

FURTHER TO WATERSHED MANAGEMENT ADVISORY BOARD #1/07
To be held Friday, April 20, 2007

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TO: Chair and Members of the Watershed Management Advisory Board
Meeting #1/07, April 20, 2007

FROM: Adele Freeman, Director, Watershed Management

RE: **RENEWAL OF THE CANADA-ONTARIO AGREEMENT RESPECTING THE
GREAT LAKES BASIN ECOSYSTEM (2007-2010)**

KEY ISSUE

Comments of support regarding the Canada-Ontario Agreement respecting the Great Lakes Basin Ecosystem for submission to Ontario's Environmental Bill of Rights and to Canada's Gazette.

RECOMMENDATION

THE BOARD RECOMMENDS TO THE AUTHORITY THAT Toronto and Region Conservation Authority (TRCA) acknowledge its strong support to the governments of Canada and Ontario for the signing of the 2007-2010 Canada-Ontario Agreement Respecting the Great Lakes (COA);

THAT the governments of Canada and Ontario be encouraged to ensure funding provided through COA used to support Great Lakes protection activities is not interrupted;

THAT the governments of Canada and Ontario be encouraged to aim for continual improvements to COA and consider Authority Resolution #A21/07;

THAT TRCA submit the staff comments in the attached report to the governments of Canada and Ontario contact persons for COA;

AND FURTHER THAT TRCA's watershed municipalities and Conservation Ontario be advised of TRCA's comments regarding COA.

BACKGROUND

COA is a framework through which the governments of Canada and Ontario work cooperatively to restore, protect and conserve the aquatic health of the Great Lakes Basin Ecosystem. COA assists the Government of Canada in meeting commitments under the Canada - United States (U.S.) Great Lakes Water Quality Agreement (GLWQA). The ministries of the Environment, Natural Resources, and Agriculture, Food and Rural Affairs are Ontario's signatories to the current COA and are responsible for Ontario's commitments under the agreement. Signed in March 2002, the current COA expired on March 22, 2007.

In January 2007, the Ontario Ministry of the Environment (MOE) posted a draft of a 2007 COA on the Environmental Bill of Rights (EBR) Registry Number PA07E001 for public comment. At Authority Meeting #1/07, held on February 23, 2007, Resolution #A21/07 was approved as follows. The following recommendation, along with more detailed comments, were submitted to the EBR:

THAT Toronto and Region Conservation Authority (TRCA) submit comments on the Environmental Bill of Rights Registry (EBR) to the Government of Ontario acknowledging strong support for the three year extension of the Canada-Ontario Agreement (COA) to ensure COA related activities to protect the Great Lakes are maintained;

THAT the Government of Ontario be encouraged to develop new Annexes which aim to conserve biological diversity, encourage the promotion of sustainable communities, better understand the impacts of climate changes on the Great Lakes and determine strategies to adapt to a changing climate and protect the Great Lakes as a source of drinking water and unique ecosystem of global significance;

THAT the provincial and federal governments be requested to increase the funding for TRCA's jurisdiction which includes Toronto Remedial Action Plan (RAP) Area to \$200,000,000 (2007-2010) to provide partner funding to significantly advance the implementation of the City of Toronto's Wet Weather Flow Management Master Plan and other plans now in place to move the Toronto Area of Concern closer to a target of becoming an "Area of Recovery";

THAT the federal and provincial governments be urged to fund the Healthy Great Lakes proposal submitted previously by Conservation Ontario to address watershed management issues throughout Ontario;

AND FURTHER THAT TRCA's watershed municipalities and Conservation Ontario be advised of TRCA's comments regarding COA.

After a period of public comment and consultation, the governments of Ontario and Canada returned to negotiations to finalize a more detailed COA. On March 16 2007, this draft agreement was posted for a 90-day public comment period by both the federal and provincial governments.

Staff recommend that the following comments be provided to the governments of Canada and Ontario in response to the EBR posting regarding the 2007-2010 COA:

General Comments

- TRCA strongly supports the ongoing process whereby the governments of Canada and Ontario are continuing their commitment to working together under COA to ensure the vision of a healthy, prosperous and sustainable Great Lakes Basin Ecosystem for present and future generations; recognizing the importance of the basin as the home to many Canadians and for the important contribution the Great Lakes Basin makes to the economy to all of Canada. TRCA is supportive of principles defined in the 2007- 2010 COA, in particular the net-gain principle.
- TRCA is supportive of the proposed three-year COA, in order to align it with a possibly renewed Great Lakes Water Quality Agreement.

