

**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.**

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APPENDIX 5: SPECIAL POLICY AREAS –

January 2009

Explanatory Note

This procedural document supersedes and replaces the information that is contained in Part B of Appendix 5 of the “Adaptive Management of Stream Corridors in Ontario – Natural Hazards Technical Guides (MNR, 2002)”. It is designed to achieve one window engagement between municipalities, conservation authorities (CAs), where applicable, and the Province.

There are separate procedures for approval described below for,

- (1) New Special Policy Areas
- (2) Modifications to Existing Special Policy Areas.

B – Procedures for approval: New Special Policy Areas

1.0 Introduction

The Special Policy Area (SPA) flood plain management approach has historically been used in limited circumstances where other flood plain management approaches (e.g. One Zone and Two Zone) are not considered feasible or practical. Generally, the approach is applied to existing built up areas within communities that have historically existed within the flood plain and through specific policies, allow for the continued viability of existing uses and address the significant social and economic hardships to a community that would result from strict adherence to provincial policies concerning development.

SPAs may only be proposed by lower tier or single tier municipalities (the proponent). The proponent is responsible for funding and preparing all mapping, studies, reports and draft OP or OPA policies. These municipal responsibilities may be contracted to the local Conservation Authority (CA) where the CA consents.

SPAs must be approved by both the Minister of Natural Resources and Minister of Municipal Affairs and Housing because SPAs reflect a relaxation of the natural hazard policy standards for flood-related events, where this is deemed appropriate. Where the Minister is the approval authority in respect of a municipality's official plan (OP) or official plan amendment (OPA), approval of the SPA is given in the form of a direct approval to the municipalities OP or OPA. Where an upper-tier municipality is the

approval authority in respect of an OP or OPA of a lower-tier municipality or where the Minister of Municipal Affairs and Housing has exempted an OP or OPA from approval, approval of the SPA is given in the form of a written approval letter.

The procedures for the approval of a SPA include the following stages

- Pre-consultation
- Phase I: Request for Approval in Principle for Special Policy Area Status
- Phase II: Application for Final Approval of Special Policy Area
- Phase III: Post Approval Requirements.

SPAs are not applicable to the Great Lakes Shoreline, connecting channels or large inland lakes (e.g. Simcoe, Nipissing, and Nipigon).

2.0 Procedures

2.1 Pre-consultation

Prior to initiating Phase I, the proponent will contact the local MMAH Municipal Services Office (MSO) to discuss the merits of an application for a SPA within their jurisdiction. This pre-consultation allows for a preliminary discussion regarding the proposal, may assist in clarifying any confusion regarding the process to be followed, and may eliminate the need to proceed with certain applications. The pre-consultation discussion would include MNR and the CA.

The SPA Committee as described in Phase II may be created at this time.

2.2 Phase I: Application for “approval in principle” for Special Policy Area status

2.2.1 Municipal application for approval in principle

- Following the pre-consultation discussion and where it has been decided that a SPA application may be appropriate or considered, the proponent may submit an application for approval in principle to the appropriate MMAH MSO supported by 9 copies of all of the following documents:
 - o Municipal council resolution requesting the approval in principle;
 - o Documentation prepared by the proponent to support the establishment of a SPA, including a brief report addressing the technical criteria (e.g. appropriateness of other measures) for SPA eligibility, set out in Schedule 1;
 - o Upper-tier municipal council resolution, where applicable, supporting approval in principle for the SPA; and
 - o CA resolution, where applicable, supporting approval in principle of the SPA.
- MMAH MSO will forward copies of the application to the local MNR District/Regional Office for technical review, and to the CA and upper-tier municipality, where applicable, for information. MMAH MSO may also forward a copy of the application to other provincial ministries, as appropriate, for information.

2.2.2 Provincial review of municipal application for approval in principle

- MNR and MMAH will review the application.
- Discussions between the two ministries will occur, as appropriate.
- MNR and MMAH will also consult with the CA as appropriate.
- MNR and MMAH will jointly determine whether the application for approval in principle will be approved.

