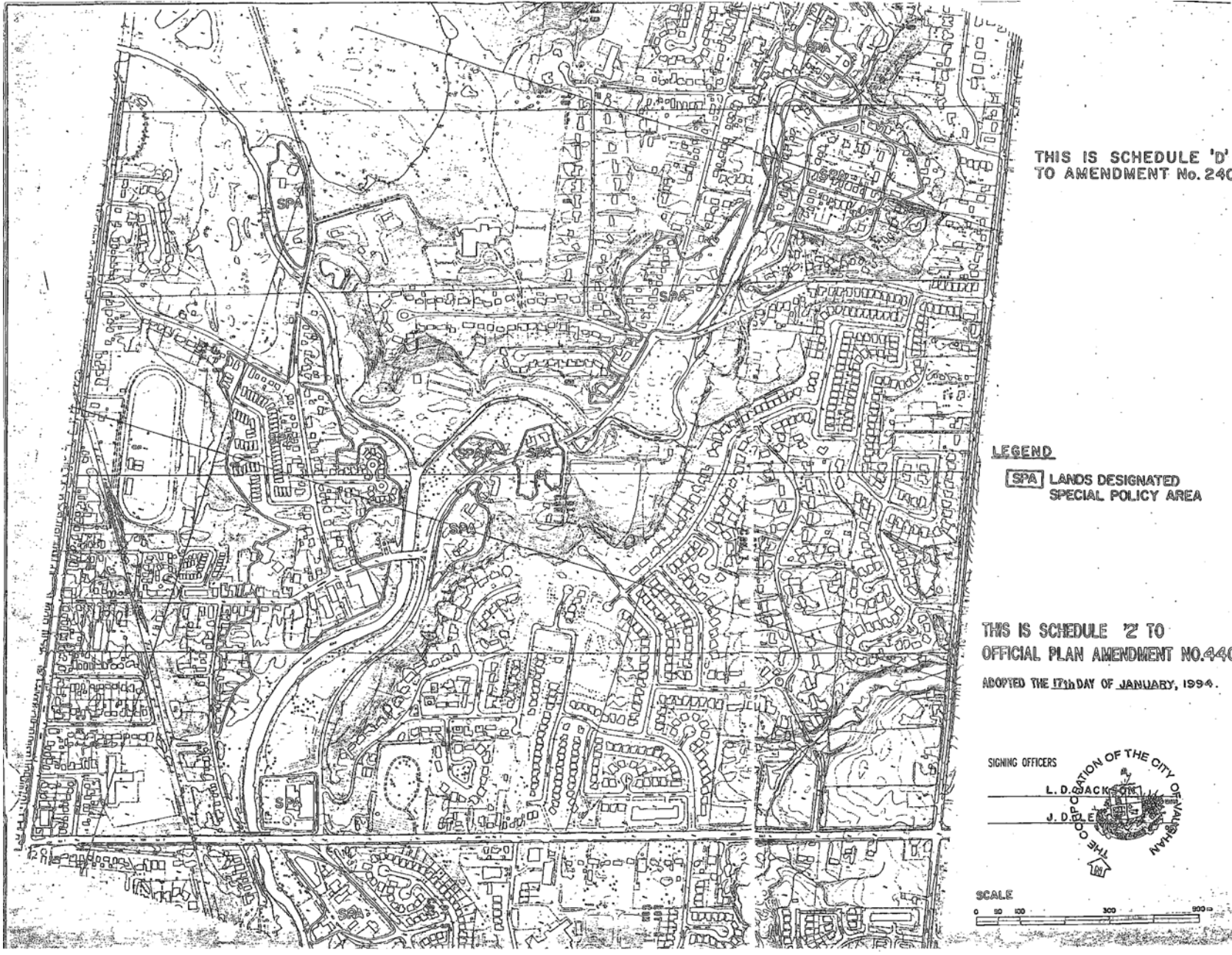


Figure B-9 SPA outlined in Schedule '2' to OPA 440.

## **OFFICIAL PLAN AMENDMENT 597 (2006)**

The Certificate of Approval for Amendment No. 597 notes that the SPA policies are deferred, as excerpted below.

“This official plan document which was adopted by the Council of the City of Vaughan is approved in part, pursuant to Sections 17 and 21 of the Planning Act and came into force on May 31, 2006. Section 2.7 of OPA 597, which deals with Special Policy Areas, is deferred.”

### SPA Policies and Schedules

Excerpts from OPA #597 related to the SPA are provided below. The relevant schedule depicting the SPA is provided in Figure B-10 below.

