

**FURTHER TO EXECUTIVE COMMITTEE MEETING #4/06**  
To be held on Friday , June 9, 2006

Pages

FURTHER TO :

**8. SECTION II - ITEMS FOR EXECUTIVE ACTION**

**8.1 ERRATA UPDATE SHEET** 163-167

NEW PERMIT  
TOWN OF MARKHAM

**8.1.79 YORK REGION DISTRICT SCHOOL BOARD**

To alter a waterway, construct in a flood plain, place fill within a regulated area on Lot 9, 10, Concession 5, (Main Street), in the Town of Markham, Rouge River Watershed as located on the property owned by York Region District School Board. 168-171

LISTED ON AGENDA AS REPORT TO FOLLOW

**8.4 ONTARIO REGULATION 166/06**  
"Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" pursuant to the Generic Regulation (Ontario Regulation 97/04) 172-184

**8.1 APPLICATION FOR PERMITS UNDER ONTARIO REGULATION 158  
Fill, Construction and Alteration to Waterways**

Information has been received and reviewed by staff for the following Scheduled Errata items. The recommendations within the staff reports should be amended to include the following :

**8.1.33 CITY OF BRAMPTON**

- Letter of Undertaking to provide minor revisions to engineering drawings to the satisfaction of TRCA staff ; dated June 7, 2006; received June 7, 2006; prepared by the City of Brampton .

**8.1.34 HERMOSA DEVELOPMENTS LIMITED & 669676 ONTARIO LIMITED**

- Letter of undertaking provided by Darren Steedman , Metrus Developments , dated June 7, 2006, to address all outstanding TRCA Ecology and Engineering comments , in addition to those of Fisheries and Oceans Canada , prior to the issuance of the permit .

**8.1.35 HERMOSA DEVELOPMENTS LIMITED & 669676 ONTARIO LIMITED**

- Letter of undertaking provided by Darren Steedman , Metrus Developments , dated June 7, 2006, to address all outstanding TRCA Ecology and Engineering comments , in addition to those of Fisheries and Oceans Canada , prior to the issuance of the permit .

**8.1.36 HERMOSA DEVELOPMENTS LIMITED & 669676 ONTARIO LIMITED**

- Letter of undertaking provided by Darren Steedman , Metrus Developments , dated June 7, 2006, to address all outstanding TRCA Ecology and Engineering comments , in addition to those of Fisheries and Oceans Canada , prior to the issuance of the permit .

**8.1.37 HERMOSA DEVELOPMENTS LIMITED & 669676 ONTARIO LIMITED**

- Letter of undertaking provided by Darren Steedman , Metrus Developments , dated June 7, 2006, to address all outstanding TRCA Ecology and Engineering comments , in addition to those of Fisheries and Oceans Canada , prior to the issuance of the permit .

**8.1.38 HERMOSA DEVELOPMENTS LIMITED & 669676 ONTARIO LIMITED**

- Letter of undertaking provided by Darren Steedman , Metrus Developments , dated June 7, 2006, to address all outstanding TRCA Ecology and Engineering comments , in addition to those of Fisheries and Oceans Canada , prior to the issuance of the permit .

**8.1.39 HERMOSA DEVELOPMENTS LIMITED & 669676 ONTARIO LIMITED**

- Letter of undertaking provided by Darren Steedman , Metrus Developments , dated June 7, 2006, to address all outstanding TRCA Ecology and Engineering comments , in addition to those of Fisheries and Oceans Canada , prior to the issuance of the permit .

**8.1.40 LOCKSPUR ESTATES INC .**

- Letter of Undertaking , prepared by P . Szponar , RAND Engineering Corporation , dated June 6, 2006, to address outstanding TRCA Engineering and Ecology requirements prior to issuance of the permit .

#### 8.1.41 REGIONAL MUNICIPALITY OF PEEL

- Letter of Undertaking to provide minor revisions to engineering drawings to the satisfaction of TRCA staff ; dated June 7, 2006; received June 7, 2006; prepared by the Regional Municipality of Peel .

#### 8.1.42 2748355 CANADA INC .

- Site Plan , Drawing No . A-101 , prepared by Sabin Baidoc Architect , revised March 20, 2006, received by the TRCA on May 15, 2006;
- Site Grading Plan , Dwg. No. 10986-G1, prepared by CCL /IBI, revised April 10, 2006, received by the TRCA on May 15, 2006;
- Site Servicing Plan , Dwg. No. 10986-S1, prepared by CCL /IBI, revised April 10, 2006, received by the TRCA on May 15, 2006;
- Details and Notes , Dwg. No. 10986-DET1, prepared by CCL /IBI, revised April 10, 2006, received by the TRCA on May 15, 2006;
- Erosion & Sediment Control Plan , Dwg. No. 10986-ER1, prepared by CCL /IBI, revised March 7, 2006, received by the TRCA on May 15, 2006;
- Jane Street Road Sections , Dwg. No. 10986-SEC1, prepared by CCL /IBI, dated December 2005, received by the TRCA on May 15, 2006.

#### 8.1.43 BLOCK 11 LANDOWNERS GROUP

- Letter of Undertaking , stating that all outstanding TRCA issues to be addressed prior to permit issuance , prepared by Schaeffers Consulting Engineers , dated May 30, 2006, received June 1, 2006.

#### 8.1.44 BLOCK 11 PROPERTIES INC .

- Letter of Undertaking , stating that all TRCA issues to be addressed prior to permit issuance , prepared by Schaeffers Consulting Engineers , dated May 12, 2006, received June 2, 2006.

#### 8.1.45 CITY OF VAUGHAN

- Letter of Undertaking to provide minor revisions to the engineering drawings to the satisfaction of TRCA , dated June 1, 2006; received June 1, 2006; prepared by the City of Vaughan .

