



THE TORONTO AND REGION CONSERVATION AUTHORITY

Authority Meeting #2/06

Chair: Dick O'Brien
Vice Chair: Gerri Lynn O'Connor
Members:

March 24, 2006
10:00 A.M.
SOUTH THEATRE, BLACK CREEK PIONEER VILLAGE

AGENDA

1. **MINUTES OF ANNUAL MEETING #1/06, HELD ON FEBRUARY 24, 2006** Pages
(Enclosed herewith on White)
2. **BUSINESS ARISING FROM THE MINUTES**
3. **DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**
4. **DELEGATIONS**
5. **PRESENTATIONS**
 - 5.1 A presentation by Gord Weeden, Chair, Rouge Park Alliance, and Barb Jeffries, Manager, Natural and Cultural Heritage, Rouge Park, in regards to item 8.1 - Rouge Park - 10 Wild Years.
 - 5.2 A presentation by Laurie Nelson, Senior Manager, Development, Planning and Policy, TRCA in regards to item 7.1 - Generic Regulation: "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses."
6. **CORRESPONDENCE**

7. SECTION I - CONSIDERATION OF REPORTS TO AUTHORITY
- 7.1 **GENERIC REGULATION: "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses"**
 Toronto and Region Conservation Authority Conformity Exercise as Required
 Under the Conservation Authorities Act 17-34
- 7.2 **RESTORATION SERVICES CENTRE**
 Tender RSD 06-01
 Award of Contract 35-38
- ITEM 7.3 - CONFIDENTIAL**
- 7.3 **PORT UNION WATERFRONT IMPROVEMENT PROJECT**
 Richard James and Norman Douglas Brown Property
 CFN 12147 39-42
- 7.4 **WESTERN BEACHES WATERCOURSE - SEWER DIVERSION**
 Tender #RSD06-02
 Award of Contract
Report to Follow
- 7.5 **BREAK WALL REPAIRS**
 Boulevard Club
Report to Follow
8. SECTION IV - ITEMS FOR THE INFORMATION OF THE BOARD
- 8.1 **ROUGE PARK**
 10 Wild Years 43-44
9. **CONSIDERATION OF REPORTS OF THE EXECUTIVE COMMITTEE MEETING #1/06, HELD ON MARCH 3, 2006**
 Refer to pages printed on **PINK**
10. **CONSIDERATION OF REPORTS OF THE BUSINESS EXCELLENCE ADVISORY BOARD MEETING #1/06, HELD ON MARCH 3, 2006**
 Refer to pages printed on **YELLOW**
11. **CONSIDERATION OF REPORTS OF THE WATERSHED MANAGEMENT ADVISORY BOARD MEETING #6/05, HELD ON FEBRUARY 10, 2006**
 Refer to pages printed on **BLUE**

12. NEW BUSINESS

NEXT MEETING OF THE AUTHORITY #3/06, TO BE HELD ON APRIL 28, 2006,
AT 10:00 A.M. IN THE SOUTH THEATRE, BLACK CREEK PIONEER VILLAGE

Brian Denney
Chief Administrative Officer

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**9. CONSIDERATION OF REPORTS OF THE EXECUTIVE COMMITTEE MEETING
#1/06, HELD ON MARCH 3, 2006**

Refer to pages printed on PINK

SECTION I - ITEMS FOR AUTHORITY ACTION

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Flood Plain and Conservation Component, Don River Watershed
Andridge Homes Ltd.
CFN 37208 | 4-6 |
| 9.2 | GREENLANDS ACQUISITION PROJECT FOR 2006-2010
Flood Plain and Conservation Component, Don River Watershed
Alterra Customs Builders
CFN 37323 | 7-9 |
| 9.3 | GREENLANDS ACQUISITION PROJECT FOR 2006-2010
Flood Plain and Conservation Component, Don River Watershed
Ivy Glen Development
CFN 37381 | 10-12 |
| 9.4 | GREENLANDS ACQUISITION PROJECT FOR 2006-2010
Flood Plain and Conservation Component, Humber River Watershed
1567855 Ontario Limited
CFN 37296 | 13-15 |
| 9.5 | GREENLANDS ACQUISITION PROJECT FOR 2006-2010
Flood Plain and Conservation Component, Humber River Watershed
Argot Developments
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| 9.6 | GREENLANDS ACQUISITION PROJECT FOR 2006-2010
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| 9.7 | GREENLANDS ACQUISITION PROJECT FOR 2006-2010
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Port Union Waterfront Improvement Project and Rouge River Watershed
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9.11	TORONTO DISTRICT SCHOOL BOARD LANDS Wanita Road School Site CFN 36039	37-40

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9.12	APPLICATIONS FOR PERMITS PURSUANT TO ONTARIO REGULATION 15 Fill, Construction & Alteration to Waterway.	
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CITY OF PICKERING

9.12.1	CITY OF PICKERING To construct in a flood plain, place fill within a regulated area on (Sandy Beach Road, Mountcastle Crescent, Elvira Court), in the City of Pickering, Frenchman's Bay Watershed as located on the property owned by City of Pickering.	41-43
9.12.2	ENBRIDGE GAS DISTRIBUTION INC. To construct in a flood plain (5th Concession Road, Sideline 4 & Carousel Court), in the City of Pickering, Carruthers Creek Watershed as located on the property owned by Enbridge Gas Distribution Inc..	43-44
9.12.3	IAN BROWN To place fill within a regulated area on Part Lot 82, 83, Plan 283, (470 Rougemount Drive), in the City of Pickering, Rouge River Watershed as located on the property owned by Ian Brown.	44-45

CITY OF TORONTO (ETOBICOKE YORK COMMUNITY COUNCIL AREA)

9.12.4	HUMBER COLLEGE To place fill within a regulated area on Lot 33, Plan 64R-6366, (205 Humber College Boulevard), in the City of Toronto (Etobicoke York Community Council Area), Humber River Watershed as located on the property owned by Humber College.	46-47
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- 9.12.5 JOHN MOTTOLA**
To place fill within a regulated area on Lot 768, Plan 2008, (123 Westbury Crescent), in the City of Toronto (Etobicoke York Community Council Area), Humber River Watershed as located on the property owned by John Mottola. 47-48

CITY OF TORONTO (NORTH YORK COMMUNITY COUNCIL AREA)

- 9.12.6 STEVE AND JEANICE LI**
To place fill within a regulated area on Lot 38, Plan M-597, (24 Rykert Crescent), in the City of Toronto (North York Community Council Area), Don River Watershed as located on the property owned by Steve and Jeanice Li. 48-49

- 9.12.7 TORONTO BOTANICAL GARDENS**
To place fill within a regulated area on Part Lot 5, Concession 2 EYS, (777 Lawrence Avenue East), in the City of Toronto (North York Community Council Area), Don River Watershed as located on the property owned by Toronto Botanical Gardens. 49-50

CITY OF TORONTO (SCARBOROUGH COMMUNITY COUNCIL AREA)

- 9.12.8 FLORA DAYA**
To construct in a flood plain on Part Lot 43, Plan 2129, (99 Euclid Avenue), in the City of Toronto (Scarborough Community Council Area), Highland Creek Watershed as located on the property owned by Flora Daya. 50-51

- 9.12.9 GRACE CHEONG**
To construct in a flood plain on Part Lot 455, Plan 4440, (23 Penworth Road), in the City of Toronto (Scarborough Community Council Area), Don River Watershed as located on the property owned by Grace Cheong. 51-52

CITY OF TORONTO (TORONTO AND EAST YORK COMMUNITY COUNCIL AREA)

- 9.12.10 HAILI HAYNES**
To place fill within a regulated area on Part Lot 728, 729, Plan 3111, (36 Killdeer Crescent), in the City of Toronto (Toronto and East York Community Council Area), Don River Watershed as located on the property owned by Haili Haynes. 52-53

CITY OF VAUGHAN

9.12.11 PARMJIT DHILLON

To place fill within a regulated area on Part Lot 27, Concession 9, Lot 14, Plan 65M-2928, (233 Old Humber Crescent), in the City of Vaughan, Humber River Watershed as located on the property owned by Parmjit Dhillon. 53-54