2.2.3 Provincial decision on application for approval in principle

- MMAH MSO will advise the proponent, in writing, of the decision to either grant or deny approval in principle for the SPA. Copies of the decision will also be forwarded to MNR, the CA and the upper-tier municipality, where applicable, and it may identify required information to be included in the application for final approval of the SPA.
- If approval in principle is granted by the Province, the proponent may submit an application for final approval of the SPA once Phase II has been completed.
- The Phase II application must be submitted to the Province within two years of the date that approval in principle is granted. Where the application for final approval is not submitted within this time period, approval in principle will lapse and the proponent will be required to make a new application for approval in principle.
- If approval in principle is not granted, the proponent's application for a SPA will not be further considered.

2.3 Phase II: Application for final approval of a Special Policy Area

2.3.1 Preparation of documentation for final approval of a Special Policy Area

- SPA Steering Committee is established (if not previously established at the pre-consultation stage) to provide the proponent with input/advice regarding any Phase II information requirements (e.g. hydrologic and hydraulic studies, updated flood plain mapping, floodproofing, ingress/egress requirements, existing institutional and infrastructure uses, a SPA report, draft OPA, etc.), that the Province identified in granting approval in principle. The appropriateness of continuing with the SPA application may be determined by the outcome of the studies.
- The Committee will be led by MMAH and co-chaired by the proponent, and include representatives from MNR and the CA. The Steering Committee will also include representatives from the upper-tier municipality,

if applicable, and other ministries/agencies as appropriate (e.g. Ministry of Energy and Infrastructure (MEI), Ministry of the Environment (MOE)).

- Once all required technical works/studies, set out in Schedule 2, are completed and the OPA policies have been prepared in draft, the proponent must submit 9 copies of a draft package (including draft OPA material) to the Province through the appropriate MMAH MSO for review and comment prior to the municipality holding any statutory public meeting(s) in accordance with the *Planning Act*. The implementation section of the OPA shall include details related to process and timing for reviewing/updating the SPA policies, and for carrying out, in a timely manner, any required changes to the zoning by-laws to implement the SPA policies.

2.3.2 Provincial review of municipal application

- MMAH MSO will provide copies of the draft materials to the local MNR District Office, and additional copies to other ministries, as appropriate, for review and comment, and to the CA and upper tier municipality, where applicable, for information.
- MMAH will provide coordinated provincial comments to the proponent regarding the technical studies and draft OPA.

2.3.3 Finalization of draft official plan amendment and supporting documentation

- The proponent shall finalize the technical studies and draft OPA based on provincial comments.
- The proponent shall hold statutory public meeting(s) on the draft OPA in accordance with the *Planning Act*.
- If the proponent's OP or OPA is exempt from approval under the *Planning Act*, the proponent's council may pass a resolution supporting the OP or OPA but shall not formally adopt it under the *Planning Act*.
- If the lower-tier municipality is not exempt, the proponent council may adopt the OP or OPA pursuant to the *Planning Act* and then forward the adopted OP or OPA to the approval

authority (the Minister of Municipal Affairs and Housing or upper-tier municipality).

- Where applicable, the proponent shall forward a copy of the OP or OPA to the CA along with a request for a resolution supporting the SPA from the CA's Executive Committee or Full Authority Board of Directors. Where MMAH is the approval authority for the OP or OPA, MMAH shall forward a copy of the OP or OPA to the CA and request a resolution supporting the SPA. If requested, the CA shall send a resolution supporting the OPA to the proponent and approval authority, where applicable.
- The proponent shall submit 9 copies of the adopted OP or OPA, or where the OP or OPA is exempted from approval under the *Planning Act*, the OP or OPA supported by council resolution, to the local MMAH MSO for review and approval. The submission will be accompanied by the following supporting documentation:
 - o The proponent adopted (or 'adopted in principle') OPA;
 - o CA endorsement resolution of the OP or OPA, where applicable;
 - o Confirmation of the public review process.
 - o Copy of final version of documentation supporting establishment of the SPA, including all technical background data, studies, maps, etc. All mapping should be in digital format and, wherever possible, georeferenced;
 - o Justification for SPA policy outlining its basis, the SPA boundary and proposed future land uses and densities set out in the OP or OPA;
 - o Implementation tools such as zoning provisions, site plan control etc; and
 - o Any available information that provides an indication of the upper-tier municipality's position.
- **The approval authority shall not proceed to approve the OP or OPA until the Minister of Natural Resources and Minister of Municipal Affairs and Housing have approved the SPA policies of the OP or OPA.**

