

Appendix	"B"
SRPRS	20.128
File(s)	D02-20021



Toronto and Region
Conservation
Authority

August 28, 2020

CFN: 62599.03

X-Ref: 60760.05, 55086.21

BY EMAIL ONLY

Mr. Jeff Healey
City of Richmond Hill
225 East Beaver Creek Road
Richmond Hill, ON L4B 3P4

Dear Mr. Jeff Healey:

**Re: D02-20011 (Zoning By-law Amendment)
229 Harris Avenue, Richmond Hill
Zonix Group (Harris) Inc.**

This letter will acknowledge receipt of the above-noted application. 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 permit the construction of 6 semi-detached dwelling units on the subject lands.

Applicable TRCA 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:

A large portion of the subject property is located within TRCA's Regulated Area of the Rouge River Watershed as it is traversed by a valley corridor and associated significant woodland considered a part of the overall valley system of a tributary of the Rouge River. In accordance with Ontario Regulation 166/06, as amended (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) 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, including the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere.

TRCA's Living City Policies (LCP)

The LCP describes a "Natural System" of water resources, natural features and areas, natural hazards, potential natural cover and/or buffers. TRCA policies generally require that natural features within the "Natural System" be protected from development, site alteration and infrastructure. Notwithstanding additional setbacks prescribed by federal, provincial or municipal requirements, TRCA defines the limit of the "Natural System" as the greater of, but not limited to the following:

- Valley and Stream Corridors: 10 metre buffer from the greater of the long-term stable top of slope (LTSTOS), top of slope (TOS), Regulatory Floodplain, meander belt and any contiguous natural features or areas;
- Woodlands: 10 metre buffer from the dripline and any contiguous natural features or areas;
- Wetlands: 30 metre buffer from Provincially Significant Wetlands (PSWs) and a 10 metre buffer from all other wetlands and any contiguous natural features or areas.

Oak Ridges Moraine Conservation Plan & Buffer Requirements

The subject property is designated as Settlement Area under the Oak Ridges Moraine Conservation Plan (ORMCP). Under the ORMCP, Minimum Vegetative Protection Zones (MVPZ), typically of 30 metres, and Minimum Areas of Influence (120 metres) are applied to Key Natural Heritage Features and Hydrologically Sensitive Features on or in close proximity to the subject property.

TRCA staff note that the subject property is within 120 metres of a Key Natural Heritage Features (KNHF's) due to the valley feature situated in the southern portion of property. Development on the ORM within 30 metres of a KNHF/KHF is generally prohibited. The applicant has submitted scoped Natural Heritage Evaluation (NHE) (prepared by Beacon Environmental, dated May 2020) for TRCA review.

The TRCA has objectives related to the maintenance, restoration and enhancement of the ORMCP area. As technical advisors to York Region, 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, we recommend that the City of Richmond Hill ensure that this application conforms to the provisions of the ORCMP.

CTC Source Protection Plan

Please be advised that the subject property appears to fall within a Wellhead Protection Area Q2 (WHPA –Q2) and Highly Vulnerable Aquifer Area (HVA) under the Credit Valley-Toronto & Region-Central Lake Ontario Source Protection Plan (CTC SPP). TRCA supports the legislated protection of municipal drinking water sources through the *Clean Water Act* and acts as a technical advisor to York Region for some aspects of the CTC SPP. However, municipalities are

the approval authority responsible for ensuring that *Planning Act* applications conform to the CTC SPP. Therefore, TRCA staff recommend contacting your local Risk Management Official for further information regarding the CTC SPP requirements.

We note the Harris-Beech MESP is applicable to this area and has specifications for Water Balance targets. As such, for sites such as this one, TRCA staff are supportive of a best-efforts approach to meeting CTC SPP REC-1 2 a) and b) requirements.

Harris-Beech Infill Study & Master Environmental Servicing Plan

Through the Master Environmental Servicing Plan and Harris Beech Infill Study, a 10 metre buffer was established from the significant woodlot for development within Parcel Three of the MESP. Future staking of natural features in areas of Parcel 3 identified in the MESP are to be assessed at the time of planning applications therefore, TRCA conducted a staking of the site on May 22, 2019. The subject property is located adjacent to an open space area which appears to contain vegetation not only contiguous with the overall valley system but also with the significant woodlot.