9.12.12 THE ROCK COMMUNITY CHURCH

To place fill within a regulated area on Lot 9, Concession 7, 249 Clarence Street & 31 Mounsey Street, in the City of Vaughan, Humber River Watershed as located on the property owned by The Rock Community Church. slope along with an off-line pond located on the valley floor to the south are also part of the subject property. This area is currently zoned OS1 Open Space Zone. 54-56

TOWN OF MARKHAM

9.12.13 CRANFORD DEVELOPMENTS LIMITED

To alter a waterway on (9982 Highway 48), in the Town of Markham, Rouge River Watershed as located on the property owned by Cranford Developments Limited. 56-57

9.12.14 PHUOC TRAN

To construct in a flood plain, place fill within a regulated area on Lot 10, Concession 6 Lot 10, Plan R-1674, (4 Campbell Court), in the Town of Markham, Rouge River Watershed as located on the property owned by Phuoc Tran. 57-59

9.12.15 SHELL CANADA PRODUCTS

To construct in a flood plain, place fill within a regulated area on Lot 11, Concession 3 (8510 Woodbine Avenue), in the Town of Markham, Rouge River Watershed as located on the property owned by Shell Canada Products. 59-61

TOWN OF RICHMOND HILL

9.12.16 MARIANNA HOLLERBACH

To construct in a flood plain, place fill within a regulated area on Part Lot 9, Plan 163, PART 4, PLAN 65R-1113, (274 Douglas Road), in the Town of Richmond Hill, Humber River Watershed as located on the property owned by Marianna Hollerbach. 61-63

9.12.17 REGIONAL MUNICIPALITY OF YORK

To alter a waterway on (north of Major Mackenzie Drive, between Yonge Street and Bayview Avenue), in the Town of Richmond Hill, Don River Watershed as located on the property owned by Regional Municipality of York. 63-64

9.12.18 REGIONAL MUNICIPALITY OF YORK

To alter a waterway on Leslie Street, between Elgin Mills Road and 19th Avenue in the Town of Richmond Hill, Rouge River Watershed as located on the property owned by the Regional Municipality of York

65-66

THE FOLLOWING PERMIT APPLICATIONS WERE ERRATA ITEMS:

CITY OF BRAMPTON

9.12.19 CASA-NORTH INVESTMENTS INC. AND METRUS DEVELOPMENTS AND SANDRINGHAM PLACE INC.

To alter a waterway, construct in a flood plain, place fill within a regulated area on Lot 13, Concession 6 Lot 13, 14, Plan 43M-1566, 43M-1029, in the City of Brampton, Humber River Watershed as located on the property owned by Casa-North Investments Inc. and Metrus Developments and Sandringham Place Inc..

66-68

CITY OF MISSISSAUGA

9.12.20 RUNNYMEDE DEVELOPMENT CORPORATION

To construct in a flood plain, place fill within a regulated area on 2545 Summerville Court, in the City of Mississauga, Etobicoke Creek Watershed as located on the property owned by Runnymede Development Corporation.

68-69

CITY OF TORONTO (NORTH YORK COMMUNITY COUNCIL AREA)

WITHDRAWN

9.12.21 THE ROSEDALE GOLF ASSOCIATION LIMITED

To place fill within a regulated area on Part Lot 8, Concession 1 EYS, Part Lot 8, Concession 3 EYS, in the City of Toronto (North York Community Council Area), Don River Watershed as located on the property owned by The Rosedale Golf Association Limited.

69

CITY OF TORONTO (SCARBOROUGH COMMUNITY COUNCIL AREA)

9.12.22 CITY OF TORONTO

To construct in a flood plain, place fill within a regulated area on (East of McCowan, South of Lawrence - Hague Park), in the City of Toronto (Scarborough Community Council Area), Highland Creek Watershed as located on the property owned by City of Toronto.

70-71

CITY OF VAUGHAN

9.12.23 BLOCK 11 PROPERTIES INC.

To alter a waterway, excavate fill within a regulated area, northwest of Rutherford Road and Bathurst Street, in the City of Vaughan, Don River Watershed as located on the property owned by Block 11 Properties Inc. 71-73

9.12.24 MARKET LANE INC.

To place fill within a regulated area on Lot A, Plan 65R-28714, (154, 160 and 166 Woodbridge Avenue), in the City of Vaughan, Humber River Watershed as located on the property owned by Market Lane Inc 73-74

9.12.25 STELLTACC PROPERTIES INC.

To construct in a flood plain, place fill within a regulated area on Lot 11, Concession 8, (Langstaff Road), in the City of Vaughan, Humber River Watershed as located on the property owned by Stelltacc Properties Inc. 75-76

TOWN OF CALEDON

9.12.26 JULIA WEST

To alter a waterway on Part Lot 31, Concession 2 ALBION, (18127 Innis Lake Road), in the Town of Caledon, Humber River Watershed as located on the property owned by Julia West. 76-78

TOWN OF MARKHAM

9.12.27 CORPORATION OF THE TOWN OF MARKHAM

To alter a waterway, construct in a flood plain, place fill within a regulated area on (19th Avenue - Bridge over Little Rouge Creek and approximately 0.4 km west of Highway 48), in the Town of Markham, Rouge River Watershed as located on the property owned by Corporation of The Town of Markham. 78-79

9.12.28 ST. REGIS CRYSTAL

To alter a waterway, construct in a flood plain on Lot 20, Concession 7, Lot 1, Plan 65M2755, (271 Yorktech Drive), in the Town of Markham, Rouge River Watershed as located on the property owned by Town of Markham. 79-81

TOWN OF RICHMOND HILL

9.12.29 MO SHAHLAVI

To place fill within a regulated area on Lot 86, Plan 240, (437 Northlake Road), in the Town of Richmond Hill, Humber River Watershed as located on the property owned by Mo Shahlavi. 81-82

9.12.30 REGIONAL MUNICIPALITY OF YORK

To construct in a flood plain on 19th Avenue between Yonge Street and Leslie Street in the Town of Richmond Hill, Rouge River Watershed as located on the property owned by the Regional Municipality of York.

83-84

9.12.31 TOWN OF RICHMOND HILL

To alter a waterway, construct in a flood plain, place fill within a regulated area on Part Lot 26, 27, 1960 Block 12, Plan 65M-2381, Block 6, 7, Plan 65M2679, (Carrville Road), in the Town of Richmond Hill, Don River Watershed as located on the property owned by Town of Richmond Hill.

84-85

TOWN OF WHITCHURCH-STOUFFVILLE

9.12.32 REGIONAL MUNICIPALITY OF YORK

To alter a waterway, construct in a flood plain, place fill within a regulated area on (Water Pollution Control Plant (WPCP) and West End Pumping Station (WEPS)), in the Town of Whitchurch-Stouffville, Duffins Creek Watershed as located on the property owned by Regional Municipality of York.

86-88

PERMIT APPLICATIONS 9.12.33 - 9.12.42 ARE MINOR WORKS ITEMS

Approvals of minor works are implemented by Development Services Section staff and are received monthly by the Executive Committee. The permit of minor works is subject to authorization by the Manager of Development Services and signed by an appointed enforcement officer. All minor works are located within a Fill Regulated Area, outside of the floodplain and in the opinion of staff do not affect the control of flooding, erosion, dynamic beaches, pollution or the conservation of land.

CITY OF PICKERING

9.12.33 DAVID GILBEY AND GAYLE REIMER

To place fill within a regulated area on Part Lot 59, 60, 61, Plan 283, (456 Rougemount Drive), in the City of Pickering, Rouge River Watershed as located on the property owned by David Gilbey and Gayle Reimer.

CFN: 37191 - Application #: 511/05/PICK

Report Prepared by: Susan Robertson, extension 5370

For information contact: Chris Jones, extension 5718

Date: January 31, 2006

88-89

9.12.34 TIM SMART

To place fill within a regulated area on Part Lot 29, Plan 228, (1455 Rougemount Drive), in the City of Pickering, Petticoat Creek Watershed as located on the property owned by Tim Smart.