The Issues

- TRCA recommends that the governments of Canada and Ontario continue to address issues that have been identified in earlier COAs and continue to plague the Great Lakes, still requiring resources in order to understand and mitigate them. Of particular concern is the re-emergence of nearshore water quality issues specifically as they pertain to drinking water quality concerns.
- TRCA strongly supports the forward thinking to expand COA to include issues not addressed in the previous COA. Several of the issues listed on the EBR Registry #PA07E001 for comment were of critical importance to TRCA, including: conservation of biological diversity; promotion of sustainable Great Lakes communities; protection of Great Lakes as sources of drinking water; understanding and adaptation to climate change; continued support of the Toronto and Region Remedial Action Plan (RAP); recognizing the role of conservation authorities in protecting the Great Lakes, and focusing on watershed planning. TRCA recommends these issues continue be more prevalent in future COAs.
- TRCA strongly supports elevating the importance of conserving biodiversity by prioritizing issues. TRCA recommends the governments of Ontario and Canada continue to the support development of the Lake Ontario Biodiversity Conservation Strategy, a Lake Wide Management Planning (LaMP) initiative lead by the Nature Conservancy of Canada and the U.S. Nature Conservancy.
- TRCA recommends that the governments of Canada and Ontario focus attention on issues relating to the impact of climate change on the Great Lakes including adaptation, mitigation and understanding.
- TRCA recommends that the governments of Canada and Ontario strengthen their commitments to monitoring and provide assurances that analysis of the data will be undertaken and reported out to the public in a timely manner.

Local Planning and Governing

- TRCA recommends that the governments of Canada and Ontario increase their support of, and expand their recognition of, the important contributions that local governments are making to protect the Great Lakes. Strengthening their collaboration with organizations such as the Great Lakes and St. Lawrence Cities Initiative will help increase the local governments' voice in Great Lakes planning initiatives.
- TRCA recommends that in the future there be an increased recognition and support of programs which help lessen the impact that city regions have on the Great Lakes, especially ones growing as rapidly as the Greater Toronto Area. TRCA is acutely aware of the impact the city region is having on Lake Ontario and is moving to make this region cleaner, greener and healthier; these principles are embodied with TRCA's The Living City vision. TRCA recognizes the need to go beyond its traditional roles in order to preserve and protect the quality of life in this region. To do so, TRCA is partnering with others to make gains toward achieving sustainability in the region.

Watershed Planning

- TRCA recommends the inclusion of a watershed management annex or at least stronger references to the importance of watershed planning and management.
- TRCA recommends the governments of Canada and Ontario support the strengthening of linkages between watershed planning and the Lake-wide Management Plans (LaMPs). The proposed COA can do this by stipulating the coordination of actions among watershed management plans, lakefront development and the adjacent near shore zone.
- Conservation Ontario's *Healthy Watersheds, Healthy Great Lakes*, submitted to the federal government on a previous occasion, aims to prevent the listing of future Areas of Concern by investing in the protection of healthy watersheds today. Support of this proposal is key to ensuring the protection of the Great Lakes.

Toronto and Region Remedial Action Plan

- TRCA supports the governments' commitment to review and revise delisting criteria (Result 2.6) for the Toronto and Region AOC. Although, Toronto and Region was designated an AOC along with 17 others "hotspots" on the Canadian side of the Great Lakes – it is unique amongst the now 15 other AOCs. The scale and size of Toronto and Region alone makes the AOC unique. The challenges of dealing with over 200 years of industrialization and urbanization while the area still faces some of its fastest growth are without precedent in any other AOC. Toronto needs to expedite the implementation of plans such as the Wet Weather Flow Management Master Plan and TRCA's Terrestrial Natural Heritage System Strategy, and the forthcoming implementation plans for the Don, Humber and Rouge rivers. Given the development pressures on the region combined with effects of climate change, original timeframes for the implementation of these actions are too long and funding too small to effect any real change. Greater concerted effort by the federal, provincial and municipal governments, and the private sector will be required for sustained leadership, continuing funding and creative programs under a renewed COA to preserve the remaining ecological values of the area that are critical to the sustainable future for the region.

