



**Toronto and Region
Conservation
Authority**

March 6, 2019

CFN: 60788.02

BY EMAIL: leighann.penner@richmondhill.ca

Ms. Leigh Ann Penner
Town of Richmond Hill
225 East Beaver Creek Road
Richmond Hill, ON
L4B 3P4

Dear Ms. Penner:

**Re: D01-18005 (Official Plan Amendment)
11546 Leslie Street, Richmond Hill
Owner: Deergate Holdings Inc.**

This letter will acknowledge receipt of the above noted application. Toronto and Region Conservation Authority (TRCA) staff have reviewed this application and our comments are provided herein.

Purpose of the Application

It is our understanding that purpose of the above noted application is to permit medium/high density residential uses as a stand alone use to facilitate the development of fifteen freehold townhouse dwelling units and public laneway on the subject property. The property is identified as Block 200 of Draft Approved Plan 19T(R)-03013 (Deergate subdivision) and is currently designated Neighborhood Commercial in the Town of Richmond Hill's Official Plan.

Applicable Regulations and Policies

The TRCA provides our technical review comments through a number of roles. This includes TRCA's commenting role under the *Planning Act*; the Conservation Authority's delegated responsibility of representing the provincial interest of natural hazards encompassed by Section 3.1 of the Provincial Policy Statement (2014); TRCA's Regulatory Authority under Ontario Regulation 166/06 (as amended), Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses; and our Memorandum of Understanding with the Region of York where we advise our municipal partners on matters related to Provincial Policies relevant to TRCA's jurisdiction.

Ontario Regulation 166/06 (as amended):

The subject property is entirely located within TRCA's Regulated Area as it contains a wetland on the Oak Ridges Moraine, which was identified through the Deergate subdivision review process, and the associated area of interference within 120 metres. In accordance with Ontario Regulation 166/06 (Development, Interference with Wetlands and Alteration to Shorelines and

Watercourses), a permit is required from the TRCA prior to any of the following works taking place:

- a) a straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- b) development, if in the opinion of the Authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development.

Development is defined as:

- i. The construction, reconstruction, erection or placing of a building or structure of any kind;
- ii. Any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;
- iii. Site grading, or;
- iv. The temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere

Living City Policies for Planning and Development in the Watersheds of the TRCA (LCP):

The LCP Conservation Authority (LCP) is a TRCA policy document that guides the implementation of TRCA's legislated and delegated roles and responsibilities in the planning and development approvals process. The LCP describes a "Natural System" made up of water resources, natural features and areas, natural hazards, potential natural cover and/or buffers. The TRCA recommends that development not be permitted within the Natural System and that it be conveyed into public ownership for its long term protection and enhancement. In some circumstances, the TRCA may permit development or interference within wetlands or their area of influence provided that the tests of Ontario Regulation 166/06 can be satisfied and it can be demonstrated that there will be 'no negative impacts'. Details with respect to TRCA's policies can be found in sections 7 and 8 of TRCA's Living City Policies.

Oak Ridges Moraine Conservation Plan (ORMCP)

It is the TRCA's understanding that through the OMB approval of the North Leslie Secondary Plan (NLSP), the subject property was brought into the "Settlement" designation of the ORMCP. The subject property contains part of a wetland which is considered a Key Natural Heritage Feature (KNHF) and Key Hydrologic Feature (KHF) under the ORMCP. One of the key objectives of the ORMCP to maintain and where possible improve or restore, the health, diversity, size and connectivity of key natural heritage features, key hydrologic features and the related ecological functions. This issue was addressed through the OMB settled Draft Approval of the Deergate subdivision. Given that municipalities are the designated approval authority under the *Oak Ridges Moraine Conservation Act* and the Planning Approval Authority, we recommend that the Town of Richmond Hill ensure that this application conforms with the provisions of the ORMCP.

Clean Water Act and the Source Protection Plan

The Source Protection Plan (SPP) under the Clean Water Act, 2006, developed for the Credit Valley, Toronto and Region and Central Lake Ontario (CTC) Source Protection Region took effect on December 31, 2015. The CTC SPP contains policies to ensure that existing activities occurring when the Plan takes effect cease to be significant drinking water threats, and to prevent future activities from becoming significant threats to drinking water.