CFN: 37322 - Application #: 031/06/PICK
Report Prepared by: Susan Robertson, extension 5370
For information contact: Chris Jones, extension 5718
Date: January 31, 2006

89

CITY OF TORONTO (ETOBICOKE YORK COMMUNITY COUNCIL AREA)

9.12.35 DIDRICHSONS ILZE

To place fill within a regulated area on Lot 387, Plan 5475Y, (74 Beaumonde Heights Drive), in the City of Toronto (Etobicoke York Community Council Area), Humber River Watershed as located on the property owned by Didrichsons Ilze.

CFN: 37171 - Application #: 502/05/TOR
Report Prepared by: Annemarie Sanchez, extension 5284
For information contact: Steve Heuchert, extension 5311
Date: February 7, 2006

89

CITY OF TORONTO (NORTH YORK COMMUNITY COUNCIL AREA)

9.12.36 ALAN AND ALISON TIGERT

To place fill within a regulated area on Part Lot 6, Plan 2473, (145 Mildenhall Road), in the City of Toronto (North York Community Council Area), Don River Watershed as located on the property owned by Alan and Alison Tigert.

CFN: 37279 - Application #: 017/06/TOR
Report Prepared by: Annemarie Sanchez, extension 5284
For information contact: Steve Heuchert, extension 5311
Date: February 3, 2006

89

CITY OF TORONTO (TORONTO AND EAST YORK COMMUNITY COUNCIL AREA)

9.12.37 ALEXANDER JOSIPOVICZ

To place fill within a regulated area on Lot 71, Plan 661Y, (83 Binscarth Road), in the City of Toronto (Toronto and East York Community Council Area), Don River Watershed as located on the property owned by Alexander Josipovicz.

CFN: 37358 - Application #: 043/06/TOR
Report Prepared by: Annemarie Sanchez, extension 5284
For information contact: Steve Heuchert, extension 5311
Date: February 14, 2006

90

9.12.38 SHERYL-ANN HAMILTON

To place fill within a regulated area on Part Lot 9, 10, Plan 2932, (66 Four Oaks Gate), in the City of Toronto (Toronto and East York Community Council Area), Don River Watershed as located on the property owned by Sheryl-Ann Hamilton.

CFN: 37016 - Application #: 432/05/TOR

Report Prepared by: Annemarie Sanchez, extension 5284

For information contact: Steve Heuchert, extension 5311

Date: February 7, 2006

90

CITY OF VAUGHAN

9.12.39 DANNY AND GRACE MANCINI

To place fill within a regulated area on Lot 132, Plan 65M-3068, (194 Fletcher Drive), in the City of Vaughan, Don River Watershed as located on the property owned by Danny and Grace Mancini.

CFN: 37285 - Application #: 025/06/VAUG

Report Prepared by: Suzie Losiak, extension 5724

For information contact: Coreena Smith, extension 5269

Date: January 13, 2006

90

9.12.40 DON HATTON

To place fill within a regulated area on Part Lot 2, Plan 65M-3263, (8 San Remo Court), in the City of Vaughan, Humber River Watershed as located on the property owned by Don Hatton.

CFN: 37332 - Application #: 040/06/VAUG

Report Prepared by: Suzie Losiak, extension 5724

For information contact: Coreena Smith, extension 5269

Date: February 15, 2006

90

9.12.41 LENA AND ITALO CERRA

To place fill within a regulated area on Lot 97, Plan M-2023, (89 Rossmull Crescent), in the City of Vaughan, Humber River Watershed as located on the property owned by Lena and Italo Cerra.

CFN: 37277 - Application #: 020/06/VAUG

Report Prepared by: Coreena Smith, extension 5269

For information contact: Suzie Losiak, extension 5724

Date: January 12, 2006

91

TOWN OF AJAX

9.12.42 VERA DOUGLAS

To place fill within a regulated area on Part Lot 15, Concession 3, (1070 Church Street North), in the Town of Ajax, Duffins Creek Watershed as located on the property owned by Vera Douglas.

CFN: 37199 - Application #: 516/05/AJAX

Report Prepared by: Susan Robertson, extension 5370

For information contact: Chris Jones, extension 5718

Date: January 31, 2006

91

CITY OF PICKERING

9.12.43 FRENCHMAN'S BAY YACHT CLUB

To alter a waterway, construct in a flood plain on (635 Breezy Drive), in the City of Pickering, Frenchman's Bay Watershed as located on the property owned by Frenchman's Bay Yacht Club. 91-93

TOWN OF AJAX

9.12.44 ENBRIDGE GAS DISTRIBUTION INC.

To construct in a flood plain on (Taunton Road), in the Town of Ajax, Duffins Creek Watershed as located on the property owned by Enbridge Gas Distribution Inc.. 93-94

TOWN OF MARKHAM

9.12.45 THE CORPORATION OF THE TOWN OF MARKHAM

To alter a waterway, construct in a flood plain, place fill within a regulated area on Lot 6 - 10, Concession V, (Birchmount Road - 14th Avenue to Enterprise Drive), in the Town of Markham, Rouge River Watershed as located on the property owned by The Corporation of the Town of Markham. 94-96

TOWNSHIP OF KING

9.12.46 REGIONAL MUNICIPALITY OF YORK

To alter a waterway, construct in a flood plain, place fill within a regulated area on King Road west of Keele Street, in the Township of King, Humber River Watershed as located on the property owned by Regional Municipality of York. 96-98

9.13 REAL ESTATE, CONTRACTUAL, INTELLECTUAL PROPERTY AND LABOUR LAW LEGAL COUNSEL FOR TRCA INVOLVEMENT IN TWRC PROJECTS

98-99

9.14 ALTERNATE POWER SOURCE FOR 5 SHOREHAM DRIVE, DOWNSVIEW

99-101

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10. CONSIDERATION OF REPORTS OF THE BUSINESS EXCELLENCE ADVISORY BOARD MEETING #1/06, HELD ON MARCH 3, 2006

Refer to pages printed on YELLOW

SECTION I - ITEMS FOR AUTHORITY ACTION

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**11. CONSIDERATION OF REPORT 11.1 OF THE WATERSHED MANAGEMENT
ADVISORY BOARD MEETING #6/05, HELD ON FEBRUARY 10, 2006**

Refer to pages printed on BLUE

SECTION I - ITEMS FOR AUTHORITY ACTION

- 11.1 GENERIC REGULATION: "Development, Interference with Wetlands and
Alterations to Shorelines and Watercourses"**
Toronto and Region Conservation Authority Conformity Exercise as Required
Under the Conservation Authorities Act 274-289

TO: Chair and Members of the Authority
Meeting #2/06, March 24, 2006

FROM: Carolyn Woodland, Director, Planning and Development

RE: **GENERIC REGULATION: "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses"**
Toronto and Region Conservation Authority Conformity Exercise as Required Under the Conservation Authorities Act

KEY ISSUE

The Toronto and Region Conservation Authority is required to update its current Fill, Construction and Alteration to Waterways Regulation, Ontario Regulation 158, to conform to the provincially approved Generic Regulation under the Conservation Authorities Act by May 1, 2006.