Funding and Support

- TRCA recommends that the government of Canada and Ontario ensure funding is not disrupted to the important work supported by the Toronto and Region RAP. At this time, TRCA has received indication that funding provided by the Ontario Ministry of the Environment to support the Remedial Action Plan for the Toronto and Region AOC will not be interrupted. TRCA has not yet received a similar indication from Environment Canada. An interruption of funding will delay and possibly jeopardize certain project deliverables. TRCA works with many partners and is able to leverage the federal and provincial funding support on behalf of the governments. Partners such as the municipalities take note of projects which have RAP funding. On March 7, 2007, the Chief Administrative Officer of TRCA requested a meeting with the Minister of the Environment to discuss the interruption of funding and concern regarding the lack of funding mechanisms which allow for the administration and implementation of projects necessary to remediate the Toronto and Region. The request is currently being brought to the Minister's attention and TRCA requests that this meeting take place as soon as possible.
- TRCA has requested the governments of Canada and Ontario increase funding for TRCA's jurisdiction which includes Toronto and Region Remedial Action Plan (RAP) Area to \$200,000,000 (2007-2010) to provide partner funding to significantly advance the implementation of the City of Toronto's Wet Weather Flow Management Master Plan and other plans now in place to move the Toronto Area of Concern closer to a target of becoming an "Area In Recovery". Staff from the Ontario Ministry of the Environment has requested that TRCA provide additional details to support this funding request; TRCA staff is currently working on this request which will be submitted to both the federal and provincial governments for consideration.
- TRCA recommends that the governments of Canada and Ontario strengthen their partnerships with, and build capacity in, the conservation authorities as they continue to have a vital role in the implementation of COA initiatives.
- TRCA recommends that in light of the importance of the Great Lakes, that the governments ensure future COAs do not lapse.
- TRCA welcomed the opportunities to comment as 2007-2010 COA was developed, and urges the federal and provincial governments to coordinate early consultation among parties, including conservation authorities, on future COA initiatives.

The comments provided to the Ontario Ministry of the Environment for its ERB posting #PA07E0001 on February 9, 2007 are available upon request.

Report prepared by: Kelly Montgomery, extension 5576
For Information contact: Adele Freeman , extension 5238
Date: April 10, 2007

TO: Chair and Members of the Watershed Management Advisory Board
Meeting #1/07, April 20, 2007

FROM: Carolyn Woodland, Director, Planning and Development

RE: **TOWN OF MARKHAM SPECIAL POLICY AREA**
Updated Rouge River Flood Plain Mapping

KEY ISSUE

The Town of Markham is updating the boundary of the Special Policy Area through amendments to their Official Plan (OPA No. 153) and implementing Zoning By-laws to reflect adjustments arising from Toronto and Region Conservation Authority's Rouge River flood plain mapping update.

RECOMMENDATION

THE BOARD RECOMMENDS TO THE AUTHORITY THAT the request by the Town of Markham to amend the boundary of the Special Policy Area designation, as described within Official Plan Amendment No. 153, and the associated implementing Zoning By-law Amendments be supported for approval by the Ministry of Natural Resources (MNR) and Ministry of Municipal Affairs and Housing (MMAH);

THAT Toronto and Region Conservation Authority (TRCA) staff work with the Town of Markham, where appropriate, in the planning and development review process, to investigate opportunities to reduce the flood risk through flood remediation measures within the Special Policy Area;

AND FURTHER THAT MNR, MMAH, the Region of York and the Town of Markham be so advised.

BACKGROUND

The Province of Ontario has a one zone policy approach to managing flood risk through the planning process which essentially requires that no new development be permitted within the flood plain. The Province of Ontario provides a mechanism known as a "Special Policy Area" designation 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 the application of the one zone approach would result in a significant socio-economic impact. This special approach to flood plain management was introduced by the province as a policy option in the 1988 Provincial Flood Plain Planning Policy Statement and associated Implementation and Technical Guidelines. Special Policy Areas (SPAs) are defined in the current Provincial Policy Statement as:

"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".

The policies and boundaries of a SPA are determined through a consultative process between the municipality, the conservation authority, MNR and MMAH, and implemented through amendments to a municipality's Official Plan and Zoning By-law.

In 1990, the Town of Markham was granted approval by MNR and MMAH, to implement a Special Policy Area approach to the Unionville area through Official Plan Amendment No. 100 (Special Policy Areas) and an implementing Zoning By-law. The SPA designation was supported by TRCA. At that time a partial deferral was incorporated into the Amendment to permit an update to the flood plain mapping in the Fonthill area. The deferral was subsequently approved in 1993.

