

March 25, 2022

CFN: 64176.30  
X-ref: 55179.08

**BY EMAIL: [simone.fiore@richmondhill.ca](mailto:simone.fiore@richmondhill.ca)**

Ms. Simone Fiore-Triumbari  
City of Richmond Hill  
225 East Beaver Creek  
Richmond Hill, ON  
L4B 3P4

Dear Ms. Fiore-Triumbari,

**RE: D06-21051 (Site Plan)  
D02-21015 (Zoning By-law Amendment) \*Reissue\*  
0 Gamble Road, Richmond Hill  
Weins Canada Inc.**

This letter will acknowledge receipt of the above noted applications. The Toronto and Region Conservation Authority (TRCA) staff have reviewed this application and provide the following comments. For a list of the materials reviewed, please see Appendix A.

**Purpose of the Application**

It is our understanding that this application has been submitted to rezone the subjects lands to "General Commercial (GC) Zone" under By-law 235-97, as amended, to permit an automobile dealership on the subject lands.

TRCA staff and City staff previously staked the physical top-of-bank of the subject property on November 6, 2014.

**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 *Conservation Authorities Act* provides the legal basis for TRCA's mandate to undertake watershed planning and management programs that prevent, eliminate, or reduce the risk to life and property from flood hazards and erosion hazards, as well as encourage the conservation and restoration of natural resources. Under the provisions of section 28 of the *Conservation Authorities Act*, TRCA administers Ontario Regulation 166/06 (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), as amended.

The subject property is located along the valley corridor of the Rouge River. The western third (approximate) of the property is located along the valley wall. As such, a significant portion of the subject property is located within an area regulated by the TRCA under Ontario Regulation 166/06 (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), as amended. In accordance with Ontario Regulation 166/06, a permit is required from the TRCA prior to any of the following works taking place within TRCA's Regulated Area:

- 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.

As a portion of the proposed works is located within the TRCA Regulation Limit, a permit under Ontario Regulation 166/06 is required for the proposed development.

#### **Living City Policies for Planning and Development in the Watersheds of the TRCA:**

The Living City Policies for Planning and Development in the Watersheds of the TRCA (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" 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), stable toe of slope, 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 and wetlands on the Oak Ridges Moraine, and a 10 metre buffer from all other wetlands and any contiguous natural features or areas.

#### **Credit Valley, Toronto and Region and Central Lake Ontario Source Protection Plan:**

Please be advised that the subject property appear to fall within a Wellhead Protection Area Q2 (WHPA –Q2) and Highly Vulnerable Aquifer (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 Don Ford (Senior Management, Hydrogeology and Source Water Protection) for further information regarding the CTC SPP requirements.

### **Oak Ridges Moraine Conservation Plan (ORMCP)**

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. The valley corridor on the subject lands and the watercourse located therein qualify as a Key Natural Heritage Feature and Hydrologically Sensitive Feature respectively.

Given that municipalities are the designated approval authority under the Oak Ridges Moraine Conservation Act, we recommend that the Town of Richmond Hill ensure that this application conforms with the provisions of the ORMCP. Should the Town proceed with approvals, the applicant must demonstrate that the ecological integrity of the ORCMP plan is not adversely affected.

As the works qualify as Major Development within the ORMCP, the application must conform with the watershed plan (in this case, the Rouge River Watershed Plan).

#### *Rouge River Watershed Plan, 2007*

The implementation of source controls to maintain pre-development Water Balance for new urban development is an objective identified under the *Rouge River Watershed Plan, 2007*.

### **Application-Specific Comments**

#### **Planning**

1. TRCA staff expect once the extent of the natural heritage system (NHS) and/or natural hazards including buffer is determined, the lands should be appropriately zoned which prohibits encroachment and the lands should be conveyed into public ownership.

#### **Water Resources Engineering**

##### *General*

2. The Regulatory floodline has not been shown in the drawings and figures. Please delineate the Regulatory floodline and the 10 m setback from the Regulatory floodline on all the figures and drawings. The Regional flood elevation is approximately 269.94 m.
3. The topographic survey completed by KRCMAR Surveyors Ltd. Dated August 12, 2003 does not include surveyed infrastructure in the Rouge River valley lands in the west portion of the site, however details have been included in the design drawings (Schaeffers, July 2021). Please provide the latest survey including the infrastructure in the valley (i.e. the culvert size, invert and location under Gamble Road, the pedestrian trail location, the existing retaining walls, etc.).