#### 8.1.46 CITY OF VAUGHAN

- Drawing RM -4A - Green Valley Court , Woodend Place Removals ; dated March 2006; received May 24, 2006; prepared by SRM Associates ;
- Drawing RM -5A - Millwood Parkway Removals ; dated March 2006; received May 31, 2006; prepared by SRM Associates ; red line revised June 1, 2006;
- Drawing RM -6A - Millwood Parkway , Millwood Court Removals ; dated March 2006; received May 31, 2006; prepared by SRM Associates ; red line revised June 1, 2006;

- Drawing RM -7A - Petermar Drive Removals ; dated March 2006; received May 24, 2006; prepared by SRM Associates ;
- Drawing P-12A - Woodend Place , New Construction Sta . 0+000 to 0+263.139; dated March 2006; received May 24, 2006; prepared by SRM Associates ;
- Drawing P-13A - Millwood Parkway , New Construction Sta . 0+000 to 0+250; dated March 2006; received May 24, 2006; prepared by SRM Associates ;
- Drawing P-14A - Millwood Parkway , New Construction Sta . 0+250 to 0+550; dated March 2006; received May 31, 2006; prepared by SRM Associates ; red line revised June 1, 2006;
- Drawing P-15A - Millwood Parkway , New Construction Sta . 0+550 to 0+861.864; dated March 2006; received May 24, 2006; prepared by SRM Associates ;
- Drawing P-16A - Petermar Drive , New Construction Sta . 0+000 to 0+260; dated March 2006; received May 24, 2006; prepared by SRM Associates ;
- Drawing P-17A - Petermar Drive , New Construction Sta . 0+260 to 0+337.887; dated March 2006; received May 24, 2006; prepared by SRM Associates ;
- Drawing P-18A - Millwood Court , New Construction Sta . 1+000 to 1+162.883; dated March 2006; received May 31, 2006; prepared by SRM Associates ; red line revised June 1, 2006;
- Drawing TX -19A - Typical Sections and Grading Details ; dated March 2006; received May 31, 2006; prepared by SRM Associates ;
- Drawing G -2A - General Notes ; dated March 2006; received May 24, 2006; prepared by SRM Associates .

#### 8.1.47 CITY OF VAUGHAN

- Drawing RM -3A - Kipling Avenue , High Valley Court Removals ; dated March 2006; received May 24, 2006; prepared by SRM Associates ; red line revised June 1, 2006;
- Drawing P-8A - Kipling Avenue , New Construction - Sta. 0+000 to 0+197.540; dated March 2006; received May 24, 2006; prepared by SRM Associates ; red line revised June 1, 2006;
- Drawing TX -19A - Typical Sections and Grading Details ; dated March 2006; received May 24, 2006; prepared by SRM Associates ;
- Drawing G -2A - General Notes ; dated March 2006; received May 24, 2006; prepared by SRM Associates .

#### 8.1.48 YORK MAJOR HOLDINGS INC .

- Topographic Plan of Survey and Site Layout Design of Proposed Tower Installation , prepared by Sexton McKay Limited , revised February 7, 2006, received May 30, 2006;
- Landscape Plan , Drawing No . PL-1, prepared by The MBTW Group , revised March 20, 2006, received May 30, 2006.

#### 8.1.49 CHRIS WYARD

- Sketch of the proposed in -ground pool , 10 Bray Drive , Ajax, Ontario , received by the TRCA on May 23, 2006, redline revised to indicate sediment control fencing , the removal of excess fill material , and no grade changes .

#### 8.1.50 HAMPTSTOCK DEVELOPMENTS INC .

- Letter of Undertaking from Mr . Geof Nicholson C .E.T., committing to undertake revisions to drawings to the satisfaction of TRCA staff .

#### 8.1.51 REGIONAL MUNICIPALITY OF DURHAM

- Letter of Undertaking (dated June 7, 2006, received June 7, 2006, prepared by Regional Municipality of Durham ) for which the Regional Municipality of Durham agrees to carry out revisions to the latest submission , dated May 17, 2006 based on TRCA comments . The Region of Durham agrees to provide applicable revised plans , reports , etc., as requested by TRCA on or before July 7, 2006 to the TRCA 's satisfaction .

#### 8.1.52 REGIONAL MUNICIPALITY OF DURHAM

- Letter of Undertaking (dated June 7, 2006, received June 7, 2006, prepared by Regional Municipality of Durham ) for which the Regional Municipality of Durham agrees to carry out revisions to the latest submission , dated May 17, 2006 based on TRCA comments . The Region of Durham agrees to provide applicable revised plans , reports , etc., as requested by TRCA on or before July 7, 2006 to the TRCA 's satisfaction .

#### 8.1.53 TOWN OF AJAX

- Letter of Undertaking from Mr . Randy Pickle , P.Eng., TSH, committing to provide revisions to drawings to the satisfaction of TRCA staff .

#### 8.1.54 IAN AND LYNDA FRENCH

- Construction Plan , prepared by J . Endeman, dated May 23, 2006, redline revised by TRCA Planning and Development staff June 6, 2006, to address minor revisions , stamped received by TRCA Planning and Development staff May 23, 2006.

#### 8.1.55 TOWN OF CALEDON

- Parking Layout & Sediment Control , Drawing No . L-1, prepared by I . S. Gray, Marshall Macklin Monaghan , dated February 27, 2006, last revised May 22, 2006, stamped received by TRCA Planning and Development staff June 7, 2006;
- Planting Plan , Drawing No . L-4, prepared by I . S. Gray, Marshall Macklin Monaghan , dated April 27, 2006, last revised May 22, 2006, stamped received by TRCA Planning and Development staff June 7, 2006;
- Servicing Plan , Drawing No . L-5, prepared by P . K. Tewari, Marshall Macklin Monaghan , dated April 14, 2006, stamped received by TRCA Planning and Development staff June 7, 2006.

#### 8.1.56 BELL CANADA - MUNICIPAL OPERATIONS CENTRE

- Permit Drawing , Drawing Number MC #2, Prepared by G -Tel, received by TRCA on May 15, 2006, redline revised by TRCA staff on June 7, 2006.

