

Appendix	"B"
SRPRS	19.105
File(s)	D02-19001



Toronto and Region
Conservation
Authority

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BY EMAIL: sarah.mowder@richmondhill.ca

Ms. Sarah Mowder
City of Richmond Hill
225 East Beaver Creek
Richmond Hill, ON
L4B 3P4

Dear Ms. Mowder,

Re: D02-19001 (Zoning By-law Amendment)
D06-19014 (Site Plan)
142 Snively Street
Farzad Eslami & Iman Esfahani-Alasl

This letter will acknowledge receipt of the above-noted application. The application was received on March 22, 2019. Toronto and Region Conservation Authority (TRCA) staff have reviewed the submission and offer the following comments.

PURPOSE OF APPLICATION

It is our understanding that the purpose of this application is to allow the creation of an additional lot and construction of a single detached dwelling on the subject lands.

APPLICABLE REGULATIONS AND POLICIES

Ontario Regulation 166/06 (as amended):

The subject property is located entirely within TRCA's Regulated Area as it contains a Provincially Significant Wetland (PSW) feature associated with the Wilcox-St. George Wetland Complex of the Humber River Watershed. In accordance with Ontario Regulation 166/06 (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), as amended, a permit is required from the TRCA prior to any of the following works taking place:

- 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,
- iv) the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere.

Oak Ridges Moraine Conservation Plan (ORMCP)

Please be advised that the subject property is located on the Oak Ridges Moraine (ORM), within the Settlement Area land use designation of the ORMCP. The large PSW which is partially located on the

subject property is considered a Key Natural Heritage Feature (KNHF) and/or Hydrologically Sensitive Feature (HSF) and a 30 metre Minimum Vegetation Protection Zone (MVPZ) and 120 metre Minimum Area of Influence (MAI) would typically apply.

In accordance with the ORMCP, development (including lot creation) is generally prohibited within the MVPZ of a KNHF/HSF. Furthermore, a Natural Heritage Evaluation (NHE) is typically required in support of any development located within the MAI of any KNHFs or HSFs to assess the features on site and potential impacts resulting from the development.

Under the ORMCP, the MVPZ setback within Settlement Areas can be based upon applicable Official Plan and Zoning By-laws adopted on the basis of an environmental study (i.e. a NHE). However, we note that a minimum buffer of 10 metres is required under the Official Plan.

As technical advisors to the City, TRCA must be satisfied that there will be no negative impacts on the natural features resulting from the approval of the subject application. However, as municipalities are the designated approval authority under the Oak Ridges Moraine Conservation Act, the City should ensure this application conforms to the ORCMP.

APPLICATION SPECIFIC COMMENTS

Application Background

Please be advised that TRCA staff received a Concept Development application from the applicant for the proposed new lot in January of 2017. Through discussions with the applicant, it was concluded that the property owner is agreeable to dedicating a significant portion of the property containing the PSW feature into public ownership so that it can be appropriately managed and protected.

TRCA staff were agreeable to a Natural Heritage Evaluation (prepared by Ages Consultants Limited, dated August 2018) and the buffers and dedication lands as depicted therein on page 15. We note that this previously TRCA reviewed NHE has been included as part of the circulation package for the subject applications.

Ecology

As noted earlier in this correspondence, buffers within designated Settlement Areas of the ORM may be varied from the requisite 30 meter prescribed for PSWs under the Table in the ORMCP if there is an applicable Official Plan and Zoning By-laws adopted on the basis of an environmental study.

We note that the application of a full 10 metre buffer to the PSW along the west side of the subject lands would be challenging as the existing dwelling on 142 Snively Street is located approximately only 7 metres away from the PSW.

In order to compensate for a reduced buffer along the western edge of the retained lands, the applicant has provided the following:

1. A 3 metre buffer has been provided from the PSW along the western portion of the retained parcel;
2. An average buffer of 11 metres has been provided for the for the entirety of the site;
3. An armour stone barrier has been proposed at the edge of the 3 metre buffer to prevent any future incursions into the PSW or buffer.
4. Both the PSW and buffers will be dedicated into public ownership (either the City or TRCA) and zoned to an appropriate category for their long-term protection and management.

Given the above, it is TRCA's opinion that due to site specific conditions and constraints, the proposed 3 metre buffer provides an improved level of protection over existing conditions and can be considered a balanced (private vs. public interests) approach to creating a buffer for the PSW. However, TRCA staff do note that there may be additional opportunity to increase the width of this buffer. We further note that the 3 metre buffer is adequate unencumbered access for future restoration/maintenance activities.

TRCA would support City of Richmond Hill staff if the City is of the opinion that an increased buffer can be achieved, or requirements/measures intended to provide further protection and enhancement of the PSW feature (such as restoration planting within the lands to be conveyed) should be implemented. However, TRCA staff do not have objections to the currently proposed buffer.

The TRCA has objectives related to the maintenance, restoration and enhancement of the ORMCP area. As technical advisors to the City of Richmond Hill, the TRCA must be satisfied that there will be no negative impacts on the natural features resulting from the approval of the subject application. However, given that municipalities are the designated approval authority under the Oak Ridges Moraine Conservation Act, the City of Richmond Hill must also be of the opinion that the proposal conforms to the provisions of the ORMCP.

PERMITTING

The subject property is located within TRCA's Regulated Area as is within 120 metres of a PSW feature. In accordance with Ontario Regulation 166/06 (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), as amended, a permit is required from this Authority prior to the proposed works commencing on the subject site. Details with respect to permit submission requirements are available at our website (<https://trca.ca/planning-permits/apply-for-a-permit/>).

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 be impacted by the TRCA policies and programs.

By copy of this letter, the applicant is advised that the TRCA has a fee schedule for our planning application review services. This application is subject to a \$2,950 combined Zoning By-law Amendment (minor) and Single Residential Site Plan (standard) review fee. The applicant is responsible for fee payment and should forward the fee to this office within 60 days of this letter.

CONCLUSION

In light of the above, TRCA has **no objections** to the proposed Zoning By-law Amendment and Site Plan Applications subject to the following conditions:

1. The applicant successfully obtain a permit under Ontario Regulation 166/06, as amended, for the proposed dwelling to be located on the severed lands;
2. The applicant submit the combined Zoning By-law and Single Residential Site Plan review fee of \$2,950 payable to the TRCA.

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

Yours truly,



Anthony Sun, BES
Planner, Development Planning and Permits
Extension 5724