##### *Quantity*

4. Section 4.3 and 4.4.2 of the Functional Servicing and Stormwater Management report (FSSR) indicated that post- to pre-development peak flow controls will be provided for the proposed development. However, the subject site is located within the Rouge River – Upper Rouge River Subwatershed. Therefore, please refer to the 2018 Rouge River

Watershed Hydrology Report (prepared by Wood, dated September 2018) for the 2-100 year unitary peak flow control and storage control requirements. Please update the report and design accordingly.

5. Per the 2018 Rouge River Watershed Hydrology Report (Wood, September 2018), future development within the Upper Rouge River Subwatershed must retain the first 15 mm of runoff from impervious areas. Please update the report and design to account for the required retention volume.

#### *Quality Control*

6. TRCA is satisfied with the approach of providing water quality control with a filter based OGS unit, however, TRCA recommends considering altering the configuration to have the Jellyfish unit placed upstream of the underground storage tank to provide pre-treatment and allow for less frequent maintenance of the underground storage facility. TRCA defers to the City regarding configuration preference.

#### *Water Balance*

7. It was noted that the retention volume is being provided within the stone under ADS Storm-Tech system, however the Infiltration Sizing Calculations for Roof and Pre-treatment in calculations in Appendix D did not account for the porosity of 0.4 for the stone. Please update the design calculations accordingly.
8. Please note the ADS Storm-Tech system east of the proposed building does not appear to be located sufficiently setback from the building foundation. Please revise the report and drawings to illustrate the minimum required setback of all infiltration systems from foundations. TRCA defers to the City regarding the placement preference of the infiltration galleries.
9. Please include the high groundwater level on all sections with infiltration systems to illustrate the minimum 1 m separation is provided. Additionally, the Hydrogeological Assessment completed by Soil Engineers Ltd. dated July 2021 is marked in draft. Please provide a finalized assessment signed and sealed by a qualified professional.

#### *Outlet*

10. Per the Site Servicing Plan Drawing SS-1 (Schaeffers, June 2021), the site is proposed to outlet east of the existing culvert north of Gamble Road. The flow path requires several sharp bends which may cause erosion within the watercourse. In addition, the headwall alignment appears to direct flows directly to the existing culvert, which may erode the culvert walls. Please consider relocating and realigning the proposed outfall to eliminate the bends and concern for erosion of the existing culvert.
11. Per the Sections Drawing SEC-1 (Schaeffers, June 2021), it appears as if sufficient cover over the outlet sewer has not been provided to protect from frost within the valley. Please consider relocating and realigning the storm outfall to provide sufficient frost cover. TRCA defers to the City regarding the placement preference of the outlet sewer.
12. Per Section 4.10 in the FSSR, 300 mm depth of 150 mm diameter river-run stones are proposed at the storm sewer outfall. However, per the design drawings (Schaeffers, July 2021), 300 mm depth of riprap 150 mm diameter stone is noted. Please confirm the stone specification and update the report and drawings accordingly.

### *Erosion and Sediment Control Plan*

13. Please note that the following ESC comments are to be addressed at the detailed design permitting stage. The erosion and sediment control plans must comply with the *Erosion and Sediment Control Guideline for Urban Construction, December 2006*. The most up-to-date guideline can be found at [www.sustainabletechnologies.ca](http://www.sustainabletechnologies.ca). These guidelines indicated that a multi-barrier approach to erosion and sediment controls must be achieved.
- a. Per Drawing SC-1, ESC measures include sediment fencing, a mud-mat, and catchbasin sediment barriers. Please consider including a runoff detention measure to provide sediment removal (i.e. sediment trap).
  - b. Per the TRCA's ESC guidelines, please provide a double row sediment fence installed with straw bales adjacent to natural features.
  - c. Please ensure sediment control is provided around the entire proposed area to be disturbed including the proposed storm outfall.
  - d. Please provide all appropriate general ESC notes in accordance with the Erosion and Sediment Control Guideline for Urban Construction. TRCA standard erosion and sediment notes can be found here: [https://trca.ca/wp-content/uploads/2016/02/Guidelines for Standard Notes on Infrastructure Project OR 166 06 Submissions.pdf](https://trca.ca/wp-content/uploads/2016/02/Guidelines_for_Standard_Notes_on_Infrastructure_Project_OR_166_06_Submissions.pdf)