#### 8.1.57 HEATHWOOD HOMES TRANQUILITY LIMITED

- Tranquility Subdivision General Plan , Drawing Number 3A, prepared by David Schaeffer Engineering Limited , Received by TRCA on March 1, 2006;
- Tranquility Subdivision Grading Plan , Drawing Number 12, prepared by David Schaeffer Engineering Limited , Received by TRCA on March 1, 2006;
- Tranquility Subdivision Siltation Control Plan , Drawing Number 25, prepared by David Schaeffer Engineering Limited , Received by TRCA on March 1, 2006;
- Tranquility Subdivision Storm Sewer Outfall and Storm Sewer Adjustment on Regatta Avenue, Drawing Number 19A, prepared by David Schaeffer Engineering Limited , Received by TRCA on March 1, 2006;
- Tranquility Subdivision Existing Conditions , Figure Number 1, prepared by Dillon Consulting , Received by TRCA on April 11, 2006;
- Tranquility Subdivision Restoration Plan , Figure Number 2, prepared by Dillon Consulting , Received by TRCA on April 11, 2006.

#### 8.1.58 TOWN OF RICHMOND HILL

- Sheet 1 of 9 - Town of Richmond Hill ; Birch Avenue Road Reconstruction General Notes; prepared by R.V. Anderson Associates Limited ; dated January 2005; Stamped by Engineer May 29, 2006; received June 2, 2006;
- Sheet 2 of 9 - Town of Richmond Hill ; Birch Avenue Road Reconstruction 1+040 to 1+160; prepared by R.V. Anderson Associates Limited ; dated August 2005; Stamped by Engineer May 19, 2006; received May 23, 2006;
- Sheet 4 of 9 - Town of Richmond Hill ; Birch Avenue Road Reconstruction 1+310 to 1+460; prepared by R.V. Anderson Associates Limited ; dated August 2005; Stamped by Engineer May 19, 2006; received May 23, 2006;
- Sheet 5 of 9 - Town of Richmond Hill ; Birch Avenue Road Reconstruction 1+460 to 1+600; prepared by R.V. Anderson Associates Limited ; dated August 2005; Stamped by Engineer May 19, 2006; received May 23, 2006;
- Sheet 6 of 9 - Town of Richmond Hill ; Storm Sewer Replacement Between Birch Ave . Houses 27 and 27A Plan and Profile ; prepared by R.V. Anderson Associates Limited ; dated February 2006; Stamped by Engineer June 5, 2006; received June 6, 2006; Red line revised by TRCA staff on June 7, 2006;
- Sheet 7 of 9 - Town of Richmond Hill ; Storm Sewer Replacement Between Birch Ave . Houses 27 and 27A Outfall Restoration ; prepared by McWilliam & Associates ; dated March 2006; Stamped by OALA Landscape Architect June 1, 2006; received June 2, 2006;
- Sheet 8 of 9 - Town of Richmond Hill ; Birch Avenue Road Reconstruction Typical Section and Details ; prepared by R.V. Anderson Associates Limited ; dated January 2005; Stamped by Engineer May 19, 2006; received May 23, 2006.

#### 8.1.59 TOWN OF RICHMOND HILL

- Letter of Undertaking from Mr . Samuel Ng , OALA, Landscape Architect , Town of Richmond Hill Parks , Recreation and Culture Department , committing to provide additional information and changes to drawings to the satisfaction of TRCA staff .

#### 8.1.60 1320991 ONTARIO LTD .

- Letter of Undertaking from Mike MacLean , Fieldgate Developments , dated May 26, 2006, committing to provide revised drawings to the satisfaction of TRCA staff .

## TOWN OF MARKHAM

### 8.1.79 YORK REGION DISTRICT SCHOOL BOARD

To alter a waterway, construct in a flood plain, place fill within a regulated area on Lot 9, 10, Concession 5, (Main Street), in the Town of Markham, Rouge River Watershed as located on the property owned by York Region District School Board.

The purpose is to alter a waterway, construct in the Regional Storm Flood Plain and place fill within a Fill Regulated Area in order to establish an access road, sports fields, pedestrian trail, recreated wetland, restored riparian zone, stormwater management facility and outfall associated with the development of the Markham Centre High School for Athletics and Healthy Active Living.

#### LOCATION MAP : Main Street



The permit will be issued for the period of June 9, 2006 to June 8, 2011 in accordance with the following documents and plans which form part of this permit:

- Site Servicing Plan , Drawing Number 1, prepared by Schaeffers Consulting Engineers , dated February 2006, received by TRCA on March 23, 2006;
- Site Servicing Plan , Drawing Number 2, prepared by Schaeffers Consulting Engineers , dated February 2006, received by TRCA on March 23, 2006;
- Storm Drainage Plan , Drawing Number 3, prepared by Schaeffers Consulting Engineers , dated February 2006, received by TRCA on March 23, 2006;
- Siltation Control Plan , Drawing Number SC -1, prepared by Schaeffers Consulting Engineers , dated February 2006, received by TRCA on March 23, 2006;
- Stormwater Management Pond 1 Plan, Drawing Number SWM -1, prepared by Schaeffers Consulting Engineers , dated February 2006, received by TRCA on March 23, 2006;
- Stormwater Management Pond 1 Sections 1 to 7, Drawing Number SWM -2, prepared by Schaeffers Consulting Engineers , dated February 2006, received by TRCA on March 23, 2006;

- Control Flow Structure Details , Drawing Number SWM -3, prepared by Schaeffers Consulting Engineers , dated February 2006, received by TRCA on March 23, 2006;
- Proposed Floodlines Drawing , prepared by Schaeffers Consulting Engineers , dated April 2006, received by TRCA on April 5, 2006;
- Riparian Storage Calculations Letter Report , prepared by Schaeffers Consulting Engineers , dated April 3 2006, received by TRCA on March 5, 2006;
- Planting Plan , Drawing Number L -5, prepared by Schollen & Company , dated July 2005, received by TRCA on May 1, 2006;
- Existing Tree Matrix Plan , Drawing Number L -1a, prepared by Schollen & Company , dated July 2005, received by TRCA on May 1, 2006.

