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55143.03, 62520.05, 50294.17

**BY EMAIL ONLY**

Ms. Julie Mallany  
City of Richmond Hill  
225 East Beaver Creek Road  
Richmond Hill, ON L4B 3P4

**Dear Ms. Julie Mallany:**

**Re: D02-22010 (Zoning By-law Amendment)  
D06-22018 (Site Plan)  
D06-22017 (Site Plan)  
599 Sunset Beach Road, Richmond Hill  
Owner: Raja Uppuluri**

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

**Purpose of the Application**

It is our understanding that the purpose of this application is to request for approval of Zoning By-law Amendment and Site Plan applications to facilitate a severance and the construction of two single detached dwellings 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:**

The subject property is located within TRCA's Regulated Area as it is adjacent to a Provincially Significant Wetland associated with the Humber River Watershed. 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 on the subject lands:

- 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:**

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 (including the creation of new lots), 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.

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

The subject property is located on the Oak Ridge Moraine (ORM), within the Settlement Area land use designation of the Oak Ridges Moraine Conservation Plan (ORMCP). Based on our review, the proposed works are within the 120 metre Minimum Area of Influence (MAI) of a wetland. Furthermore, the property is in close proximity to a kettle lake (i.e. Lake Wilcox). Wetlands and kettle lakes are identified as a Key Natural Heritage Feature (KNHF) and Hydrologically Sensitive Feature (HSF) under the OMRCP.

In accordance with the ORMCP, a Natural Heritage Evaluation (NHE) is typically required in support of any development within the MAI of KNHFs or HSFs to delineate and assess the nearby features(s) and demonstrate that no adverse impacts to the ecological integrity of the ORM area will result from the proposed development. The applicant is required to provide a Scoped NHE and an Oak Ridges Moraine (ORM) Conformity Statement at the detailed design stage, i.e. Site Plan application stage.

The TRCA has objectives related to the maintenance, restoration and enhancement of the ORMCP area. 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, TRCA staff recommends that the City of Richmond Hill ensure that this application conforms to the provisions of the ORCMP.

**Credit Valley, Toronto and Region and Central Lake Ontario 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 came into effect on December 31, 2015 and was amended in 2019. The CTC SPP contains policies to ensure that existing activities occurring when the Plan took 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 Well Head Protection Area-Q (WHAP-Q) and Significant Groundwater Recharge Area (SGRA), which are considered Vulnerable Areas pursuant to the CTC SPP. Certain types of development applications within WHPA-Q areas must conform to policy REC-1 of the CTC SPP which requires a water balance; however, it appears that the proposed application, as submitted, is not subject to REC-1. However, should a building footprint of 500 square metres or more be proposed on either the severed or retained lot at the Site Plan stage, Policy REC-1 will be applicable.

**Application-Specific Comments**

**Development Planning**

1. 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 proposed severed lands and retained lands, pursuant to Ontario Regulation 166/06, as amended. Please note that the permit should be submitted once all applicable planning approvals have been obtained. Details with respect to permit submission requirements are available at our website (<https://trca.ca/planning-permits/apply-for-a-permit/>).
2. Based on our review of TRCA's lidar information, there appears to be a low-lying area located at the front of the subject property and adjacent properties to the west. At this time, it is unclear if a wetland has been formed in those areas. Please note that the text of Ontario Regulation 166/06 determines the areas that are regulated, therefore features and hazards do not actually have to be shown on the mapping to be regulated. Given that the creation of new lot within natural features (i.e. wetlands) and their associated buffers is generally not supported under the LCP and ORMCP, further assessment of the features is required.
3. Clarification is required as regards to whether the applicant is proposing to fill the subject lands, specifically the low-lying area at the front. If filling is proposed, please provide more details of the proposed filling as well as the potential impacts of filling in the technical report (i.e. NHE).
4. The existing 1 storey dwelling is to be demolished. Please confirm that grading will be restored to match to the existing grading and the limit of grading on the property.
5. Please provide more detail for the label 'real fence'.