### **Ecology**

#### *Natural Heritage Evaluation*

14. The Natural Heritage Evaluation, prepared by Ages Consulting dated October 2015 is out of date and is associated with a previous application for the site. While some of the information within the NHS remains relevant, please update the report to discuss the current proposal. Please scope the discussion of potential impacts and mitigation to the following:
- a. Discuss the updated site plan as it relates to the adjacent terrestrial and aquatic features.
  - b. Outline vegetation communities found on site, and any incidental observations of wildlife. Much of the required vegetation community information can be obtained through the Arborist Report.
  - c. Demonstrate that all natural features, natural hazards and their associated buffers have been respected.
  - d. Discuss potential impacts of the proposal on all natural features found on and adjacent to the site.
  - e. Discuss proposed mitigation measures to address any anticipated impacts to features and functions. Specifically, discuss the stormwater management plan in relation to natural features. Please demonstrate how low impact development measures or other measures will be put in place to mitigate stormwater impacts to the receiving watercourse.
  - f. Demonstrate that the Site Plan respects all relevant municipal, TRCA and provincial regulations and policy.
  - g. Outline opportunities for feature restoration and enhancement within the subject property. Provide an updated landscape plan that incorporates restoration within the stream corridor to provide ecological enhancement and a natural buffer to the proposed development. Reference to the proposed Landscape Plan should be made.

Please note that the assessment of Redside Dace habitat in the NHE may not be accurate as it pertains to defining the limits of regulated habitat. Contributing Redside Dace habitat applies to the form and function of the watercourse but does not include the meanderbelt and associated vegetated buffers. Please confirm the extent of regulated habitat and any regulatory requirements with MECP.

#### *Landscape Plan*

15. With respect to the proposed Landscape Plan, please incorporate native shrubs within the top of slope buffer in addition to the proposed deciduous and coniferous plantings. Please select native shrub varieties suited to site conditions. The Landscape Restoration plan should additionally incorporate restoration of areas disturbed during the construction of the outfall pipe and outlet.

#### *FSR and SWM and Engineering Drawings*

16. With respect to the FSR, Planning Ecology supports TRCA Water Resources Engineering comments with respect to meeting water balance requirements and siting of the Jellyfish filter. Jellyfish filters provide an enhanced level of treatment beyond that achieved through a traditional OGS system. TRCA Planning Ecology recommends consideration be made to siting an OGS system upstream of the Jellyfish filter, which may reduce maintenance requirements of the Jellyfish and increase its efficacy in filtering finer particles.
17. The outfall structure should be relocated to prevent erosion to the watercourse and prevent impacts to the existing culvert. Further, please consider the feasibility of an alternative design for the outfall whereby a pocket wetland is incorporated into the design to provide additional erosion control, water quality benefits and a natural transition to the watercourse.
18. Please clearly label the watercourse edge on plan and section drawings associated with the outfall structure. Please clearly demonstrate that rip rap / riverstone will not be placed within the bed of the watercourse. River stone treatment is preferred at the outlet structure. Please include a detailed drawing / cross section of the outfall structure.
19. Please outline more clearly the area of disturbance associated with the construction of the outfall pipe.
20. TRCA Planning Ecology supports comments made by TRCA Geotechnical Engineers associated with the retaining wall adjacent to the natural system. Consider alternative design options that remove the headwall or reduce its height.

#### *Erosion and Sediment Control Plan*

21. TRCA Planning Ecology supports all comments made by TRCA Water Resources Engineering pertaining to the ESC Plan.
22. The ESC plan should clearly outline measures that will be put in place during the installation of the Stormwater Management outlet pipe and outfall. Measure to provide for immediate stabilization of areas disturbed by construction should be included in the ESC plan.