## **RATIONALE**

The application was reviewed by staff on the basis of the following information:

### Proposal:

The York Region District School Board seeks permission to alter a waterway, construct in the Regional Storm Flood Plain and place fill within a Fill Regulated Area in order to establish an access driveway, sports fields, pedestrian trail, recreated wetland, restored riparian zone, stormwater management facility and outfall associated with the development of the Markham Centre High School for Athletics and Healthy Active Living. The new school is proposed on lands of the former Unionville Fairways golf course. The site is located within the Markham Centre East Precinct Plan west of Main Street Unionville, south of the Rouge River, north of the future Enterprise Boulevard and east of the GO Transit rail line. Of the 12.4 hectare in total site size, 8.1 hectares are considered to be valleylands. The school building and parking facilities are proposed to be built on the remaining 4.3 hectares of table land.

Proposed within the valleylands portion of the site are: the primary access road to the school, three sports fields the stormwater management facilities, a pedestrian trail and an extensive recreated riparian zone. Portions of the access road, the sports fields, and stormwater management pond are located within the Regional Storm Flood Plain. The school building and parking areas are removed from the Regional Storm Flood Plain. Revised Regional and 100 year flood lines have been provided by the applicant's consultant to reflect the proposed changes to the flood plain required to accommodate the proposed works in the valleylands. The sports fields have been removed from the projected meander belt line, however portions of the stormwater management pond and outfall are to be within the meander belt.

Access to the school is proposed via a driveway connecting to Main Street Unionville and a secondary access via a road running north from the future Enterprise Drive to the school site. At the projected time of school opening in 2008, the secondary access to Enterprise Drive will not be available, as Enterprise Drive will not be completed until 2010 or 2011. In the interim, the driveway entrance to Main Street Unionville will be the only access available. As noted above, a portion of this driveway is within the Regional Storm Flood Plain and may be impassable in the event of a Regional Storm. In light of this issue, the Town of Markham Fire Department has requested that the applicant submit a certified letter from an engineer confirming that the Main Street Unionville driveway fire access route is located 1.5 metres above the 100 year storm flood line and a letter confirming that the secondary access will be completed within an appropriate time frame after the school is occupied. This has been included as a condition of site plan approval by the Town of Markham. Provincial policy requires that schools provide for the safe evacuation as a result of flooding for young persons or persons with disabilities. However, this condition will be an interim condition present only until Enterprise Drive is completed. Given that Enterprise Drive will be completed shortly after the school opening, the school will be equipped with an access route outside of the Regional Storm Flood Plain.

Environmental gains provided by the project include: the discontinuance of the former golf course use; the ownership of the valleylands on site by a public agency, the provision of an extensive riparian planting plan in order to improve and restore approximately 3.6 hectares of the southern bank of the Rouge River located on the site; provisions to support the infiltration of groundwater via parking lot Bio Swales; the removal of dykes on the flood plain; outdoor lighting fitted with cut off shields to maintain 'dark skies'; and a water storage and irrigation system for the sports fields which will reduce water consumption. The applicant intends to seek a LEED 'Silver' rating for the project which will take into account the aforementioned environmental gains as well as the following additional design elements: highly efficient building envelope and heating, ventilation and air-conditioning systems to realize energy savings of 30 to 35% over conventional construction resulting in lowered green house gas emissions and air pollution; a building orientation which takes advantage of prevailing winds and solar exposure to improve energy efficiency; local, environmentally friendly and recycled content building materials included in construction which will require less transportation and refinement of raw materials and a decreased environmental footprint; low flow plumbing fixtures to achieve a 15 to 20% reduction in water use.

Control of Flooding:

Given the amount of fill required to accommodate the proposed sports fields and associated infrastructure such as irrigation systems, the applicant was required to provide an analysis of the flood plain storage changes as a result of the proposed works. This work was undertaken by Schaeffers & Associates Consulting Engineers. A riparian storage calculations report dated April 3, 2006 provides a summary of existing and proposed flood plain storage at various storm events. The report shows a gain of flood storage for the Regional Storm event and a reduced amount of storage for the 100 year or lower storm events. It is the opinion of Schaeffers & Associates that given the improvements during the Regional Storm event conditions and the fact that the 100 year storm event storage volume shortfall represents only approximately 2.5% of the total Regional storm event storage volume, flood level impacts downstream should be negligible.

Pollution:

A sediment and erosion control plan will be implemented and is to be maintained for the duration of construction, so that sedimentation of the tributary will not occur.

Conservation of Land:

There are no geotechnical concerns or in-water works associated with this proposal. A significant planting plan has been provided which includes an extensive riparian planting scheme for the 3.6 hectares of the southern portion of the Rouge River bank that is within the subject lands. Staff will issue a letter of advice on behalf of Fisheries and Oceans Canada (DFO) with this permit, as a DFO Authorization pursuant to the Fisheries Act (Canada) was not required. Disturbed areas are to be stabilized following construction.

*Plantings*

The planting plan provided with the proposal protects significant trees adjacent to the Rouge River while providing for four distinct restoration areas. Approximately 3.6 hectares of riparian zone are to be restored as part of the planting plan.

Policy Guidelines:

This proposal is based on section 4.1.2 of the TRCA's Valley and Stream Corridor Management Program (VSCMP) which notes that "intensive uses associated with recreation and commercial operations may be compatible with some valley and stream corridor reaches such as: sports fields and playing fields."

**CFN: 37674 - Application #: 189/06/MARK**  
**Report Prepared by : Chris Jones , extension 5718**  
**For information contact : Carolyn Woodland , extension 5214**  
**Date: May 10, 2006**

**TO:** Chair and Members of the Executive Committee  
Meeting #4/06, June 9, 2006

**FROM:** Carolyn Woodland, Director, Planning and Development

**RE:** **ONTARIO REGULATION 166/06**  
"Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" pursuant to the Generic Regulation (Ontario Regulation 97/04)

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**KEY ISSUE**

"Transitional Procedures and Guidelines" to facilitate the transition from Ontario Regulation 158 to Ontario Regulation 166/06 and "Permission for Minor Works" letter of approval protocol to streamline the review process for minor works considered not to affect the control of flooding, erosion, dynamic beaches, pollution or the conservation of land.