- Please delineate 30 metre buffer from the Provincially Significant Wetland (PSW) on the applicable plans (i.e. Site Plan, Grading, Landscape, ESC etc.).

## Ecology

### *Natural Heritage Evaluation*

- Section 4.2.3 of the NHE discusses a wetland community (MAM2-7) on the west side of the property, in association with a culvert which connects to the adjacent property to the west. Section 5 discusses this MAM2-7 on the west of the property, but also mentions an MAM2-7 community on the east side of the property. Please clarify if this is an error, as there is no other discussion of a wetland on the east side, and this is not captured in the ELC mapping.
- Section 5 discusses the MAM2-7 community on the west side of the property, and makes the conclusion that it is not regulated by TRCA given that it is not characterized by hydric soils. The NHE, however, does not provide any additional information in support of this conclusions. Photographic evidence of soil profiles, photographs of the wetland, and mapping showing where soil samples where collected have not been provided. This information is required to confirm it is not a feature regulated by TRCA. A site visit with TRCA should be scheduled to confirm findings. Given that a number of species documented in the wetland are wetland indicator plants (cattails, panicked aster, marsh bedstraw), it is not clear how hydric soils are not present in order to support these species.

Should it be determined that the wetland is regulated by TRCA, given the feature's size and function associated with a culvert, Planning Ecology would suggest that the hydrologic function of the wetland be maintained through a vegetated swale along the westerly boundary of the property to capture any drainage from the culvert, provide for retention and recharge, and direct additional drainage back to the Natural Heritage System (NHS). TRCA notes that a swale is proposed on grading plan drawings. This swale could be extended further to the south to continue to convey drainage towards the NHS. This swale could be enhanced with appropriate seeding. TRCA would recommend a seed mix of wetland / moisture tolerant plants along this swale to replicate some of the natural heritage function of the existing wetland. Note, that even if the wetland is not regulated, the drainage associated with the culvert must be addressed on the westerly boundary of the property, and thus providing an enhanced vegetated swale would be feasible.

### *Landscape Restoration*

- With respect to the landscape planting plan (SP-1, September 2021), please consider a robust restoration and enhancement plan for the rear of the property, particularly within the 30 buffer of the wetland. As per the ORMCP, this 30 m buffer should be restored and enhanced to the greatest extent feasible. A robust planting plan of native trees and shrubs suited to the area would offset the losses associated with the removal of the FOD8-1 community.
- Please consult with the City of Richmond Hill to determine any tree removal compensation requirements.

### *Erosion and Sediment Control*

11. The ESC Plan notes should be updated. They should reference the updated 2019 Erosion and Sediment Control Guidelines ([https://sustainabletechnologies.ca/app/uploads/2020/01/ESC-Guide-for-Urban-Construction\\_FINAL.pdf](https://sustainabletechnologies.ca/app/uploads/2020/01/ESC-Guide-for-Urban-Construction_FINAL.pdf)).
12. Light duty silt fence is not supported. Please revise with heavy-duty non-woven geotextile rated 270R or greater.
13. Please update the ESC drawing to clearly delineate and label the location of proposed silt fence.
14. Please ensure that all drawings, including Site Plan, ESC and Grading Plans, and Landscape Plans clearly depict the location of the culvert connecting from the property to the west to the subject property.

### **Hydrogeology**

15. In the absence of site-specific data, foundation waterproofing would be recommended for this location. Alternatively, the applicant may undertake hydrogeologic or geotechnical work to confirm if this is required.
16. Which is not considered “major development”, LIDs are still a valuable tool to reduce runoff from impervious surfaces, and could benefit the ecology of Lake Wilcox.

### **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 the Site Plan and Zoning By-law Amendment applications is subject to TRCA Planning Services review fee in the amount of **\$3,100** (Zoning By-law Amendment Minor). 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 noted above, it is our opinion that these applications are **premature** as additional information and revisions are required prior to TRCA staff endorsing the subject application. Please have the applicant address TRCA’s comments and **include a response letter** with the resubmission outlining how the comments have been addressed.

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)