The subject property is located within Vulnerable Areas including a Wellhead Protection Area-Q2 (WHPA-Q2) and a Significant Groundwater Recharge Area. Certain types of applications within the WHPA-Q2 area are subject to CTC SPP Policy REC-1 parts 2 a) and b) and require the submission of a site-specific water balance assessment to mitigate development related impacts to recharge reduction. As such, any amendment to the Town's Official Plan policies should provide opportunities for the proposed development to meet these requirements. As municipalities are the Planning Approval Authority responsible for implementing the REC-1 Policy, the Town of Richmond Hill is required to ensure this application conforms to the CTC SPP.

APPLICATION HISTORY

The subject property is located in the NLSP area, in which the TRCA has had extensive involvement with. The TRCA was commenting body on the OMB approved NLSP, the Town approved Master Environmental Servicing Plan (MESP) for the NLSP area, and more recently, the OMB approved Deergate subdivision (Town File No. D03-03013 - Plan of Subdivision and Town File No. D02-03072 - Zoning By-law Amendment).

An Environmental Impact Study (EIS) was provided in support of the Deergate Plan of Subdivision and Zoning By-law Amendment applications. Based on the EIS and a site visit conducted by TRCA staff, it was determined that a wetland exists on the subject property and adjacent lands to the northwest. As part of the settlement discussions, Deergate Holdings Inc. agreed to relocate this wetland to Block 204 of the Deergate subdivision. The TRCA is satisfied with this concept in principle, subject to more detailed information being submitted to the satisfaction of the TRCA in accordance with Draft Plan Condition No. 107 for the Deergate subdivision and a TRCA permit pursuant to Ontario Regulation 166/06. We note that a permit application for the wetland relocation was submitted to the TRCA in July 2018 and was deemed incomplete by the TRCA in August 2018. Additional submissions have not been received since.

It is TRCA staff's understanding that the subject property has been considered in the design of the stormwater management system for the Deergate subdivision. The stormwater needs of this property (Block 200) will be accommodated in Pond E1; however, the pond location is currently within a floodplain that is regulated by the TRCA. Until such time that culvert improvements to the 19th Avenue crossing of Tributary 2-M have been completed, the proposed development is considered premature. As per Draft Plan Condition No. 107, the culvert improvements will require further engineering review and a TRCA permit pursuant to Ontario Regulation 166/06.

APPLICATION-SPECIFIC COMMENTS

The TRCA has no fundamental objection to the proposed change in land use for the subject property; however, please be advised that until such time that the following has been completed, the development of this property is considered premature:

1. Completion of the wetland relocation to the satisfaction of the TRCA and in accordance with any permits issued by the TRCA under Ontario Regulation 166/06;
2. Completion of the culvert improvements along 19th Avenue at Tributary 2-M in accordance with any permits issued by the TRCA under Ontario Regulation 166/06 and an approved Environmental Assessment for 19th Avenue;
3. Construction of the stormwater pond E1 (including any required floodplain modeling updates) in accordance with any permits issued by the TRCA under Ontario Regulation 166/06.

The subsequent application for exemption from Part Lot Control is also considered premature until such time that the above noted matters have been addressed. As part of the future application for exemption from Part Lot Control, the applicant will need to provide documentation confirming that the proposed development has been accommodated for and is in general conformity with in the overall stormwater management scheme and water balance for the Deergate subdivision.

APPLICATION REVIEW FEE

In addition to regulatory responsibilities, TRCA has a role as a commenting agency for *Planning Act* applications circulated by member municipalities to assess whether a proposed development may impact TRCA's areas of interest. By copy of this letter, the applicant is advised that this application is subject to a \$2,950.00 review fee (2018 Planning Services Fee Schedule). The applicant is responsible for fee payment and should forward the fee to this office within 60 days of this letter.

RECOMMENDATION

On the basis of the comments noted above, it is our opinion that this application is **premature** as additional information is required prior to TRCA staff endorsing the subject application. The applicant is advised to address the outstanding comments and remit payment of the review fee to TRCA's office.

I trust these comments are of assistance. Should you have any questions, please do not hesitate to contact me at the undersigned.

Sincerely,



Michelle Bates
Planner I
Development Planning and Permits
Extension 5618

MB/dc