RECOMMENDATION

WHEREAS each of Ontario's 36 conservation authorities is required to bring their individual "Fill, Construction and Alteration to Waterways Regulation" into conformity with Ontario Regulation 97/04, referred to as the Generic Regulation by May 1, 2006;

WHEREAS the Conservation Ontario Peer Review Committee, with representation by the Ministry of Natural Resources, has been established to ensure consistency across the province;

WHEREAS the Ministry of Natural Resources advises that the mapping associated with the Regulation is not subject to Ministerial review and approval and can be amended from time to time as the Authority deems appropriate;

WHEREAS Ontario Regulation 97/04 establishes the 15 metre allowance to flooding and erosion hazards associated with river or stream valleys and the shoreline of the Great Lakes to delineate the Regulation Limit, which is the area of interest where a permit may be required;

WHEREAS the City of Toronto's request to eliminate the 15 metre allowance would be contrary to provincial legislation and would require an amendment to Ontario Regulation 97/04 by the province;

WHEREAS Toronto and Region Conservation Authority is of the opinion that the 15 metre allowance is appropriate as it ensures that development immediately adjacent to natural hazards does not exacerbate the hazard or pose risk to the proposed development and this allowance has been applied consistently across the TRCA jurisdiction;

WHEREAS a local regulation to manage development, interference with wetlands and alterations to shorelines and watercourses has been prepared in conformity with the provisions outlined in Section 28 of the Conservation Authorities Act, and standards for mapping and public consultation have been followed;

THEREFORE LET IT BE RESOLVED THAT the Toronto and Region Conservation Authority (TRCA) adopt the Generic Regulation: “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”;

THAT the said regulation and related documentation be submitted to the Conservation Ontario Peer Review Committee and subsequently to the Ministry of Natural Resources (MNR) for approval by the Minister;

THAT staff continue to work cooperatively with all of TRCA’s municipal partners and stakeholders regarding the transition and implementation of the Generic Regulation to ensure that resources are managed in a sustainable way to protect public health and safety;

THAT TRCA continue to consult with concerned landowners in the Region of Peel to review the application of the Generic Regulation criteria in the current mapping, identify any possible inaccuracies and discuss site specific implications of the Generic Regulation mapping for those properties identified by concerned landowners;

THAT TRCA work cooperatively with the City of Toronto to develop a protocol regarding the transition and implementation of the Generic Regulation, including opportunities to streamline the approval process, where appropriate;

AND FURTHER THAT the City of Toronto be advised that TRCA can not support the city’s request for TRCA to eliminate the 15 metre allowance in the City of Toronto as it is contrary to provincial legislation.

BACKGROUND

The purpose of this report is to provide a summary of the issues related to TRCA's Generic Regulation conformity exercise that have arisen since the Watershed Management Advisory Board meeting held on February 10, 2006 and to inform the Authority of the Peer Review Committee's endorsement of TRCA's updated Regulation. TRCA staff recommend that Resolutions #D93/05 and #D94/05 that were recommended to the Authority as noted below, not be approved and that the Authority adopt the recommendations of this report:

WHEREAS each of Ontario’s 36 conservation authorities is required to bring their individual “Fill, Construction and Alteration to Waterways Regulation” into conformity with Ontario Regulation 97/04, referred to as the Generic Regulation by May 1, 2006;

WHEREAS the Conservation Ontario Peer Review Committee has been established to ensure consistency across the province;

WHEREAS a local regulation to manage development, interference with wetlands and alterations to shorelines and watercourses has been prepared in conformity with the provisions outlined in Section 28 of the Conservation Authorities Act;

THEREFORE LET IT BE RESOLVED THAT THE BOARDS RECOMMENDS TO THE AUTHORITY THAT the Toronto and Region Conservation Authority (TRCA) adopt the Generic Regulation: "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses";

THAT the said regulation and related documentation be submitted to the Conservation Ontario Peer Review Committee and subsequently to the Ministry of Natural Resources (MNR) for approval by the Minister;

THAT staff continue to work cooperatively with all TRCA's municipal partners and stakeholders regarding the transition and implementation of the Generic Regulation to ensure that resources are managed in a sustainable way to protect public health and safety;

TRCA continue to consult with concerned landowners in the Region of Peel to review the application of the Generic Regulation criteria in the current mapping, identify any possible inaccuracies and discuss site specific implications of the Generic Regulation mapping for those properties identified by concerned landowners;

AND FURTHER THAT this report be considered at Authority Meeting #2/06, scheduled to be held on March 24, 2006, rather than at Annual Authority Meeting #1/06.

Region of Peel - Town of Caledon

The issues and concerns resulting from the municipal and public consultation process in the Town of Caledon were outlined in the previous staff report. This consultation process was coordinated with Credit Valley Conservation (CVC) and included a Public Information Session on December 13, 2005, a meeting with the Peel Federation of Agriculture on February 1, 2006 and a supplementary Public Information Session on February 7, 2006. The meetings in February provided additional opportunities for landowners to review the draft Regulation mapping and for conservation authority staff to further explain the intent, purpose and importance of this update to our Regulation in response to the concerns raised by Caledon Council and residents.

TRCA and CVC staff attended as delegations before Region of Peel Council on February 16, 2006 in response to a Notice of Motion initially received from Caledon Council on January 26, 2006. The Motion requested that the Minister of Natural Resources extend the deadline for CVC and TRCA to submit the mapping associated with the generic regulations in order to provide further opportunity for public review of the mapping and that the Ministry provide appropriate financial support to carry out the necessary mapping exercise. Based upon discussions between staff of the Region of Peel, CVC, TRCA and the Town of Caledon, regional planning staff prepared a report for consideration by Regional Council. As an extension of the May 1, 2006 deadline would require an amendment to the *Conservation Authorities Act* (CA Act) and the mapping can be refined after the Regulation is approved, regional staff did not support the motion to request the Minister to extend the deadline. Regional staff recommended that CVC and TRCA continue to consult with concerned landowners to allow time to review the accuracy of the current mapping associated with the Generic Regulation for those properties identified by concerned landowners. As a result of discussion at the meeting held on February 16, 2006, the recommendation was further modified and Region of Peel Council adopted the resolution provided in Attachment 1 to this report.

In response to requests from the Town of Caledon and Peel Federation of Agriculture for additional consultation, TRCA and CVC have agreed to a notification program that involves direct mailing to landowners affected by the updated mapping and holding a third Public Information Session on April 10, 2006 to present the latest mapping and receive input from affected landowners. Subsequent to the meeting, TRCA staff intend to discuss site specific implications of the Generic Regulation mapping for those properties identified by concerned landowners. TRCA and CVC are also prepared to work with the Town of Caledon to develop an application protocol to assist with the implementation of the Generic Regulation. In a letter dated February 17, 2006, (Attachment 2), the Town of Caledon has indicated their willingness to work with CVC and TRCA to successfully implement the Regulation.

TRCA staff have received written comments on the draft Regulation mapping from the City of Brampton staff. TRCA will be meeting with city staff to review their comments and address any issues. Similarly, TRCA staff will be meeting with City of Mississauga staff to discuss their review of the draft mapping. Mississauga staff have indicated that they are taking a report in support of the Generic Regulation to Council in April.

With respect to the status of the mapping associated with the Regulation, Ministry of Natural Resources staff have advised that there is no Ministerial review or approval function for the mapping. The text of the Regulation must however refer to maps with a date because the public, municipalities and the Mining and Lands Commissioner need to know what map applied at any given time. Ministry staff have confirmed that the maps can be amended at any time, provided the revisions are documented and dated on the maps and municipalities are informed of any revisions. The TRCA's Regulation will refer to maps dated April 2006, allowing staff to continue to make any refinements to the mapping in response to municipal, public and technical review.

City of Toronto

A report dated February 20, 2006 from the Chief Planner and Executive Director, City of Toronto Planning Division, about TRCA's Generic Regulation conformity exercise was considered at the Planning and Transportation Committee meeting held on March 6, 2006. TRCA staff had significant concerns about the content and conclusions of the report and were of the opinion that further clarification and explanation about the implementation of the provincially approved Generic Regulation and TRCA's required conformity Regulation update was warranted. A detailed letter in this regard was provided to the city on March 3, 2006, with a request that it be brought to the attention of the Planning and Transportation Committee. The action taken by the committee and the recommendations adopted by the committee on March 6, 2006, which will be considered by City Council in late April, are provided in Attachment 3 to this report. The issues of concern to the City of Toronto include the 'expanded' role of TRCA in the implementation of the Generic Regulation, with respect to regulated areas and activities; the application of the 15 metre allowance in delineating the Regulation Limit; the duplication of approval functions; the current gap in the applicable law under the Building Code Act and the need for a transition protocol for applications already in the planning process that may now be affected by the new Regulation

TRCA's Existing Regulation, Mapping and Implementation:

TRCA planning and regulation staff have had a long standing positive working relationship with City of Toronto staff related to our planning and regulatory responsibilities. In recent years, we have been involved in the development of the city's Ravine Protection By-law. TRCA has administered a Fill, Construction and Alteration to Waterways Regulation for over 40 years. Within the City of Toronto, TRCA has registered fill line mapping schedules along all the major river and stream valley systems and along the entire Lake Ontario shoreline with the exception of the central portion of the waterfront. We have been operating in the City of Toronto with a fill line delineated as a 10 metre allowance from the limit of the flood plain or the stable top of bank. The fill line does not represent a development limit but rather identifies the regulated area where a permit from TRCA is required prior to any fill placement. A permit from TRCA is also required for any construction within the flood plain or any alteration to a watercourse. TRCA has engineered flood plain mapping for the major watercourses within the City of Toronto.