2.3.4 Provincial review of OP or OPA and supporting documentation

- Upon receipt of the submission package, MMAH MSO will provide 5 copies of the OP or OPA adopted or supported by the proponent council and supporting documentation to the local MNR District Office.
- Ministers of Natural Resources and Municipal Affairs and Housing may approve, approve in part, or refuse to approve the SPA based on the acceptability of the OP or OPA adopted or supported by the proponent council in accordance with the PPS and the acceptability of the technical criteria identified in the OP or OPA adopted or supported by the proponent council.

2.3.5 Notification to proponent of the provincial decision

- MMAH MSO will provide the proponent and approval authority, where applicable, with the provincial decision to approve, approve in part, or refuse to approve the SPA and will notify the proponent and approval authority, where applicable, of the province's position respecting the SPA policies of the OP or OPA.

2.3.6 Approval of OP or OPA

- If the Province supports the SPA policies of the OP or OPA, and all other *Planning Act* requirements are met, and the MMAH one-window comments are addressed, the proponent or the approval authority may approve the SPA policies of the OP or OPA.
- The approval authority shall provide the local MMAH MSO with a copy of the approved OP or OPA as well as the related Notice of Decision.
- The approval authority shall also forward a sworn declaration, as required under the *Planning Act*, to MMAH MSO after the appeal period for the OPA has lapsed advising that there have been no appeals on the OPA.
- The proponent shall ensure that the MMAH MSO is provided with a copy of the final mapping of the SPA boundary in a digital format that is georeferenced where possible.

Note #1: If the approved OPA is appealed to the OMB, MMAH will monitor and decide if any provincial involvement is necessary depending on the nature of the appeal.

Note #2: MMAH will be prepared to make an appeal to the OMB or take other appropriate action if the approval authority approves the OPA, or any other related planning applications within the SPA area prior to final provincial approval of the SPA, or if the approved OPA does not contain the policies requested by the Province.

Note #3: If OPA is appealed to the OMB, the SPA process is placed on hold pending the outcome of the OMB Hearing. In this regard it is ultra vires the jurisdiction of the OMB to establish any floodproofing or flood risk standards. The matters subject to OMB decision-making are restricted to municipal planning and proper application of the *Planning Act*/PPS. Only the Ministers of Natural Resources and Municipal Affairs and Housing can commit the province to accepting a flood standard below the established provincial norm.

2.4 Phase III: Post approval requirements

- The proponent shall, in accordance with section 26 of the *Planning Act*, carry out a review of its OP not less frequently than every five years after the OP comes into effect including Secondary Plans, where appropriate, to ensure that the OP policies meet the requirements set out in section 26 of the *Planning Act*. A monitoring plan should also be prepared by the proponent to ensure compliance.
- The proponent shall, in accordance with the implementation section of the OP or OPA, carry out in a timely manner, required changes to the zoning by-laws to implement the SPA policies.
- The proponent shall, in accordance with the emergency management and operations section of the OP or OPA, carry out in a timely manner, required changes to the municipal Emergency Response Plan to implement the SPA policies.

SCHEDULE 1

The technical criteria that need to be addressed in support of an application for approval in principle (Phase 1) include the following:

- Flood line mapping (Regulatory Storm limits)
- Limits of proposed SPA
- Depths and velocities of flooding for all flows up-to and including the Regulatory Storm event
- Analysis of appropriateness of other floodplain management approaches, e.g. two zone concept; preliminary analysis of appropriateness of flood damage reduction works
- Existing land uses
- Identification of the land uses proposed for the SPA (NOTE: the Provincial Policy Statement, 2005 clearly indicates that a SPA is not intended to allow for new or intensified development, if a community has feasible opportunities for such development outside the flood plain)

SCHEDULE 2

The technical information that is required in support of an application for final approval (Phase II) includes the following:

- Assessment of flood hazard throughout the proposed SPA, based on flood depths and velocities under Regional Storm conditions
- Population densities (site and SPA)
- Identification of the minimum level of flood protection for the proposed SPA
- Assessment of possible flood damage reduction works and floodproofing measures. (Flood damage reduction works result in the lowering of flood lines, e.g. channelization, diversion, site alteration. Works that are designed to simply hold back flood waters, such as dams or dykes, are not considered to permanently lower flood lines. Floodproofing measures are categorized as “wet” vs. “dry” and “active” vs. “passive”. Strong preference is for dry, passive floodproofing for any structures with overnight human habitation, e.g. openings above the specified minimum level of flood protection, structural floodproofing and measures are permanently in place)
- Determination of the “developability” of the proposed SPA. This could include subdividing the proposed SPA into different areas or zones where:
 - Development generally could readily occur with floodproofing to the minimum specified level of protection and safe access and egress exists
 - Floodproofing to the minimum specified level and safe access and egress cannot readily be accommodated without a more comprehensive approach to development, on a block or area type basis, providing greater opportunities in terms of design, layout and site alteration
 - Depths and/or velocities are such that floodproofing to the minimum specified level and safe access/egress cannot be achieved (land uses would be expected to reflect this situation, e.g. low intensity recreational uses, open space, etc.)
- OPA policies for the proposed SPA that include the following:
 - Specified minimum level of flood protection
 - Highlighting of the need for “safe” access and egress
 - Identified strong preference for “dry”, “passive” floodproofing measures to be employed for any structures with overnight human habitation. However, a recognition that for those unusual situations where the application of “wet” or “active” floodproofing measures may be considered appropriate for non-residential land uses, a clear rationale must be provided by the proponent for such consideration including floodproofing of all electrical services, elevators, heating and cooling facilities etc.
 - Highlighting of the various “developability” areas or zones that may exist in the proposed SPA, and the identification of any specific directions or requirements for developing within each respective area or zone, including existing and proposed population densities.
 - Identification of the land uses proposed for the SPA (NOTE: the Provincial Policy Statement, 2005 clearly indicates that a SPA is not intended to allow for new or intensified development, if a community has feasible opportunities for such development outside the flood plain)
 - Time frame or process to modify zoning by-laws to provide for the implementation of the SPA policies
 - Emergency response plan that identifies the measures to be taken and equipment available at the municipal level for flood evacuation.

Procedures for approval: Modifications to existing Special Policy Areas

1.0 Introduction

Many Special Policy Areas (SPAs) have been in existence for about twenty years. They were established across Ontario around the time that provincial policies governing flood plain planning were first developed in the 1980s. These early policies recognized that key, historically flood prone areas existed and that if some provision was not made for their continuation, these developed areas would stagnate and deteriorate over time. A number of municipalities received approval for SPAs for their downtown and other built up areas. Other municipalities did not continue to pursue the SPA application to completion. Since they were first approved, the policies and directions for many of these SPAs have seen little change.

Recently, some municipalities have inquired about the process for modifying existing SPA policies. These inquiries have been due to a number of factors. One such factor is that in many areas conservation authorities (CAs) have updated flood plain mapping in support of changes to regulations under section 28 of the *Conservation Authorities Act* in May 2006. This flood plain mapping update has identified changes in flood elevations and/or velocities or changes in the extent of the flood plain. These changes can be due to the increase in development in and around flood plain areas or even just due to more accurate mapping. For SPAs, this could result in the need for additions to and/or deletions from the SPA boundary.

Another factor influencing recent SPA activity is the efforts of the Province to better control where development occurs. Since the original Flood Plain Planning policies were released in the 1980s, there have been many changes to the land use planning environment. Most recently, the Provincial Policy Statement, 2005 (PPS, 2005) has come into effect and applies to all applications, matters and proceedings commenced on or after March 1, 2005. The PPS, 2005 provides for appropriate development, while protecting important natural

resources and providing protection for the health and safety of the public. Further, the release of the Growth Plan for the Greater Golden Horseshoe 2006 has heightened the importance to intensify development within existing urban areas covered by that Plan. As a result, there has been a desire by some municipalities to re-examine their downtowns for redevelopment opportunities.