### **Geotechnical**

23. The slope stability assessment presented in the geotechnical report (August 2021) was acceptable. The existing top of slope is considered the Long-term Stable Top of Slope (LTSTOS);
24. The site servicing plan shows an outfall, which will discharge on the slope and close to the base of slope. The review by geomorphologist will be needed to ensure that there is no risk of further toe erosion. Additionally, the proposed erosion protection needs to be adequately extended not to cause erosion. Please ensure the appropriate mitigation measures be developed by a fluvial geomorphologist and implemented into the design and submitted drawings;
25. The proposed stormwater needs a deep excavation to the slope (can be 4-5 m high throughout the alignment), provided the open-cut installation, the disturbed areas may be significant. Please show the temporary disturbed areas including the excavation zones on the site plan to provide an accurate limit of disturbance on the slope. Furthermore, the disturbed slope in this area needs to be appropriately reconstructed to ensure the stability. Please provide a geotechnical review for the reconstruction of the disturbed slope along the stormwater facility and outfall to ensure that the reconstructed slope remain stable in the long-term;
26. The sections drawing shows that a high retaining wall will be proposed behind the buffer to maintain the lowering of the proposed grade with respect to the surround area (example Section 4-4). Although the retaining wall is located behind the buffer; however, provided the buffer will be located at the top of the proposed retaining wall at the end of construction, the future maintenance and rehabilitation of the retaining wall may need to be conducted in the future from the buffer. This may result in the future disturbances in the buffer. Furthermore, if the retaining wall needs tie-backs or a wide base, the structural elements of the retaining wall will be located in the future buffer and may potentially be owned by public. This can be potentially problematic in the long-term. Finally, the failure of the retaining wall, if any deficiencies occur in the future, will result in impacting the lands be located within the 10 m buffer, which can be potentially problematic as well. It is recommended that the municipality require some additional setback from the buffer or alternatively a shorter retaining wall (maximum 1m high, if possible) to ensure that the structural elements of retaining wall and future access to the top of retaining wall will be facilitated without encroaching into the 10 m buffer. The input from municipality is needed for this comment.;
27. Provided the retaining wall will retain the buffer, it is therefore, its failure may impact the buffer. Therefore, the engineer-stamped drawings for the retaining wall as per the design by qualified civil/structural engineer will be needed to be provided at the detailed design stage.

### **Permitting**

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/>).

### **Natural Feature/Hazard Land Conveyance**

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. TRCA staff supports acquiring the lands as doing so would allow for the incremental acquisition of this important natural feature corridor and floodplain into public ownership.

### **Applicable Fees**

In addition to regulatory responsibilities, TRCA has a role as a comment agency for Planning Act applications circulated by member municipalities to assess whether a proposed development may be impacted by the TRCA.

By copy of this letter, the applicant is advised that the Toronto and Region Conservation Authority has implemented a fee schedule for our planning application review services. As such, the application is subject to a **\$4,255** review fee (2021 TRCA Planning Fees Schedule – Site Plan - Minor). 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 and revisions are required prior to TRCA staff endorsing the subject application. Please address TRCA's comments and include a **response letter** with your resubmission outlining how you have addressed the comments.

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

Sincerely,



Linda Bui  
Planner  
Development Planning and Permits  
[Linda.bui@trca.ca](mailto:Linda.bui@trca.ca), Extension 5289



## **Appendix A**

### **Materials Reviewed**

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- Development Application Summary, prepared by MSH, dated August 23, 2021
- Geotechnical Investigation, prepared by Soil Engineers Ltd., dated August 2021
- Arborist Report, prepared by Cosburn Giberson Landscape Architects, dated July 20, 2021
- Architectural Package (A-100-A-301), prepared by SRA Architecture, dated August 3, 2021
- Drawing No. E1.1, Site Plan Photometric Analysis, dated July 15, 2021
- Engineering Package (SS-1-D-1), prepared by Schaeffers, dated July 19, 2021
- Boundary and Topographic Survey, prepared by Krcmar Surveyors, dated August 12, 2003
- Functional Servicing & Stormwater Management Report, prepared by Schaeffers, dated July 2021
- Geomorphic Assessment, prepared by Beacon Environmental, dated June 2015
- Landscape Package (LP1-TP-1), prepared by Cosburn Giberson, dated July 12, 2021
- Natural Heritage Evaluation, prepared by Ages Consultants Limited, dated October 2015
- Phase I Environmental Site Assessment, prepared by Pinchin, dated June 18, 2021
- Planning Justification Report, prepared by MSH, dated August 2021
- Drawing No. A-100, Overall Site Plan, prepared by SRA Architecture, dated August 3, 2021
- Hydrogeological Assessment, prepared by Soil Engineers Ltd., dated revised July 2021