TRCA's existing Regulation states that no person shall construct any building or structure in any area susceptible to flooding during a Regional Storm; place or dump fill within a fill scheduled area or interfere with an existing channel of a river, creek, stream or watercourse. It further states that TRCA may permit these activities if in the opinion of TRCA, these activities will not affect the control of flooding, pollution or the conservation of land. Since 1994, TRCA's Valley and Stream Corridor Management Program has provided the policy guidance for the implementation of TRCA's planning and regulation function.

Fill Line Extension Program:

In 1991, TRCA initiated the Fill Line Extension Program to complement TRCA's existing Regulation and expand the registered fill line mapping to include the smaller river and stream valley systems, particularly in the headwater areas of our jurisdiction. This program was completed in 1995 but not formally registered due to the pending changes to the CA Act that occurred in 1997. However, this mapping has been used by all municipalities, including the City of Toronto, as a screening tool to assess applications for construction in the flood plain and alteration to a watercourse.

TRCA's updated Generic Regulation, Mapping and Implementation:

Regulated Areas and Activities:

The Generic Regulation defines the activities and areas that conservation authorities can regulate. A key change in the regulated areas is the inclusion of wetlands and an associated 'area of interference' and hazards associated with the shoreline of Lake Ontario. A definition of "Development" has been added to the *Conservation Authorities Act*. The distinction between "fill" and "construction" activities of the current regulation have been incorporated in a more comprehensive definition of "Development". Ministry of Natural Resources officials have indicated that the inclusion of 'change of use' in the definition of development, which is new, is directed primarily to address conversions that intensify residential use with hazardous areas (e.g. flood plain), thereby increasing the threat to life and property damage.

Mapping:

TRCA has undertaken a major update to map the various Generic Regulation criteria in conformity with provincial standards established in the "Guidelines for Developing Schedules for Regulated Areas". The map limit of the following criteria was generated: engineered flood plain, estimated flood plain, meander belt, riverine erosion hazards, wetlands and associated areas of interference and Lake Ontario shoreline flooding and erosion hazards. TRCA initiated a jurisdiction-wide flood plain mapping update program in 2000 as the existing mapping had not been updated for some time and required major review and re-modelling based upon current technical standards. This new information has been used for the engineered flood hazard limit along the larger watercourses. Digital semi-engineered flood plain estimation was produced for those currently unmapped headwater valley and stream watercourses up to a minimum drainage area of 50 ha within the Fill Line Extension Areas.

The 'Regulation Limit' (area of interest) of the updated mapping represents the greatest extent of the various Generic Regulation criteria plus an allowance. An allowance of 15 metres has been applied to the stream valley system hazards (flood plain, meander belt, erosion hazard) and to the Lake Ontario shoreline hazards (flood, erosion hazard, bluffs, dynamic beaches). This 15 metre allowance was established by the province in the Generic Regulation and has been applied throughout TRCA's jurisdiction. The allowance ensures that development immediately adjacent to natural hazards does not exacerbate the hazard or pose risk to the proposed development. It also ensures that hazards have been adequately captured in the area of interest. The city's request to eliminate the required 15 metre allowance would be contrary to the provincial direction and legislation. For these reasons, the 15 metre allowance is an appropriate allowance and therefore TRCA can not support Recommendation No. 1 in the report to the Planning and Transportation Committee at the City of Toronto.

As a result of the mapping exercise, TRCA's existing registered fill and flood plain schedules on the major valley systems and the unregistered fill line extension mapping will be replaced. The new mapping for the Generic Regulation is displayed on 2002 ortho photo base mapping and will be available in digital format for use both internally and externally. It is important to note that the regulation mapping can be updated to reflect current technical information and data, on an ongoing basis.

TRCA provided Draft Regulation Limit mapping and the layers of the various criteria to the City of Toronto for review and comments. It should be noted that TRCA staff consulted with City of Toronto staff regarding the mapping exercise and incorporated the City of Toronto's Ravine Protection By-law crest of slope/top of bank information to ensure that the criteria in this regard was consistent and complementary. The areas of change from our existing regulation mapping to the proposed regulation mapping are accounted for by the updated technical information such as engineered flood plain mapping in the Fill Regulated areas, estimated digital flood plain mapping in the Fill Line Extension areas and the delineation of erosion hazards along the Lake Ontario shoreline.

The mapping represents a screening tool that guides TRCA staff, landowners and municipal staff on areas of interest where a permit may be required. The Regulation Limit does not represent a development limit. Through the review of site specific development applications, the delineation of the requisite hazard (e.g. flood plain, erosion hazard, etc.) is evaluated and if necessary, refined by additional technical assessment. It is a permissive limit, unlike a municipal zoning schedule that restricts land use, in that regulated activities can proceed provided the control of flooding, dynamic beaches, erosion, pollution or the conservation of land is not affected.

New Regulation:

As part of the conformity exercise, and similar to our existing Regulation, the new Regulation has been prepared describing the regulated areas and activities, the permit approval process and it makes reference to the maps delineating the regulated areas that are filed at the Authority office. The text of the Regulation has been established by the Ministry of Natural Resources to ensure consistency across the province and we can not deviate from it. The Regulation states that development is prohibited within the regulated areas and that alterations to watercourses and interference with wetlands are also prohibited. This is no different from the current Regulation. It further states that the conservation authority may permit these activities if in the opinion of the conservation authority, these activities will not affect the control of flooding, erosion, dynamic beaches, pollution or the conservation of land. This is essentially the same as the existing Regulation. The existing Regulation and proposed Regulation are administered under the same guiding principles. Erosion and dynamic beaches have been added as additional 'tests' to the approval process as a result of the amendments to the CA Act and the Generic Regulation but TRCA has administered a waterfront regulation based on these same principles since the early 1970's.

Implementation:

The implementation of the Generic Regulation will be similar to the existing Regulation. TRCA staff will be undertaking a review of its policy document, Valley and Stream Corridor Management Program (1994) and will update this document as required to implement the Generic Regulation. For example, we will consult with our municipal partners on the screening of any 'change of use' permits and develop appropriate policies to ensure that only those applications truly of interest are circulated to TRCA. We will also explore opportunities through the policy review to expand upon our minor works protocol to streamline the permit review and approval process. We have discussed with all our municipal partners that TRCA will develop transitional policies to ensure the smooth transition and implementation from our existing Regulation to the Generic Regulation. This will involve ongoing consultation and training with municipal staff. The regulation mapping will be finalized and provided digitally to the municipality by May 1, 2006. The municipality will be advised and provided with any amendments or updates to regulation mapping. On this basis, TRCA has no objection to Recommendation No. 2 and No. 3 in the report to the Planning and Transportation Committee or the action item by the committee requesting city staff to meet with TRCA to develop a protocol for dealing with applications (Attachment 3).

Regulatory Process Interface with Planning Process:

Through a Memorandum of Understanding between the Ministry of Natural Resources, the Ministry of Municipal Affairs and Housing and Conservation Ontario, conservation authorities in the Province of Ontario have been delegated the responsibility of ensuring that the 'Provincial Interest' under Section 3.1 'Natural Hazards' of the Provincial Policy Statement are represented in the review of policy documents and development proposals under the *Planning Act*. In participating in the review of development applications under the *Planning Act*, conservation authorities also ensure that the applicant and municipal planning authority are aware of the requirements of Section 28 regulations under the CA Act, and assist in the coordination of applications under the Planning Act and the CA Act to eliminate unnecessary delay or duplication in the process. TRCA currently reviews all planning applications within the existing Fill Regulated and Fill Line Extension areas in the City of Toronto. This current practice should address the city's concerns that significant changes to development plans may be requested by the TRCA when the new Regulation comes into effect and a permit is now required within the Fill Line Extension areas. Since TRCA is already involved in the planning process, our interests related to the development and site alteration would be already under consideration.