A third factor relates to the fact that some municipalities are receiving requests for changes to land use designations within existing SPAs. The province has recently seen an increase in the number of site specific applications for changes from one designation/zone to another. However, these applications are often for densities much higher than currently permitted within the SPAs leading to increased concerns for public health and safety and property damage during flood situations.

The procedure for requesting approval for any changes to an existing SPA is outlined in the following sections. Each section deals with a particular type of request for a change to a SPA. If the request from the municipality includes more than one type of change, then all appropriate sections should be examined to determine what information requirements need to be addressed. For example, if a municipality is requesting a boundary adjustment that includes both deletions and additions, then the technical requirements for all appropriate sections should be followed.

The single/lower-tier municipality is the proponent for any proposed changes/modifications to an existing SPA and, therefore, is responsible for funding and preparing all mapping, studies, reports and draft OPA policies. These municipal responsibilities may be contracted to the CA where they are in agreement to accept the tasks together with the appropriate funding to complete all of the work related to water management.

2.0 Boundary adjustments

2.1 Deletions due to a permanent flood plain reduction

A modification request that involves a deletion(s) of an area from the SPA as a result of a permanent

reduction of the flood plain (whether or not as a direct result of remedial works) will be considered in accordance with this section. As a result of the flood plain reduction, the area proposed to be deleted is no longer in the flood plain.

2.1.1 Information requirements:

The lower-tier or single-tier municipality (proponent) must prepare a report containing all of the following information:

Technical (flood related)

- size of area that has been removed
- percent reduction of overall existing SPA
- flood plain mapping showing new and old floodlines
- mapping showing new and old SPA boundary lines
- explanation as to why a reduction in the flood plain has occurred
- all mapping should include digital files in a geographic information system (GIS) format and be georeferenced;

Land use planning

- a copy of the current SPA approvals by the Province along with the official plan (OP) policies and schedules and associated zoning by-law requirements
- draft official plan amendment (OPA) changes and revised OP schedule to be submitted identifying the area to be removed with an indication of the proposed designation(s)/zoning for that area.

2.2.1 Information requirements:

The lower-tier/single-tier municipality (proponent) must prepare a report containing all of the following information:

Technical (flood related)

- size of area to be removed
- percent reduction of overall existing SPA
- flood plain mapping showing new and old floodlines
- mapping showing new and old SPA boundary lines
- flood depths and flood velocity changes
- confirmation from local CA that use of other flood plain management approaches, such as the two zone concept are appropriate for those lands being removed from the SPA
- all mapping should include digital files in geographic information system (GIS) format and be georeferenced;

Land use planning

- a copy of the current SPA approvals by the Province along with OP policies and schedules
- draft OPA changes and revised OP schedule to be submitted, as appropriate, for that area
- ensure that the areas proposed to be removed from the SPA which are still located within the flood plain are appropriately designated (i.e. hazard, two-zone) and will be addressed appropriately in the zoning by-law.

2.2 Deletions due to flood depth reduction

A modification request that involves a deletion(s) from a SPA as a result of a reduction in flood depths will be considered in accordance with this section. As a result of the flood depth reduction, other flood plain management options such as the use of two zone approach are now possible, including the feasibility of floodproofing to the Regulatory flood level.

2.3 Major additions due to flood plain enlargement

This modification request involves the addition of areas to a SPA as a result of updated flood plain mapping. "Approval in principle" for **reasonable** enlargements (adding new areas) to the SPA is not required. This is because approval in principle is assumed to exist on the strength of the existing approved SPA and because the scale of the enlargement is appropriate under that prior approval. However, if the addition is very significant in size, it may be more appropriate to treat the addition as a "new" SPA and follow the

process specified for that situation. Generally, a recommended cut off for such a situation is a 25% increase in size of the SPA or a minimum of ten hectares to be added to the SPA whichever is smaller. Exceedance of either of these criteria would result in the proposal being treated as a “new” SPA application. In certain circumstances and despite the criteria above, the Province may identify that an addition to the SPA area should be treated as a new SPA. Generally, proposals with less than a 25% increase in size or less than ten hectares of area (whichever is less) would proceed on the basis of the requirements set out in this section. (Note: for more information regarding “approval in principle” see ‘Procedures for Approval New Special Policy Areas’).