**RECOMMENDATION**

**WHEREAS** the Toronto and Region Conservation Authority's (TRCA) Ontario Regulation 158, "Fill, Construction and Alteration to Waterways" has been revoked and replaced with Ontario Regulation 166/06, "Development , Interference with Wetlands and Alterations to Shorelines and Watercourses";

**WHEREAS** TRCA staff are committed to working cooperatively with all of TRCA's municipal partners , landowners and stakeholders regarding the transition and implementation of Ontario Regulation 166/06, including opportunities to streamline the approval process, where appropriate;

**WHEREAS** TRCA , through its Business Excellence objective, is committed to improve and streamline the administration of regulation compliance;

**AND WHEREAS** TRCA has an existing 'Minor Works Delegation' protocol where works are considered not to affect the control of flooding, erosion , dynamic beaches , pollution or the conservation of land;

**THEREFORE LET IT BE RESOLVED THAT** the "Transitional Procedures and Guidelines" and the "Permission for Minor Works" letter of approval protocol, including the delegation of approval authority to staff, and associated fee structure as outlined in the staff report be approved and implemented;

**THAT** the "Permission for Minor Works " letter of approval protocol and associated fee structure be considered interim and subject to review and analysis, in consultation with TRCA member municipalities, as part of TRCA 's overall update of Regulation policies with TRCA's Valley and Stream Corridor Management Plan (1994);

**AND FURTHER THAT** the municipal building departments of TRCA's member municipalities be so advised .

## **BACKGROUND**

On May 8, 2006, Toronto and Region Conservation Authority's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation", Ontario Regulation 166/06, was formally approved in accordance with Ontario Regulation 97/04 (Generic Regulation). This regulation replaces TRCA's "Fill, Construction and Alteration to Waterways Regulation", Ontario Regulation 158. In order to facilitate the transition from Ontario Regulation 158 to Ontario Regulation 166/06, this report proposes a set of procedures that will guide staff, landowners, consultants and our municipal partners.

Administratively, the implementation of the new Regulation will be similar to the old Regulation. TRCA staff are undertaking a comprehensive review of our policy document, Valley and Stream Corridor Management Program (1994), to update TRCA's policies, procedures and guidelines with current provincial policies, which will include those policies related to administering the Regulation. This update will be prepared with input from TRCA's member municipalities and stakeholders. In addition, Conservation Ontario has initiated a policy review exercise to ensure that conservation authorities administer their updated Regulation in a consistent manner. TRCA staff have been participating in a similar exercise with the central region conservation authorities in the Greater Toronto Area. It is expected that an updated policy document related to the Regulation will be presented to the Authority by late fall. This report proposes interim policies for areas and activities of the new Regulation that are not captured in our current policy document. In addition, to streamline the permit review and approval process and improve the service delivery associated with the expanded workload resulting from the new Regulation, this report also proposes a review and letter of approval process as an update to our existing minor works protocol.

## **TRANSITIONAL PROCEDURES AND GUIDELINES**

Effective May 8, 2006, TRCA's existing Regulation, Ontario Regulation 158, was revoked and replaced with Ontario Regulation 166/06. Due to the changes brought about by the new Regulation, a set of guidelines is necessary to ensure that permits issued and new applications for development are subjected to the appropriate procedures and guidelines depending on the date of their submission. The document in Attachment 1 establishes a set of procedures that will guide staff, landowners, consultants and our municipal partners through the transition from our "Fill, Construction and Alteration to Waterways Regulation" to the implementation of our "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation". The attached transitional guidelines are based upon a document prepared and circulated by Conservation Ontario to all conservation authorities and reflect comments received by TRCA's solicitor and from staff.

## **WETLANDS AND AREAS OF INTERFERENCE :**

TRCA's new Regulation includes wetlands and areas adjacent to wetlands which help sustain essential hydrologic functions and where development could interfere or negatively affect these functions. The regulation of the "other areas" adjacent to wetlands is referred to as "area of interference". TRCA has mapped all wetlands greater than 0.5 ha based upon Ministry of Natural Resources wetland mapping and TRCA's Ecological Land Classification (ELC) Vegetation Type mapping. An allowance of 120 metres has been applied to all provincially significant wetlands and wetlands on the Oak Ridges Moraine to identify the "area of interference" and delineate the regulated area. An allowance of 30 metres was applied to all other wetlands. This allowance may be adjusted where development has been approved subject to an application made under the Planning Act or other public planning or regulatory process (e.g. where an Environmental Impact Study has determined the limit of development, the allowance would be adjusted accordingly).

TRCA's Valley and Stream Corridor Management Plan (1994) policies do not specifically address the "wetland" and "area of interference" components of the new Regulation and this will be addressed as part of TRCA's overall Regulation policy update. In the interim, TRCA staff have attempted to address development proposals of a minor nature adjacent to wetlands in the proposed update to the minor works protocol as discussed in the following section of this report. TRCA staff are proposing to bring forward within the near future, an interim policy for development within the "area of interference" to provide guidance for development applications within these areas. As a minimum, TRCA staff will adopt the principles of current provincial planning policies related to development adjacent to wetlands, (e.g. 2005 Provincial Policy Statement, Oak Ridges Moraine Conservation Plan), as part of our Regulation review process protocol. This would be consistent with the function TRCA staff currently provide through our plan review role under the *Planning Act*.