TRCA disagrees with the assertion from the City of Toronto that there is a duplication of development approval functions and that TRCA is charged with a smaller set of interests. It is the responsibility of both the City of Toronto and TRCA to ensure that any new development or redevelopment proposal through the planning process be consistent with Section 3.1 Natural Hazards policies of the Provincial Policy Statement. The Generic Regulation is a legislative implementation tool to ensure that resources are managed in a sustainable way and that public health and safety are protected and complements the planning approval process. The events of this past summer, on August 19, 2005, and damage that was sustained within the City of Toronto highlight the significance and importance of ensuring that Natural Hazards are appropriately considered in both the planning and regulation process.

Applicable Law:

Effective July 1, 2005 and based upon amendments to the *Building Code Act*, a Chief Building Official is obligated to issue a building permit if all applicable law has been complied with. The current definition of applicable law includes regulations made by a conservation authority under Clause 28(1)c) of the *Conservation Authorities Act* that prohibit construction of a building or a structure in or on a pond or swamp or in any area susceptible to flooding during a regional storm without a permit issued by the conservation authority. This specific reference to Clause 28(1)c) limits the area of interest to just flood plains. Unfortunately the definition did not reference the current (1997) version of the *Conservation Authorities Act*, therefore resulting in a gap in what is now regulated under Section 28 (1) of the CA Act, (i.e. hazardous lands such as steep slopes, erosion hazards along the Lake Ontario shoreline, wetlands). TRCA's solicitor spoke to the legal implications of this gap in the legislation at TRCA's Municipal Information Session held in October 2005, which was attended by building officials. This matter has been brought to the attention of Conservation Ontario and the Ministry of Natural Resources. Conservation Ontario is actively pursuing this matter with the Ministry of Municipal Affairs and Housing to have this technical error corrected with the current legislation.

General Ongoing Municipal Consultation and Public Inquiries:

TRCA staff will continue to meet with our member municipalities in order to facilitate the transition from our existing Regulation to the new Regulation. TRCA staff have recently met with City of Vaughan building staff in this regard. We have also met with staff from the Town of Markham and Town of Ajax to review their comments on the Draft Regulation mapping and similarly we will be meeting with the City of Pickering to review their comments on the mapping. TRCA's Generic Regulation mapping is based upon 2004 orthophotography, which was the most current information available at the time of the mapping exercise. Request for revisions to the mapping being received from the municipalities in the urbanizing areas primarily relate to recognizing development approvals that have occurred since 2002, and therefore are not reflected on our mapping. From these discussions, TRCA will make appropriate revisions to the mapping. TRCA staff have also made presentations to Council and will continue to do so upon requests from our municipal partners. Staff will be making a presentation to the Town of Markham in April.

TRCA staff also continue to respond to inquiries about the Generic Regulation from the general public. TRCA's web site has been continually updated throughout the entire conformity exercise as another means to inform the public. On March 7, 2006, TRCA staff, together with staff from the Lake Simcoe Region Conservation Authority, attended the York Region Federation of Agriculture meeting and gave a presentation about the Generic Regulation and provided the members with the opportunity to review the draft mapping.

Peer Review Committee

On February 28, 2006, the Conservation Ontario Peer Review Committee reviewed TRCA's submission of its Generic Regulation and endorsed the Regulation in its entirety. Preliminary review prior to the meeting resulted in very minor wording changes to the TRCA regulation, which do not impact the areas or activities mapped and presented to the public. These changes are outlined in Attachment 4. Subject to endorsement from the Authority, the peer review committee recommends the Regulation be submitted to the Ministry of Natural Resources for approval.

SUMMARY

TRCA has prepared an updated Regulation as required pursuant to the provincially approved Generic Regulation. The Conservation Ontario Peer Review Committee, with representation from the Ministry of Natural Resources, has endorsed TRCA's Regulation and recommended that subject to the endorsement by the Authority, the Regulation be submitted to the Ministry of Natural Resources for approval. TRCA must have our updated Regulation in conformity with the Generic Regulation approved by the Minister of Natural Resources by May 1, 2006 or there will be no regulation. This would jeopardize the public health and safety of the citizens of our member municipalities within TRCA's jurisdiction and eliminate a water management program that has been effectively administered by TRCA on a watershed basis for over 40 years. Staff recommend that the Authority adopt the subject Regulation in order that it be submitted to the Ministry of Natural Resources for approval by the Minister. TRCA staff will continue to work with all member municipalities and all stakeholders regarding the transition and implementation of the Generic Regulation to ensure that resources are managed in a sustainable way to protect public health and safety.

Report prepared by: Laurie Nelson, extension 5281
For Information contact: Laurie Nelson, extension 5281
Date: March 15, 2006
Attachments: 4

Attachment 1

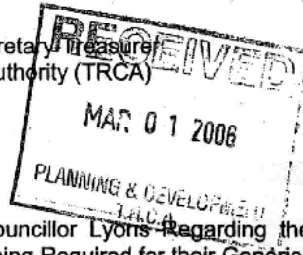


■ ■ ■
Corporate
Services

February 22, 2006

Resolution 2006-98

Mr. Brian Denney
Chief Administrative Officer and Secretary/Treasurer
Toronto and Region Conservation Authority (TRCA)
5 Shoreham Drive
Downsview, ON M3N 1S4



Dear Mr. Denney:

Subject: Notice of Motion from Councillor Lyons Regarding the Deadline for Conservation Authorities to Submit Mapping Required for their Generic Regulations

Your attention is drawn to the following resolution which was adopted by Regional Council on Thursday, February 16, 2006:

Whereas the Toronto and Region Conservation Authority and Credit Valley Conservation are required to revise their existing "Fill, Construction and Alteration to Waterways Regulation" to conform to the provincial regulation generally known as the "Generic Regulation" by May 1, 2006;

And whereas concerns have been expressed by landowners in Peel Region that the process by which the two Conservation Authorities have prepared their individual regulations has not provided adequate opportunity for public review of the mapping associated with each Conservation Authority's regulation;

And whereas the Town of Caledon has adopted a resolution asking the Minister of Natural Resources to extend the deadline for the two Conservation Authorities to submit their Generic Regulations in order to provide further opportunity for public review of the mapping;

And whereas extending the deadline for the two Conservation Authorities to submit their individual regulations will require an amendment to the *Conservation Authorities Act*;

And whereas the use of maps to refer to areas affected by the regulations of the Conservation Authorities are illustrative in nature and the written description of the affected areas within the Generic Regulation prevail over the maps;

Therefore be it resolved, that the Region of Peel request Credit Valley Conservation and Toronto and Region Conservation Authority to continue to consult with concerned landowners to allow time to review the application of the Generic Regulation criteria in the current mapping, identify possible inaccuracies and discuss site specific implications of the regulation mapping for only those properties identified by concerned landowners;

And further, that the Region of Peel request Credit Valley Conservation and Toronto and Region Conservation Authority provide copies of their regulation mapping to the Region and Area Municipalities in a format appropriate to the municipalities for public viewing;

And further, that TRCA and CVC not submit maps being prepared under the Generic Regulation exercise for the Region of Peel, for approval, until the current ongoing Stakeholders consultation is complete;

And further, that Mayor Morrison and Chair Kolb arrange to meet with the Ministry of Natural Resources and Conservation Ontario representatives to discuss outstanding concerns raised by Peel Stakeholders under the Generic Regulation.

I draw your attention to this request as a reminder that action is required by you.

Julie Ireland

Julie Ireland
Legislative Co-ordinator

Jl:ls

Encl.

c: Nick Tunnacliffe, Commissioner of Planning

Also sent to:

Ms. Rae Horst
General Manager
Credit Valley Conservation (CVC)
1255 Derry Road West
Meadowvale, ON L5N 6R4

Attachment 2



TOWN HALL
6311 Old Church Road, Caledon, ON L7C 1J6
905.584.2272 | 1.888.CALEDON | FAX 905.584.4325 | www.caledon.ca

February 17, 2006

Ms. Rae Horst
General Manager
Credit Valley Conservation
1255 Old Derry Road
Mississauga, ON, L5N 6R4

Re: Generic Regulation Protocol

Dear Rae:

Thank you for your recent letter and for arranging the meeting on February 6th. I understand that our Town Solicitor and Acting Planning Director have provided comment on the meeting outcomes as well.