Situations may arise where there may be both additions and deletions being proposed for an existing SPA. Notwithstanding this, the determination of the 25% or ten hectare criterion will be based on the additions to the SPA only. It is not acceptable to assess the additions and deletions with a “net” increase/decrease in SPA area.

Note: The application of the 25% or ten hectare criterion is on a “comprehensive”, inclusive SPA basis. Piecemeal consideration of individual portions of the SPA is not appropriate.

2.3.1 Information requirements:

The lower-tier or single-tier municipality (proponent) must prepare a report containing all of the following information:

Technical (flood related)

- size of area proposed to be added
- percentage increase of new area compared to existing SPA
- flood plain mapping showing new and old floodlines
- depths of flooding and velocity of flow
- frequency of flooding
- access/egress
- mapping showing new and old SPA boundary lines
- analysis of extent to which flood risk has increased

- explanation as to why there is an increase in the SPA required
- feasibility of floodproofing measures
- frequency of ice jams
- minimum level of floodproofing requirements
- appropriateness of other flood plain management measures, i.e. remedial measures, two-zone concept, etc.
- explanation as to how emergency response will be provided for both the existing SPA and the proposed addition(s)
- all mapping should include digital files in geographical information system (GIS) format and be georeferenced;

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- a copy of the current SPA approvals by the Province along with OP policies and schedules
- identification of existing land uses/densities in the proposed SPA area and those land uses proposed for the future
- identification of feasible alternatives that may exist for expansion or redevelopment outside of the flood plain area
- estimation of the range of population increase and structural investment in the proposed area over the planning horizon of the OP
- draft OPA policies for the SPA addition, or clear indication of what existing OP policies would apply to the addition
- updated draft OP schedule to illustrate location of the addition in the context of the limits of the existing SPA
- any required zoning by-law provisions
- any relevant planning studies that may have been done for the area.

2.4 Minor adjustments

A modification request that involves minor adjustments to the SPA boundary will be considered in accordance with this section. A boundary adjustment will be considered minor where the increase in risk to public health and safety and property damage is minimal and where the increase/decrease in the boundary changes is

small in size, e.g. 2 or 3 lots, a strip of land no less than 30 metres in width, etc. The final determination of what constitutes a minor SPA boundary adjustment rests with the Province.

2.4.1 Information requirements:

The lower-tier or single-tier municipality (proponent) must prepare a report containing all of the following information:

Technical (flood related)

- size of area proposed to be added and/or deleted
- percentage of increases/decreases compared to existing SPA
- flood plain mapping showing new and old floodlines
- flood depths
- velocities
- access/egress
- mapping showing new and old SPA boundary lines
- analysis of extent to which flood risk has increased if there are additions
- explanation and documentation as to why there is an increase/decrease in the SPA required
- explanation as to how emergency response will be provided for both the existing SPA and the proposed additions
- all mapping should include digital files in geographical information system (GIS) format and be georeferenced;

Land use planning

- a copy of the current SPA approvals by the Province along with OP policies and schedules
- existing land use and future land use for addition and/or deletion areas
- draft OPA policies for the SPA addition, or clear indication of what existing OP policies would apply to the addition and/or deletion
- any required zoning by-law provisions
- updated draft OP schedule to illustrate location of the addition and/or deletion in the context of the limits of the existing SPA.

2.5 Boundary the same but increase in flood depths/velocities

This section applies to a change to a SPA as a result of new flood plain information, where the physical limits (boundary) of the SPA has not changed (horizontally) but the depth of flooding/velocities have increased within the SPA. The change in flood depth/velocity could be due to new modeling of the flood plain or an increase in development in and around the flood plain which has created a displacement of flood storage. This will typically be a valley or depression situation.