## **MINOR WORKS REVIEW**

### **Current Minor Works Protocol :**

On November 14, 2003, through Resolution #B164/03, the Executive Committee approved a minor works permit approval protocol in an effort to provide a streamlined, expeditious and efficient review of works considered minor in nature within the Fill Regulated Area, outside of the flood plain and considered not to adversely affect the control of flooding, erosion, dynamic beaches, pollution, erosion or the conservation of land. Under this protocol, minor works are subject to the normal permit application review and associated fee process. Staff screen the application to determine if the application qualifies as minor works and complies with provincial policies and with TRCA's Valley and Stream Corridor Management Plan program. Staff prepare a file report, similar to the reports presented to the Executive Committee, outlining the rationale and justification for the approval of the minor works. The permit of minor works is subject to authorization by the Director, Planning and Development and signed by an appointed enforcement officer. Staff prepare a monthly report listing approved minor works permits for the information of the Executive Committee. Eligible works for the streamlined permit approval process are consistent with the following list:

- fill placement or regrading of less than 30 cubic metres (the equivalent of 3 truckloads);
- minor additions up to 50 square metres (500 square feet);

- non-habitable accessory structures up to 50 square metres (500 square feet) such as garden/storage sheds, detached garages, cabanas and workshops. Also ancillary works such as decks, gazebos, patios and fencing.
- miscellaneous municipal and utility projects such as directional drilling and associated bore pits, signage, hydro poles, etc.;
- retaining walls up to 1.0 metre in height and 15 metres (50 feet) in length;
- inground swimming pools;
- emergency works; and
- temporary installations and maintenance procedures.

Where any works noted above are considered by staff to be contrary to TRCA policies, or there are significant environmental issues, or where staff is aware of community or third party concerns, a report on the application is forwarded to the Executive Committee for review and approval, as per existing procedures.

Since the approval of the minor works protocol in November 2003, 205 minor works applications have been processed. Staff have found this protocol to be an effective process to improve service delivery and allow applicants to proceed within a timely manner rather than having to wait for monthly permit approval by the Executive Committee. The review process still ensures compliance with our legal obligations under the Regulation.

**Proposed "Permission for Minor Works " Protocol :**

With the approval of TRCA's "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation", the stream valley corridors and wetland areas within the headwaters of our jurisdiction will now be formally regulated. In the past, these areas were screened through our Fill Line Extension program to assess applications for construction in the flood plain and alteration to a watercourse under Ontario Regulation 158, however we did not have the ability to regulate fill placement within these areas. As a result of Ontario Regulation 166/06, the number of permit applications and workload within these areas is expected to increase.

Furthermore the distinction between "fill" and "construction" activities of the Ontario Regulation 158 have been incorporated into a more comprehensive definition of "Development" defined in Section 28 (25) of the *Conservation Authorities Act* as follows:

- a) the construction, reconstruction, erection or placing of a building or structure of any kind;
- b) 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 structure,
- c) site grading, or
- d) the temporary or permanent placing, dumping or removal of any material, originating on site or elsewhere.

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 conversion that intensify residential use within hazardous areas (e.g. flood plain), thereby increasing the threat to life and property damages.

During the consultation process of TRCA's Generic Regulation conformity exercise, municipal staff indicated their desire for TRCA staff to explore opportunities to expand upon our minor works protocol or establish exemptions to streamline the permit review and approval process. Some member municipalities have also indicated their desire to enter into an agreement with TRCA to undertake a streamlined screening process, while other municipalities, such as the City of Toronto, have indicated that they are not prepared to enter into such an arrangement at this time due to liability concerns and the large volume of applications to screen. Under the *Building Code Act*, municipal building officials are faced with a reduced permit issuance time, in some instances as short as 10 days, provided all applicable law has been complied with. Most municipalities require applicants to submit a TRCA permit or some form of clearance in writing from the TRCA prior to submitting their building permit application for processing to the municipality.

In consideration of the anticipated increased workload resulting from the expanded regulated areas within TRCA's jurisdiction and our commitment through TRCA's Business Excellence objective to streamline the permit approvals process and improve service delivery to applicants and our member municipalities, staff are recommending that our current minor works protocol be updated and expanded as a "Permission of Minor Works". The scope of eligible minor works/activities is proposed to be expanded to address the broader definition of "Development", (e.g. change of use), while amendments to the evaluation criteria is required to address the areas regulated under our new Regulation. The proposed eligible minor works and criteria are presented in Attachment 2. The works are considered to be either minor in nature or due to size and location are deemed not to impact flooding, slope stability and erosion hazards, dynamic beaches, pollution or the conservation of land. Staff are recommending that the list of eligible works be considered as interim and subject to further analysis as part of our overall policy review update, that will include consultation with our municipal partners.

TRCA staff are recommending that the administration of the minor works protocol also be updated to fulfill our corporate Business Excellence objective. In this regard, a letter of approval for "Permission of Minor Works" would be issued as opposed to a permit. The applicant would be required to submit a minor works application form and associated processing fee. TRCA staff will screen the application for compliance with the protocol for permission of minor works. A letter of approval for permission of minor works signed by the Director, Planning and Development, an appointed enforcement officer, or staff designated by the Director, Planning and Development, would be issued together with appropriate drawings stamped as being reviewed and approved by TRCA. Staff will prepare a monthly report listing approved letters of approval for the permission of minor works for the information of the Executive Committee. The review process associated with the issuance of an approval letter will ensure that we are maintaining our legal obligations under the Regulation, while providing the opportunity to expedite the review process and improve service delivery.

**Processing Fee :**

TRCA's Administrative Fee Schedule for permit applications was last updated on January 1, 2006. It is noted on the schedule that TRCA reserves the right to adjust fees to the new Generic Regulation based on approval in May 2006. TRCA staff are recommending a processing fee of \$50.00 be applied to all works that are minor in scale and do not require a site visit. TRCA's current fee structure has a permit fee for minor works on personal residential property of \$285.00. Staff are recommending that this fee be applied to the minor works that are more substantial in scale and that require a site inspection as indicated in Attachment 2. The current fee structure includes a fee of \$1,725.00 on minor improvements for other projects and this is being proposed for municipal and utility projects. Staff recommend that the appropriateness of the fees be evaluated as part of the policy review exercise and implementation of this interim protocol.

**NOTIFICATION**

Our member municipalities have been informed of the approval of our new Regulation. The "Transitional Procedures and Guidelines" and the "Permission for Minor Works" letter of approval protocol will be circulated to the building divisions of our member municipalities and will also be posted on TRCA's website. If required, staff will meet with appropriate staff of our member municipalities to address the transition guidelines and minor works protocol.