TRCA staff also note that specific Water Balance targets are also set in the Harris-Beech MESP for different development zones within the MESP area.

History

TRCA staff (Anthony Sun, Jamie Milnes and Ali Shirazi) conducted a dripline and top-of-banking staking on the subject properties of 209 to 247 Harris Avenue on May 22, 2019. TRCA's comment letter dated June 26, 2019 confirmed that staff reviewed the survey and are satisfied that it reflects the limit of contiguous vegetation associated with the valley corridor as well as the valley's top-of-top located on the subject property.

Application Specific Comments

Planning:

1. Please update all drawings to include the staked dripline and associated 10 metre buffer (i.e. Conceptual Lotting Plan, prepared by Evans Planning Inc., dated December 1, 2019 and Surveyor's Real Property Report, prepared by ERTL Surveyors, dated unknown).
2. TRCA supports the conveyance of the dripline, Top-of Bank and buffer into public ownership. Please provide confirmation if these lands are intended to be conveyed.

Geotechnical:

3. The Geotechnical Report, prepared by Edward Wong & Associates, dated April 30, 2020 concluded the staked Top-of-Bank is also the Long-term Stable Top of Slope (LTSTOS). TRCA staff find the conclusion by the report acceptable and the staked Top-of-Bank is the LTSTOS Line.

Ecology:

4. TRCA Ecology staff look forward to reviewing the detail design information for the proposed development, including but not limited to the Stormwater Management Plans, Grading Plans, Tree Protection Plans, Buffering Planting Plans and Erosion and Sediment Control Plans.

Water Resources Engineer:

TRCA staff understand that an application for the proposed Harris Beech Area 3 SWM Pond (Pond Option 3) located north-west of 229 Harris Avenue has been submitted under a separate application and ownership and is currently under review.

5. TRCA staff request a copy of the approved Functional Servicing Report as part of this submission for review or alternatively provide appropriate excerpts to demonstrate feasible servicing / SWM capacity for 229 Harris Avenue and acknowledging that the subject lands are planned to be intensified.
6. A Water Balance Analysis (prepared by Edward Wong & Associates Inc., dated April 30, 2020) has been provided. Please provide a drawing showing the location and dimensions of the proposed LIDs.
7. Please provide detailed recommendations for a multi-barrier Erosion and Sediment Control Plan consistent with the Erosion and Sediment Control Guideline for Urban Construction (2006) as outlined in Section 2.4.4 of the MESP for this area. This should include site specific information on sensitivities and the approach to ESC installation and maintenance. Please include a detailed description of water management during construction (drainage patterns, outlet during construction, treatment of runoff prior to release, treating and minimizing sediment laden runoff from leaving the site, staging, etc.).

Land Dedication

As an element of this application, TRCA encourages the transfer of the natural system, where appropriate, into public ownership to reduce and/or eliminate the risk to life and property and to foster local and regional environmental linkages. It is our expectation that the boundaries of the valley corridor (including the 10 metre buffer) on the subject lands will be placed in a protective zoning category (i.e. Open Space/Hazard Land) and gratuitously dedicated to the City of Richmond Hill or the TRCA.

Permits

As noted above, the subject property is located within TRCA's Regulated Area. On this basis, a TRCA permit is required from this Authority prior to the proposed works commencing on the subject site, pursuant to Ontario Regulation 166/06, as amended. Details with respect to permit submission requirements are available at our website (<https://trca.ca/planning-permits/apply-for-a-permit/>).

Fees

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.

By way of this letter, the applicant is advised that this Zoning By-law Amendment application is subject to TRCA Planning Services review fee in the amount of \$8,950.00 (Zoning By-law Amendment/Rezoning - Standard). The applicant is responsible for arranging payment of this fee to our office within 60 days of this letter.

Recommendation

On the basis of the comments provided above, TRCA staff **in principle do not object** to the Zoning By-law Amendment application (**D02-20011**). However, TRCA request that the applicant provide the approved Functional Servicing Report for our review (Comment 5).

It is TRCA's expectation that the comments 1 – 4 and 6 - 7 will be addressed under future *Planning Act* applications circulated for our review and may warrant additional comments at that time. I trust these comments are of assistance. Should you have any questions, please do not hesitate to contact me at the undersigned.

Yours truly,



Linda Bui
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