2.5.1 Information requirements:

The lower-tier or single-tier municipality (proponent) must prepare a report containing all of the following information:

Technical (flood related)

- change in flood depths
- change in velocities
- implications on safe access/egress
- implications on floodproofing
- explanation as to why there is a change in the flood depths and the possible cause
- analysis of extent to which flood risk has increased
- examination of the possibility of remedial measures to reduce flood depths or the need to look at a one-zone concept, etc.
- explanation as to how emergency response will be provided
- all mapping should include digital files in geographical information system (GIS) format and be georeferenced);

Land use planning

- a copy of the current SPA approvals by the Province along with OP policies and schedules
- identification of implications of changes on OP policies and OP land uses and to the SPA in general
- any necessary zoning by-law provisions
- examination of the need to change land use designations/zoning to decrease the amount of risk to life and property.

3.0 Required municipal policy changes

3.1 Official plan review/official plan amendment

A request for a modification to SPA policies will be considered under this section where no change is proposed to the boundary of a SPA, but the proponent requests modifications to the policies affecting the SPA area. Such a request could include a review of any proposed changes to the existing land use designations/densities as well as policies specific to the SPA requirements. This change can be carried out as part of a five year official plan review or as an official plan amendment under the *Planning Act*.

3.1.1 Information requirements:

The lower-tier or single-tier municipality (proponent) must prepare a report containing all of the following information:

Technical (flood related)

- documentation on any new flood information for the SPA
 - o flood lines
 - o depths
 - o velocities
 - o access/egress
- if there have been changes, explain why and whether there are any opportunities for remediation
- any changes to floodproofing measures
- analysis of extent to which any flood risk has increased since the SPA was first approved and any subsequent formal reviews
- explanation as to how emergency response will be provided
- all mapping should include digital files in geographical information system (GIS) format and be georeferenced;

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- a copy of the current SPA approvals by the Province along with OP policies and schedules
- background information related to land uses in the SPA – how successful has the SPA been functioning – have issues arisen that need to be addressed?

- estimation of the range of any proposed population increases, and structural investment in the flood plain over the planning horizon of the OP
- explanation of the proposed OPA policy changes to the SPA policies themselves and/or to the land use policies
- justification report as to why any new or intensified uses need to be located in the SPA
- demonstration of how the revised policies and land uses are consistent with the PPS and other provincial plans if applicable.
- draft OPA policies and/or revised OP schedule to be submitted
- any necessary zoning by-law provisions
- any relevant planning studies that may have been done for the area.

3.2 Site specific planning applications

Generally, the Province will not consider site specific amendments to SPAs. Changes to a SPA are to occur on a comprehensive basis due to the complex nature of these areas and the greater flexibility that may be available to reduce the overall risk on a larger scale; opportunities that may not be available on a site-by-site basis. Site specific applications may reduce the development alternatives of other sites within the SPA due to impacts on flood depths, velocities, storage etc.

The Province may review a site specific application in the absence of a comprehensive review in certain situations, if the following characteristics exist:

- The proposal does not include new or intensified development;
- The existence of safe access/egress is demonstrated;
- There is no impact on flood storage; and
- Floodproofing is in keeping with the official plan and provincial standards.

The SPA information requirements for such applications may be modified to reflect the individual situation. Therefore, MMAH should be contacted at an early stage.

If a site specific application being proposed is seeking new or intensified development and/or has issues related to, flood storage impacts, safe access/egress, etc., and the municipality still wants it reviewed by the Province, the municipality will need to provide justification as to why such a proposal needs to be reviewed in advance of a comprehensive review. The review of a site specific application under these circumstances will be the exception.

It should be noted that where a site specific application along with the required information has been submitted, approval of that application should not be considered automatic.

3.2.1 Information requirements:

The proponent must prepare a report that includes all of the following information:

Technical (flood related)

(Any mapping should include digital files in geographical information system (GIS) format and be georeferenced)