**SUMMARY**

The "Transitional Procedures and Guidelines" will assist TRCA staff, landowners, consultants and our member municipalities with the transition from the old Regulation to the implementation the new Regulation. The intent of the proposed update to TRCA's current minor works protocol is to address the anticipated workload resulting from the new Regulation and to continue to provide a streamlined, expeditious and efficient review and approval of works that are minor in nature and will not adversely affect the control of flooding, erosion, dynamic beaches, pollution or the conservation of land.

**Report prepared by : Laurie Nelson , extension 5281**

**For Information contact : Laurie Nelson , extension 5281**

**Date: June 5, 2006**

**Attachments : 2**

## **Toronto and Region Conservation Authority**

### **Transitional Procedures and Guidelines**

**Transitioning from the “Fill , Construction and Alteration to Waterways  
Regulation” , Ontario Regulation 158 to the “Development , Interference  
with Wetlands and Alterations to Shorelines and Watercourses  
Regulation” , Ontario Regulation 166/06**

**May 2006**

## 1.0 Background

The old Fill, Construction and Alteration to Waterways Regulations provided each conservation authority with the power to regulate the following:

- (a) placing or dumping of fill in a regulated area,
- (b) construction of buildings and structures in any area susceptible to flooding during a regional storm, and
- (c) straightening, changing, diverting or interfering in any way with a waterway.

On May 1st, 2004, the Generic Regulation (Ontario Regulation 97/04) was approved by the province under subsection 28(1) of the Conservation Authorities Act. The “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation” established the criteria that a regulation made by an Authority under subsection 28(1) of the Conservation Authorities Act must meet.

A principal mandate of conservation authorities is to prevent the loss of life and property damage due to flooding and erosion, and to conserve and enhance natural resources. The “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation” is a key tool in fulfilling this mandate because it gives conservation authorities the power to regulate development, interference with wetlands, and alterations to shorelines and watercourses in areas where the control of flooding, erosion, dynamic beaches, pollution, or the conservation of land may be affected by development.

Transitional policies and procedures are important in the implementation of the new Regulation and are effective the date that the Minister of Natural Resources approves the new Regulation.

## 1.1 Purpose

Due to the changes brought about by the new Regulation, a set of guidelines is necessary to ensure that permits issued and new applications for development are subjected to the appropriate procedures and guidelines depending on their date of submission. Therefore, the purpose of this document is to establish a set of procedures that will guide staff of the TRCA through the transition from the old “Fill, Construction and Alteration to Watercourses Regulation” to the implementation of the new “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation”. TRCA’s new Regulation, Ontario Regulation 166/06, came into effect on May 8, 2006.

## **1.2 Permit Applications**

### **1.2.1 Applications Submitted Before May 8, 2006**

Applications for permission that were submitted to the Authority prior to May 8, 2006 will be subject to the procedures for the administration of the old “Fill, Construction and Alteration to Watercourses Regulation”, provided that the application is complete to the satisfaction of the Authority.

Applications submitted and reviewed under Ontario Regulation 158 that have not yet been approved by May 8, 2006, will be reviewed to ensure consistency with Ontario Regulation 166/06.

Applications that are deemed by the Authority to be incomplete, and are within an area regulated under the new “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation”, as of May 8, 2006 will be subject to the procedures under the new Regulation.

Applications for permission that were submitted to the Authority prior to approval of the new Regulation that are not within an area regulated under the new Regulation will not require a permit.

### **1.2.2 Applications Submitted After May 8, 2006**

All applications for permission to develop, interfere with or alter a wetland, shoreline or watercourse within an area regulated under the new “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation” that are received after May 8, 2006 will be subject to the provisions under the new Regulation.

## **1.3 Extension of Permits Issued under Ontario Regulation 158**

Any permits that were issued under Ontario Regulation 158 and have expiry dates beyond May 8, 2006 will continue to be valid for the duration identified on the permit. Inspections and conditions enforced under the “Fill, Construction and Alteration to Waterways Regulation” will continue until such time as the permit expires or the work is completed.

Ontario Regulation 158 was revoked with the approval of Ontario Regulation 166/06. Any request for an extension for a permit under Ontario Regulation 158 not granted before May 8, 2006, will be considered under Ontario Regulation 166/06. One permit re-issuance extending the permit approval for a period of two years will be granted before the works are considered new works. Such requests will be assessed in accordance with any new updated technical hazard information. Extensions will not be required for those works not located within an area regulated under the new regulation.

## **1.4 Review of Planning Applications**

### **1.4.1 Planning Applications Submitted Before May 8, 2006**

All plan input and review will be conducted based on the provisions of the old “Fill, Construction and Alteration to Waterways Regulation”. For reviews that were submitted before May 8, 2006 and are not completed, the applicant and the municipality will be advised of any changes in the area of regulation applicable to the application and the review will include consideration of the new Regulation. No new applications or fees will be required.

### **1.4.2 Planning Applications Submitted After May 8, 2006**

All plan input and review will be conducted in accordance with the provisions of the new “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation”.

## **1.5 Violation Notices and Legal Actions Commenced Before May 8, 2006**

Violation Notices issued prior to May 8, 2006 will continue to be addressed by enforcement staff in order to remedy/rectify the situation under the requirements of the “Fill, Construction and Alteration to Waterways Regulation”.

For those Violation Notices issued for works in an area not regulated under the new “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation”, upon satisfactory resolution of the matter, the proponent will be issued a letter advising that the works occurring in violation of the “Fill, Construction and Alteration to Waterways Regulation” have been satisfactorily remedied or rectified.

Legal actions that commenced prior to May 8, 2006 will continue to proceed.

## **1.6 Other Agency Approvals**

Issuance of a permit does not relieve the applicant from the responsibility of acquiring approval from other agencies, or relieve the applicant from compliance with any conditions that other agencies may impose on the work.