#### 2.7 SPECIAL POLICY AREA

- a) The Provincial Flood Plain Planning Policy generally prohibits development or redevelopment within the Regulatory Storm Floodplain as determined by the TRCA.
- b) However, the Provincial Flood Plain Planning Policy also recognizes that parts of certain urban areas have historically developed within floodplains. In accordance with the Special Policy Area provisions of the Provincial Flood Plain Planning Policy, certain lands within the Regulatory Floodplain of the Humber River in the Woodbridge Community have been identified as "Special Policy Area" on Schedule B. The continued viability of these areas depends on a reasoned application of the Provincial standards for flood plain management.
- c) The Provincial Flood Plain Planning Policy recognizes the concept of Special Policy Area status as a possible option for flood prone communities or portions thereof where the Province, the TRCA and the City agree to accept a higher level of risk to floodplain management. Prior to development, technical information to the satisfaction of the TRCA may be required to demonstrate the feasibility of the site for the proposed use. Further, the implementation of flood proofing measures will be a condition of development approval by the City, subject to TRCA approval.
  - i. The "Special Policy Area" includes all lands designated SPA on Schedule B. The policies for land use designations as shown on Schedule A of Official Plan Amendment 597 located within the "Special Policy Area" and related policies continue to apply.
  - ii. Within the limits of the "Special Policy Area", in order to reduce the risk to life and property, new development or redevelopment may require design considerations that may be inconsistent with those outlined in Appendix A, Urban Design Guidelines. Should an inconsistency occur, the design consideration outlined by the TRCA shall take precedence.
  - iii. Within the limits of the "Special Policy Area", new development, redevelopment, rehabilitation of and additions to existing buildings and structures, shall only be permitted subject to the following policies:
    - 1) The proposed development is flood protected to the Regulatory Flood, as defined by regulations made under Section 28 of the Conservation Authorities Act, and to the satisfaction of the TRCA.
    - 2) No buildings or structures other than for conservation or flood control projects will be permitted within the "floodway" of the Humber River as defined by the TRCA.
    - 3) Notwithstanding the provision of 2.7 c)(i) above, where it is technically impractical to flood-protect a building or structure, or an addition thereto, to the level of the Regulatory Flood, the TRCA may permit a level of flood protection not lower than the

1:350 year flood elevation.

- 4) The specific level of flood protection to be imposed, and any flood protection measures to be implemented relative to individual development applications, shall be determined by the TRCA in consultation with the City. The level of protection to be required shall be the highest level determined to be technically feasible or practical.
  - 5) All applications for development approval on lands designated Special Policy Area shall be accompanied by engineering studies, prepared by a qualified professional, detailing such matters as flood frequency, the velocity and depth of storm flows, proposed flood damage reduction details, storm water management techniques and other information and studies as may be required by the TRCA and the City.
  - 6) Prior to the development proceeding, the TRCA and the City shall approve any proposed flood damage reduction measures including such matters as setbacks from the floodway, columns or design modifications to elevate openings in buildings and structures above the regulatory flood level, the use of water tight doors, waterproof seals at structural joints, strengthened foundation walls, the installation of backwater valves and sump pumps, etc.
  - 7) For all types of development, dry, passive floodproofing measures shall be implemented to the extent technically and/or practically feasible. Where dry passive floodproofing may not be achieved or practical, the TRCA and the City may consider wet floodproofing and/or dry, active floodproofing measures. The placement of fill as a method of flood damage reduction shall generally not be permitted.
  - 8) Upon completion of the foundation of any building or structure, the TRCA and the City may require a letter from an OLS or Professional Engineer verifying the required floodproofing levels.
  - 9) Ingress and egress for all new development should be "safe", pursuant to the Provincial floodproofing standards.
- d) The following uses shall be prohibited on lands designated Special Policy Area:
- i. public or private elementary school, day care centre, hospital, nursing home, senior citizens housing, a home for the physically or mentally handicapped; and
  - ii. an automobile service station or any development which includes the storage, handling, production, disposal or use of a chemical, flammable, explosive, toxic, corrosive, or other dangerous material which would pose an unacceptable threat to public safety if they were to escape their normal containment and the treatment, collection or disposal of sewage; and
  - iii. a building or structure directly related to the distribution and delivery of an essential or emergency public service including police, fire, ambulance and electric power transmission.
- e) Minor adjustments to the boundaries of the Special Policy Area boundary, as approved by the TRCA, as shown on Schedule "B" may be considered without an amendment to the Official Plan.
- f) The Zoning By-law may be amended to show lands designated Special Policy Area on Schedule "B" and to include the necessary provisions to implement the policies of Section 2.7 (c) of the Official Plan.
- g) Any new residential restricted area zoning by-laws within the Special Policy Area shall contain provisions, where appropriate, relating to minimum building or structure setbacks, maximum lot coverage, minimum height of any building or structure opening, and other such matters as determined by the T.R.C.A and the City.