It would appear that we are now on the right track and we will endeavour to work with the CVC and the TRCA in a successful implementation of the regulation. As has been noted in our previous discussions, Caledon Council's concerns emanated from the planning staff report which called for better notice to landowners and the need to correct obvious mapping errors. I see from the latest version of the mapping that corrections have been made and I would expect more refinements will occur through the public process. Our primary concern has been with the treatment of existing development and the new regulatory regime which will be in place in May. This is not about new development as we would expect that the normal planning process would apply in considering applications for subdivisions, consents, OPAs etc. The Conservation Authorities provide an extremely valuable service in assessing the impacts of these types of development to the various approval bodies.

Having said that, it would be prudent to have the procedures for dealing with activities or proposed activities within the newly designated areas established well in advance of the public meetings. I believe that the Conservation Authorities and the Town should have a consistent message and answers to questions that may arise during the course of the public meetings.

In an effort to provide these responses, I would like to offer the following:

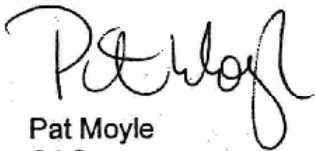
(1) Our solicitor has recommended to the Conservation Authorities in his letter of February 9th that we develop a protocol to deal with site changes and building permits in the newly regulated areas. Again, we are only referring to "minor development" such as additions to existing homes, out buildings, landscaping, pools, driveways and so on. We would prefer to have existing development and minor use changes pre-identified in an exemption list. Naturally, any change in a regulated flood plain area would require a more complete review

and would not be considered in the exemption list. We hope to have a draft of that protocol for your consideration in the next week or so.

(2) We would like to propose that the protocol would take the form of a memorandum of understanding between the Conservation Authorities and the Town. The MOU would clearly set out the process that would be used, as well as a screening process that Caledon would utilize in sending property owners to the two Conservation Authorities. The purpose for developing the MOU and the protocol will be to assist all of the parties in applying the regulation in a uniform and consistent manner.

I look forward to future discussions and successfully implementing the necessary process and procedures.

Yours truly,



Pat Moyle
CAO

CC Mayor Marolyn Morrison and Councillors, Town of Caledon
Joanne Magee, Acting Director of Planning, Town of Caledon
Dan Kennaley, Manager, Planning Policy, Town of Caledon
David Ostler, Solicitor, Town of Caledon
Mark Sraga, Chief Building Official, Town Of Caledon
Pat Mullin, Chair and Members, CVC Board of Directors
Brian Denney, CAO, Toronto and Region Conservation Authority



**Excerpt from
PLANNING AND TRANSPORTATION COMMITTEE
DECISION DOCUMENT
MEETING 2**

Report 2 to be considered by City Council on April 25, 26 and 27, 2006

Date of Meeting: Monday, March 6, 2006
Time: 9:30 a.m.
Location: Committee Room 1
City Hall
100 Queen Street West
Toronto, Ontario

Enquiry: Betty Henderson
Committee Administrator
416-392-8088
bhender1@toronto.ca

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7. **Toronto and Region Conservation Authority: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses (Ontario Regulation 97/04)**

Report 2, Clause 5

The Planning and Transportation Committee recommends that City Council adopt the staff recommendations in the Recommendations Section of the report (February 20, 2006) from the Chief Planner and Executive Director, City Planning.

Action taken by the Committee:

The Planning and Transportation Committee:

- (a) requested staff meet with officials from the Toronto Region Conservation Authority to develop a protocol for dealing with applications within the expanded area delineated by the amended section 28 of *The Conservation Authorities Act*; and
- (b) received the communication (March 3, 2006) from Brian Denney, Chief Administrative Officer, Toronto and Region Conservation for the Living City.

Report (February 20, 2006) from the Chief Planner and Executive Director, City Planning, advising Council of the Toronto and Region Conservation Authority's proposed Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses which is scheduled to come into effect by May 1, 2006, in compliance with Ontario Regulation 97/04.

Recommendations:

It is recommended that:

- (1) the Toronto and Region Conservation Authority be requested to amend the proposed Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses to eliminate the proposed 15 meter buffer in the City of Toronto, and if required, request the Province to amend the Generic Regulation to reflect the same;
- (2) the Toronto and Region Conservation Authority be requested to give notice to area municipalities of any future change or amendments to the maps attached to the Regulation setting out the Regulation Limit;
- (3) the Province of Ontario be requested to delay the enforcement of the Toronto and Region Conservation Authority's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses until a transition protocol for projects in the pipeline has been established; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Attachment 4

Minor Wording Changes to Toronto and Region Conservation Authority: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses

(Refer to page 284 of the Water Management Advisory Board package)

Section 2 (1)(b)(iii) of the Draft Regulation of February 10, 2006 stated:
where the river or stream valley is not apparent, the valley extends the greater of,

- (A.) the distance from a point outside the edge of the maximum extent of the engineered flood plain under the applicable flood event standard, plus 15 metres, to a similar point on the opposite side, and
- (B.) the distance from a point outside the edge of the maximum extent of the estimated flood plain under the applicable flood event standard, plus 15 metres, to a similar point on the opposite side, and
- (C.) the distance from the predicted meander belt of a watercourse, expanded as required to convey the flood flows under the applicable flood event standard, plus 15 metres, to a similar point on the opposite side;

The Regulation approved by the Peer Review Committee now states:
where the river or stream valley is not apparent, the valley extends the greater of,

- (A.) the distance from a point outside the edge of the maximum extent of the flood plain under the applicable flood event standard, plus 15 metres, to a similar point on the opposite side, and
- (B.) the distance from the predicted meander belt of a watercourse, expanded as required to convey the flood flows under the applicable flood event standard, plus 15 metres, to a similar point on the opposite side;

Section 2 (1)(e) of the Draft Regulation of February 10, 2006 stated:

other areas where development could interfere with the hydrologic function of a wetland, including areas within 120 metres of all provincially significant wetlands and wetlands on the Oak Ridges Moraine greater than 0.5 hectares, and within 30 metres of all other wetlands greater than 0.5 hectares in size, but not including those areas where development has been approved pursuant to an application made under the *Planning Act* or other public planning or regulatory process.

The Regulation approved by the Peer Review Committee now states:

other areas where development could interfere with the hydrologic function of a wetland, including areas within 120 metres of all provincially significant wetlands and wetlands on the Oak Ridges Moraine, and within 30 metres of all other wetlands, but not including those areas where development has been approved pursuant to an application made under the *Planning Act* or other public planning or regulatory process.

The maps referred to in Section 12 of the Regulation will be dated April 2006.

TO: Chair and Members of the Authority
Meeting #2/06, March 24, 2006

FROM: Nick Saccone, Director, Restoration Services

RE: **RESTORATION SERVICES CENTRE**
Tender RSD 06-01
Award of Contract

KEY ISSUE

To award the contract for the construction of the Restoration Services Centre in accordance with Toronto and Region Conservation Authority policies and tendering practices.

RECOMMENDATION

THAT the contract for the construction of the Restoration Services Centre workshop be awarded to Percon Construction Inc at a total bid price of \$2,620,000, plus applicable taxes, in accordance with the results of Tender Opening Committee Meeting #6/06, held March 3, 2006;

THAT Toronto and Region Conservation Authority (TRCA) officials be authorized and directed to take such action as may be necessary to implement the contract including the signing of documents;

AND FURTHER THAT staff be authorized to approve additional unspecified expenditures to a maximum of ten percent (10%) of the total construction cost as a contingency allowance, if deemed necessary.

BACKGROUND

In accordance with Authority Resolution #A308/04 approved at Authority Meeting #10/04, held on November 26, 2004, staff were directed to engage Montgomery Sisam Architects Inc. (MSA) to undertake the design and tendering for the Leadership in Energy and Environmental Design (LEED) certified Restoration Services Centre at the Boyd North property - in close proximity to the Boyd Office. The proposed Restoration Services Centre is the facility that will address long standing deficiencies related to the administration and operation of TRCA's Indigenous Plant Propagation Program (Nursery) and the staging and implementation of resource management projects. The new facility will also provide much needed office space to house staff from the Parks and Culture and Restoration Services divisions.