In 2000, TRCA commenced a project to update the hydrologic and hydraulic modeling for the Rouge River watershed. The intent and scope of the project was to update the existing flood plain mapping for the entire watershed to address current land uses, existing road crossings, establish storm water management requirements and incorporate new modeling software. The modeling exercise generated new flood plain mapping for the Rouge River watershed in 2004. The new mapping identified variances to the flood plain boundaries resulting from the ability to produce a finer scale of mapping and accurate modeling software to account for flood plain influences within the watershed, including lands subject to the town's approved SPA designation. The change to the flood plain mapping generated a need to revise the SPA boundaries to ensure the mapping at the Town of Markham is consistent with the mapping used by TRCA. As a result of the update, the proposed revisions will result in a reduction to the SPA designation by approximately 19.45 hectares.

Public Consultation Process:

On June 22, 2004, Town of Markham Council directed their staff to initiate a technical Official Plan and Zoning By-law amendment process to adjust the Special Policy Area boundaries to reflect the updated flood plain mapping. Town of Markham staff met with MNR, MMAH and TRCA on November 17, 2004 and June 14, 2005 to discuss the flood plain boundaries and the approval process required by the province.

The Town of Markham held a public meeting on June 13, 2005 to present the updated flood plain mapping produced by TRCA and a revised proposed Special Policy Area boundary consistent with the new flood plain mapping. A public meeting was held on May 16, 2006 for public review and comment of the draft Official Plan and Zoning By-law amendments to implement the boundary adjustments to the SPA. A further opportunity for public input was provided prior to the Council meeting on June 13, 2006. TRCA staff attended all three public meetings and responded to questions from the public and members of Council related to technical and flood plain management issues.

RATIONALE

The updated flood plain mapping created variances to the flood plain boundary on lands currently designated SPA. TRCA's updated mapping and the provincial criteria for the designation of Special Policy Areas has been used to determine appropriate adjustments to the lands designated SPA in the Town of Markham. This is the first comprehensive technical update to the boundary of the SPA since the original approval of the SPA by MNR and MMAH in 1990. There are no revisions to the town's Special Policy Area policies as part of this update. The SPA policies will be reviewed in the context of the Official Plan Environmental Policy Review and Consolidation exercise that the Town of Markham is currently undertaking, in consultation with TRCA.

On the basis of provincial technical criteria, including depth of flooding, velocity of flow, the feasibility of floodproofing new development, the appropriateness of other flood plain management measures such as the one zone approach, etc., TRCA staff in consultation with Town of Markham staff, recommended adjustments to the boundary of the SPA, as per Attachment 1. These recommended changes were supported by Town of Markham Council. However, Council did raise a concern about TRCA's recommendation to remove the Unionville parking lot from its current SPA designation. TRCA's rationale to recommended removal of the parking lot area from the SPA designation was based on the technical criteria evaluation that this area is highly constrained by more significant flood depths and therefore more appropriately managed for this flood risk by the one-zone approach. In a report to Markham Council dated June 13, 2006, town staff noted that the Unionville parking lot serves a significant parking need in support of the residents and businesses in Main Street Unionville and the proposed removal of the SPA designation on the parking lot could potentially impact future options for modifications to the parking lot. As such, town staff recommended that the SPA designation as currently approved be retained to ensure Council is afforded the flexibility in addressing future parking matters on these lands.

On June 13, 2006, Markham Council adopted Official Plan Amendment No. 153 to amend the SPA boundary as per Attachment 2, which includes the boundary adjustments recommended by TRCA and the retention of the SPA designation on Unionville parking lot. TRCA recognizes the significance that the Unionville parking lot provides in terms of servicing the economic viability of the businesses and residents in Main Street Unionville. It is currently an at grade parking lot and TRCA would work cooperatively with Markham staff regarding any improvements to better serve the community, such as minor grading or drainage improvements. Based on the continued use of this area as an at grade parking lot, TRCA would be supportive of retaining the SPA designation. However, the Town of Markham should be advised that the Unionville parking lot is highly constrained for any new development and that reduction and remediation of the flood hazard would be necessary prior to consideration of any proposed change in use or new development on the parking lot.

SUMMARY

On June 13, 2006, the Town of Markham Council adopted Official Plan Amendment No. 153 to amend the boundary of the Special Policy Area to reflect TRCA's updated Rouge River flood plain mapping. As a result of the revisions, the SPA designation will be reduced from approximately 65.63 ha to 46.18 ha. OPA No. 153 adopted by Council is awaiting provincial approval from MNR and MMAH. As part of the provincial approval process, a resolution from the Authority on the revisions to the SPA boundary has been requested by the MNR and MMAH.

Report prepared by: Laurie Nelson, extension 5281
For Information contact: Laurie Nelson, extension 5281
Date: April 17, 2007
Attachments: 2

Attachment 1