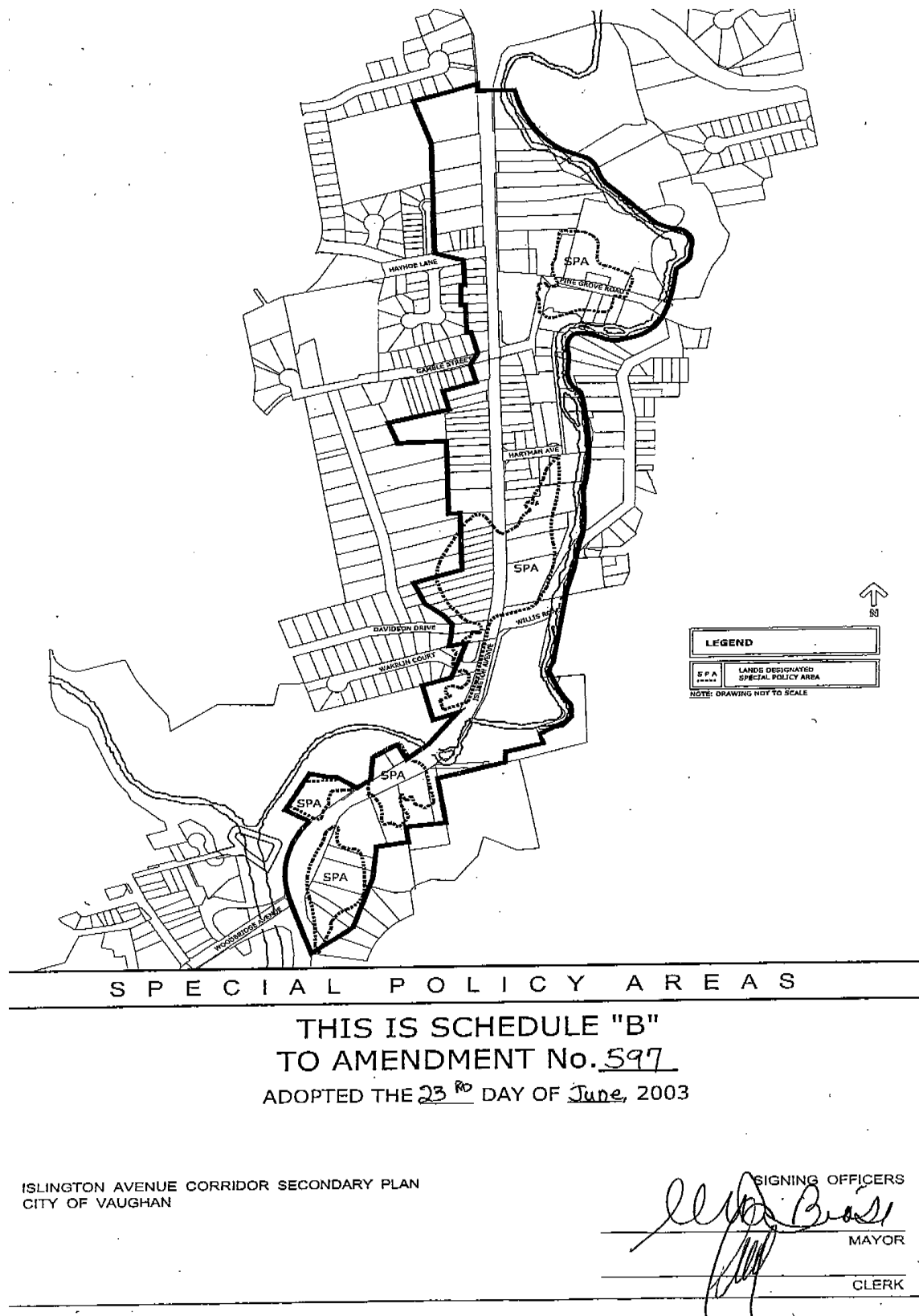


Figure B-10 SPA outlined in Schedule "B" of OPA 597.