The Restoration Services Centre building has been designed to meet LEED Gold standard. Construction materials, methods and practices will be required to meet this standard.

The building is to be constructed on lands owned and operated by TRCA (Boyd Office in Vaughan, Ontario). The site work includes: earthwork; an on-site stormwater management system, including the enlargement of an existing retention pond; a foundation drainage system; a septic system; and a horizontal ground source heat pump heat exchanger field. Underground services include: a potable and non-potable water service; fresh air duct; natural gas service; electricity; telephone; and cable. Site finishing work includes: the placement and finish grading of recycled gravel in parking areas and on the entrance road; and concrete work including curbs and walks.

A status report on the progress of the MSA led LEED design process was brought to the Business Excellence Advisory Board Meeting #3/05, on June 10, 2005.

Over the past year, staff have worked closely with MSA to prepare and refine the design and construction drawings required to move forward with the tendering and building permit approval processes. As part of this process, TRCA, in conjunction with MSA undertook an exercise to pre-qualify general contractors in advance of the public tender process which included the following steps:

- Preparation of pre-qualification conditions and submission evaluation methodology.
- Advertisement of the pre-qualification call in the Daily Commercial News (published on three dates - December 7, 9 and 12, 2005).
- Registration of interested contractors for a mandatory pre-qualification meeting.
- Attendance at a mandatory pre-qualification meeting on January 12, 2006 at the Boyd Office.
- Receipt of pre-qualification submissions from registered general contractors - deadline for submission was January 19, 2006.
- Evaluation and approval of ten (10) general contractors for issuance of tender documents and drawings (RSD 06-01) on February 2, 2006.

At the January 12, 2006, mandatory pre-qualification meeting, 42 companies attended to express interest in the project. MSA and other project team members from Enermodal Engineering outlined the project schedule, answered questions related to design, construction methodologies and materials, and discussed the LEED requirements related to the contract documentation component of the project.

From this group of contractors, TRCA received a total of 32 submissions for pre-qualification which were evaluated on the basis of five major categories:

1. completeness of submission in accordance with conditions provided;
2. work experience;
3. project record;
4. project control; and,
5. references.

Each proposal was evaluated and ranked on a "points awarded" basis, with the resulting spread of point values being between 179 (high) and 71 (low). The top ten submissions ranked between 179 and 156.

On the basis of the evaluation process, TRCA pre-qualified ten (10) general contractors, each of which had confirmed their intention to bid this project, as follows:

Rutherford Contracting Ltd. (Gormley, ON)
 Kemp Construction Ltd. (Hamilton, ON)
 Aveiro Constructors Ltd. (Dorchester, ON)
 Jasper Construction Corp. (Concord, ON)
 Harbridge + Cross Ltd. (Concord, ON)
 Maple Reinders Constructors Ltd. (Mississauga, ON)
 Spectre Construction & Management Inc. (Toronto, ON)
 Derbtile Construction Inc. (Downsview, ON)
 Percon Construction Inc. (Mississauga, ON)
 Compass Construction Resources Ltd. (Toronto, ON)

Tender documents and drawings were distributed to these ten general contractors on February 2, 2006. The tender, consisting of two parts, closed at 8:20 am on Friday, March 3, 2006, with a public opening held 8:30 am on that day at TRCA's Head Office. A total of nine bids were received, of which two were rejected as follows:

1. James Kemp Construction - complete bid package was submitted after the 8:20 am closing; and,
2. Derbtile Construction Inc. - the submitted bid was incomplete, lacking the required bid security and agreement to bond documentation.

Maple Reinders Constructors Ltd. withdrew from the process prior to the tender closing date.

A complete summary of the bids and bidders is as follows:

Tender RSD 06-01 - Restoration Services Centre

COMPANY	BID	SIGNATURES BY COMPANY OFFICIALS (Y/N)	BID BOND (Y/N)	AGREEMENT TO BOND (Y/N)	SUBMISSION 2 RECEIVED ON TIME (Y/N)
Aveiro Constructors Ltd.	\$2,775,000.00	Y	Y	Y	Y
Derbtile Construction Inc.	\$2,750,000.00	Y	N	N	Y
Harbridge + Cross Ltd.	\$3,250,000.00	Y	Y	Y	Y
Jasper Construction Corp.	\$3,377,000.00	Y	Y	Y	Y
Kemp Construction Ltd.*					N*
Percon Construction Inc.	\$2,620,000.00	Y	Y	Y	Y
Rutherford Contracting Ltd.	\$2,955,800.00	Y	Y	Y	Y
Spectre Construction & Management Inc.	\$2,714,461.54	Y	Y	Y	Y

*Kemp Construction Ltd. made a submission, but the second part was received late.

The tender bids were then referred to staff and MSA for review and detailed evaluation.

ANALYSIS

Staff have reviewed the tender documents received in detail and are satisfied that the lowest contract bid price and associated unit prices provided by Percon Construction Inc represent a complete submission and good value for the project. While the seven bids received ranged from a low of \$2.620 million dollars to a high of \$3.377 million dollars, four bids were within a range of \$155,000 dollars, giving confidence that the lowest bid price represents a good price for the work.

Percon Construction Inc. expects to commence the project as early as April 3, 2006 following TRCA providing a Letter of Intent. Percon Construction Inc. has proposed a construction schedule over a period of 34 weeks with an anticipated completion date of late December 2006.

FINANCIAL DETAILS

The bid prices received through the tender process were in keeping with industry expectations for the contract given the type and scope of work and current construction market conditions. The recommended general contractor project bid price submitted by Percon Construction Inc. has set the construction costs at \$2,620,000 plus GST.

Funds to support the construction of the Restoration Services Centre will come from the Nursery Workshop relocation and other TRCA reserve funds. All project charges will be tracked through Account 408-88.

Report prepared by: Dave Rogalsky, extension 5378
For Information contact: Nick Saccone, extension 5301
Date: March 16, 2006

TO: Chair and Members of the Authority
Meeting #2/06, March 24, 2006

FROM: Lewis Yeager, General Manager, Rouge Park

RE: **ROUGE PARK**
10 Wild Years

KEY ISSUE

To provide a progress report on Rouge Park's first 10 years and present some of the park's upcoming initiatives.

RECOMMENDATION

THAT the report "Rouge Park - 10 Wild Years" be received.

BACKGROUND

Rouge Park - 10 Wild Years!

Just 10 years old, Rouge Park won the Ontario Parks Association's 2005 "Protecting Tomorrow Today" award, and has recently been selected as the number one greenspace in the Greater Toronto Area by Britain's *Eyewitness Guide to Toronto*. Rouge Park is the largest natural environment park in an urban area in North America, comprising about 40 square kilometres in Toronto, Pickering and York Region. Many of the park's trails and public use areas can easily be reached by public transit.

To celebrate its first decade, Rouge Park's board of directors, the Rouge Park Alliance, held a visioning workshop to evaluate our successes and plan for the future. Exciting initiatives are now underway to develop a management plan for the Little Rouge Creek watershed and Bob Hunter Memorial Park, prepare a new 5-year Natural and Cultural Heritage Action Plan, and create an innovative and engaging interpretive plan for Rouge Park. New signage and public information initiatives are also being implemented by Rouge Park, in cooperation with its many partner organizations.

Rouge Park has been identified as a "Jewel of Ontario's Greenbelt" by the Friends of the Greenbelt Foundation and is in the forefront of supporting community volunteer-based environmental restoration in the watershed's lands and waters. The park protects some of the best meadow, forest and wetland habitats in the eastern Toronto region, and is recognized as the finest and most north-easterly example of Carolinian forest.

The first decade of the Rouge Park story has been very successful. We now look forward to working with Toronto and Region Conservation Authority and our other partners to make our second decade even more productive and exciting, a reservoir of biodiversity in the rapidly urbanizing Toronto region and 'a sanctuary for nature and the human spirit'.

Report prepared by: Lewis Yeager, 905-713-7347
For Information contact: Gord Weeden, 905-713-7426
Lewis Yeager, 905-713-7347

Date: March 03, 2006