- Flood related characteristics:
 - o General information on flood susceptibility of the SPA
 - o Flood depths and velocities, and any other pertinent information specific to the site
 - o Site specific flood plain mapping (if available)
 - Analysis of flood conditions:
 - o Implication of proposal on loss of flood storage, increased velocities, depths, flow patterns etc.
 - o Identification of the minimum acceptable level of flood protection identified in the SPA policies
 - Flood proofing measures proposed:
 - o Detailed explanation of proposed measures
 - o Any proposal involving “active” and/or “wet” floodproofing measures must be clearly explained and a detailed rationale provided as to why “dry”,
- “passive” measures are not technically feasible
 - Safe access/egress:
 - o Explanation of how “safe” access/egress has been provided for, including any arrangements and the details of such arrangements with any adjoining property owners
 - Structural integrity:
 - o Confirmation on the structural integrity of the building/structure under flood conditions in general, including any situations where the building could be flooded, i.e. openings below the regulatory flood. This should be provided by a Professional Engineer stamped drawings and report(s)
 - Municipal emergency management:
 - o Written confirmation from the municipal emergency management program of:
 - Knowledge of the proposal and related details
 - Acceptability of the proposal related to emergency response to flood hazards
 - How generally or specifically the proposal will be incorporated into the municipal emergency management program;

Risk analysis

- Risk assessment report
 - o Whether the proposal creates an unacceptable increase risk to loss of life and property including infrastructure and the time and extent to which openings below the regulatory flood such as underground parking takes to fill;

Land use planning

- Background report:
 - o Summation of existing SPA policies and schedules in the OP
 - o An explanation of the proposed OPA policy changes to the SPA policies themselves and/or to the land use policies

- o Indication of what change is being requested to the OP or ZBA (including proposed densities, units, additional infrastructure requirements, etc.)
- o Demonstration of how the proposal is consistent with the PPS.

4.0 Approval requirements

- The proponent must provide draft documentation (9 copies) to MMAH, MSO office for its review and comment. Comments from the local CA (where applicable) on the draft documentation are required to be submitted as part of the package.
- MMAH sends 5 copies of the documentation to MNR for review.
- MNR will provide a letter of comments and recommendations to the MMAH.
- MMAH will provide consolidated comments and recommendations regarding the draft documentation to the proponent.
- The proponent may then modify the submission package based on the provincial and CA comments received.
- The proponent holds a statutory public meeting in accordance with the *Planning Act*.
- If the proponent is 'exempt from approval' under the *Planning Act*, the proponent council may pass a resolution supporting the OPA but shall not formally adopt it under the *Planning Act* at this point in the process.
- If the proponent is not 'exempt', the proponent council may adopt the OPA pursuant to the *Planning Act* and then forward the adopted OPA to the approval authority.
- The proponent must submit final documentation (9 copies) to MMAH MSO office for final approval that includes the following:
 - o Where the OPA is subject to approval under the *Planning Act*, the OPA adopted by the proponent;
 - o Where the OPA is exempt from approval under the *Planning Act*, the OPA supported by council resolution;
 - o CA endorsement, where applicable, by resolution from the CA's Executive Committee or Full Authority Board, on the

technical material and on the OPA and schedule;

- o Notice of statutory public meeting, including public comments/submissions;
- o Copy of final technical documentation; and
- o Any available information that provides an indication of the upper-tier municipality's position (where applicable).
- MMAH forwards 5 copies of the final documentation to MNR for formal review.
- Ministers of Natural Resources and Municipal Affairs and Housing make a decision regarding the modification to the SPA based on the acceptability of the OPA in accordance with the PPS and the acceptability of the technical criteria identified in the OPA.
- MMAH provides the final letter from the Ministers of Natural Resources and Municipal Affairs and Housing to the proponent and approval authority. The letter will confirm whether the modification to the SPA has been approved by the Province, and whether the OPA that implements these modifications is supported by the Province.
- If the Province supports the OPA, the approval authority may proceed to approve the OPA.
- Approval authority provides MMAH MSO with a copy of approved OPA as well as the related Notice of Decision. Municipality or CA provides the MMAH MSO with final digital mapping in GIS format, georeferenced.
- Approval authority will also forward a sworn declaration, as required under the *Planning Act*, to MMAH MSO after the appeal period for the OPA has lapsed advising that there have been no appeals on the OPA.

Notes:

1. Approval authority should not approve the OPA, or any other related planning applications within the SPA prior to final provincial approval. Such action can anticipate provincial action before the Ontario Municipal Board.
2. If the Minister of Municipal Affairs and Housing is the approval authority for the OPA, then approval will be given after the Minister of Natural Resources has provided his/her approval. MMAH will then issue the Notice of Decision and complete the sworn declaration under the *Planning Act*.