**Permission for Minor Works  
Letter of Approval  
- Interim Protocol -**

Development Type	Evaluation Criteria	Fee
Non-habitable accessory structures up to 50 sq. m (538 sq. ft) such as garden/storage sheds, garages, cabanas and workshops, decks, gazebos and patios.	<ol style="list-style-type: none"> <li>1. A minimum of 10 metres from the greater of the hazard (flood plain, meander belt, crest of slope);</li> <li>2. A minimum of 30 metres from any Provincially Significant Wetland or Oak Ridges Moraine wetland or 15 metres from any other wetland, or no closer than the existing limit of development, whichever is less;</li> <li>3. That all disturbed areas are immediately stabilized upon completion of the work;</li> <li>4. That appropriate sediment controls be utilized to prevent sediment from entering the watercourse and/or the wetland.</li> </ol>	\$50.00/285.00 with site visit
Pools	<ol style="list-style-type: none"> <li>1. A minimum of 10 metres from the greater of the hazard (flood plain, meander belt, crest of slope);</li> <li>2. A minimum of 30 metres from any Provincially Significant Wetland or Oak Ridges Moraine wetland or 15 metres from any other wetland, or no closer than the existing limit of development, whichever is less;</li> <li>3. That all disturbed areas are immediately stabilized upon completion of the work;</li> <li>4. That appropriate sediment controls be utilized to prevent sediment from entering the watercourse and/or the wetland.</li> </ol>	\$50.00/285.00 with site visit
Minor Landscaping involving the placement, removal or regrading of material of less than 30 cubic metres (equivalent to 3 truckloads), including septic systems and retaining walls.	<ol style="list-style-type: none"> <li>1. A minimum of 10 metres from the greater of the hazard (flood plain, meander belt, crest of slope);</li> <li>2. A minimum of 30 metres from any Provincially Significant Wetland or Oak Ridges Moraine wetland or 15 metres from any other wetland, or no closer than the existing limit of development, whichever is less;</li> <li>3. That all disturbed areas are immediately stabilized upon completion of the work;</li> <li>4. That appropriate sediment controls be utilized to prevent sediment from entering the watercourse and/or the wetland;</li> <li>5. Native, non-invasive species to be used for any plantings;</li> <li>6. Landscaping works to be integrated with existing landscape grade and topography of the site;</li> <li>7. Retaining walls up to 1.0 metre in height and 15 metres in length.</li> </ol>	\$50.00/285.00 with site visit

Development Type	Evaluation Criteria	Fee
Additions (ground floor) up to 50 sq. m (538 sq. ft).	<ol style="list-style-type: none"> <li>1. A minimum of 10 metres from the greater of the hazard (flood plain, meander belt, crest of slope);</li> <li>2. A minimum of 30 metres from any Provincially Significant Wetland or Oak Ridges Moraine wetland or 15 metres from any other wetland, or no closer than the existing limit of development, whichever is less;</li> <li>3. That all disturbed areas are immediately stabilized upon completion of the work;</li> <li>4. That appropriate sediment controls be utilized to prevent sediment from entering the watercourse and/or the wetland.</li> </ol>	\$50.00/285.00 with site visit
Additions (ground floor) and structures greater than 50 sq. m (538 sq. ft) but less than 150 sq. m (1614 sq. ft).	<ol style="list-style-type: none"> <li>1. A minimum of 10 metres from the greater of the hazard (flood plain, meander belt, crest of slope);</li> <li>2. A minimum of 30 metres from any Provincially Significant Wetland or Oak Ridges Moraine wetland or 15 metres from any other wetland, or no closer than the existing limit of development, whichever is less;</li> <li>3. That all disturbed areas are immediately stabilized upon completion of the work;</li> <li>4. That appropriate sediment controls be utilized to prevent sediment from entering the watercourse and/or the wetland.</li> </ol>	\$50.00/285.00 with site visit
<ul style="list-style-type: none"> <li>▪ Altering the use or potential use of a building or structure (e.g. commercial to residential)</li> <li>▪ Increasing the size of a building or structure (e.g. 2nd storey addition)</li> <li>▪ Increasing the number of dwelling units in the building or structure (e.g. conversion to multi-unit residential)</li> <li>▪ No change to footprint of existing building</li> </ul>	<ol style="list-style-type: none"> <li>1. A minimum of 10 metres from the greater of the hazard (flood plain, meander belt, crest of slope);</li> <li>2. A minimum of 30 metres from any Provincially Significant Wetland or Oak Ridges Moraine wetland or 15 metres from any other wetland, or no closer than the existing limit of development, whichever is less;</li> <li>3. No increase of risk to life or property damage resulting from the intensification;</li> <li>4. That all disturbed areas are immediately stabilized upon completion of the work;</li> <li>5. That appropriate sediment controls be utilized to prevent sediment from entering the watercourse and/or the wetland.</li> </ol>	\$50.00/285.00 with site visit

Development Type	Evaluation Criteria	Fee
Miscellaneous municipal and utility projects such as minor upgrading of trails.	1. A minimum of 10 metres from the greater of the hazard (flood plain, meander belt, crest of slope); 2. A minimum of 30 metres from any Provincially Significant Wetland or Oak Ridges Moraine wetland or 15 metres from any other wetland, or no closer than the existing limit of development, whichever is less; 3. That all disturbed areas are immediately stabilized upon completion of the work; 4. That appropriate sediment controls be utilized to prevent sediment from entering the watercourse and/or the wetland.	\$1725.00

**Notes:**

1. Permission for the above noted works is subject to the proposed works not affecting the control of flooding, erosion, dynamic beaches, pollution or the conservation of land.
2. Adjustments to the limit of development may only be given based on existing site conditions, established development patterns and potential impacts to the adjacent hazard and/or feature.
3. Fee to be paid at the time of submitting an application to the TRCA. No Permission for Minor Works will be issued without prior payment.
4. TRCA staff to determine the need for a site visit.
5. TRCA reserves the right to request additional technical studies ( e.g. geotechnical, ecological)
6. TRCA reserves the right to require the proposed works to be processed through a formal permit application under Ontario Regulation 166/06.
7. All topsoil and excess fill stock piles to be located outside of the setback areas or off site.
8. Existing vegetation to be maintained or replaced to the extent feasible.
9. This protocol and fee structure is subject to change as a result of further review and assessment.