

## Section IV – Ontario Regulation 166/06, As Amended

**TO:** Chair and Members of the Executive Committee  
June 10, 2022

**FROM:** Sameer Dhalla, Director, Development and Engineering Services

**RE:** **APPLICATIONS FOR PERMITS PURSUANT TO ONTARIO REGULATION 166/06, AS AMENDED**  
Development, Interference with Wetlands and Alterations to Shorelines and Watercourses

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### KEY ISSUE

Pursuant to Ontario Regulation 166/06, as amended, written permission from the Authority is required for:

- a) straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- b) development, if in the opinion of the Authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development.

A permit may be refused through a Hearing Process, if in the opinion of the Authority, the control of flooding, erosion, dynamic beaches, pollution or the conservation of land is affected.

### RECOMMENDATION

**THAT permits be granted in accordance with Ontario Regulation 166/06, as amended, for the applications which are listed below:**

### **MAJOR PERMIT APPLICATIONS 10.1 - 10.1 – REGULAR – FOR APPROVAL**

Applications that involved a more complex suite of technical studies to demonstrate consistency with policies; applications that cover a significant geographic area, extensive modifications to the landscape, major infrastructure projects, applications requiring site specific conditions and permissions that extend beyond two years.

### CITY OF PICKERING

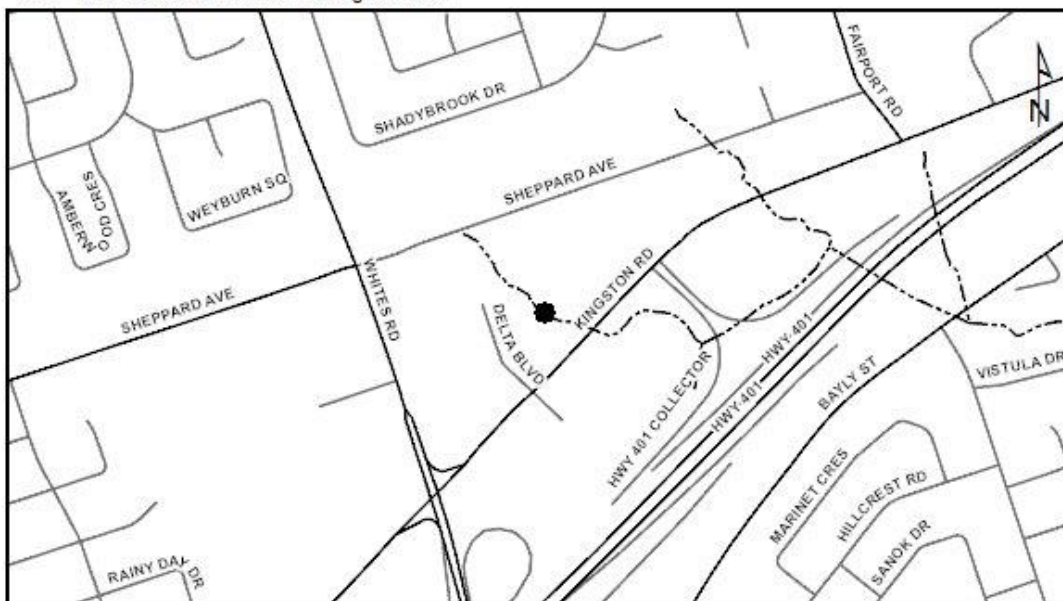
#### ICON HOMES

To site grade, temporarily or permanently place, dump or remove any material, originating on the site or elsewhere and alter a watercourse on Part Lot 28, RANGE 3 BFC, (760 Kingston Road and 770 Kingston Road), in the City of Pickering, Frenchman's Bay Watershed as located on the property owned by ICON Homes.

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The purpose is to remove 0.22 ha of Fresh-Moist Willow Lowland Deciduous Forest, enclose 120 m of the Amberlea Creek watercourse in the Frenchman's Bay Watershed with a 143 m long x 3.66 m x 1.82 m concrete box culvert, and develop an access road and 88 stacked townhomes over underground parking at 760 and 770 Kingston Road and in the City right-of-way in the City of Pickering.

**MAP LOCATION:** 760 and 770 Kingston Road



The permit will be issued for the period of June 10, 2022 to June 9, 2024 in accordance with the following documents and plans which form part of this permit:

- **Drawing No. SG-01, Site Grading Plan, prepared by IBI Group, Revision 8, Revised Mar 2022, stamped by S. K. Lee, P. Eng. on March 31, 2022, received April 8, 2022;**
- **Drawing No. SS-01, Site Servicing Plan, prepared by IBI Group, Revision 8, Revised Mar 2022, stamped by S. K. Lee, P. Eng. on March 31, 2022, received April 8, 2022;**
- **Drawing No. EC-01, Construction Management and Erosion Control Plan - Stage 1, prepared by IBI Group, Revision 8, Revised Mar 2022, stamped by S. K. Lee, P. Eng. on March 31, 2022, received April 8, 2022;**
- **Drawing No. EC-02, Construction Management and Erosion Control Plan - Stage 2, prepared by IBI Group, Revision 8, Revised Mar 2022, stamped by S. K. Lee, P. Eng. on March 31, 2022, received April 8, 2022;**
- **Drawing No. EC-03, Construction Management and Erosion Control Plan - Notes & Details, prepared by IBI Group, Revision 8, Revised Mar 2022, stamped by S. K. Lee, P. Eng. on March 31, 2022, received April 8, 2022;**
- **Drawing No. DD-01, Detail Drawings, prepared by IBI Group, Revision 8, Revised Mar 2022, stamped by S. K. Lee, P. Eng. on March 31, 2022, received April 8, 2022;**
- **Drawing No. DD-02, Detail Drawings, prepared by IBI Group, Revision 8, Revised Mar 2022, stamped by S. K. Lee, P. Eng. on March 31, 2022, received April 8, 2022;**
- **Drawing No. DD-03, Detail Drawings, prepared by IBI Group, Revision 8, Revised Mar 2022, stamped by S. K. Lee, P. Eng. on March 31, 2022, received April 8, 2022;**
- **Drawing No. DD-04, Detail Drawings, prepared by IBI Group, Revision 8, Revised Mar 2022, stamped by S. K. Lee, P. Eng. on March 31, 2022, received April 8, 2022;**

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- Drawing No. XS-01, Cross Sections, prepared by IBI Group, Revision 8, Revised Mar 2022, stamped by S. K. Lee, P. Eng. on March 31, 2022, received April 8, 2022;
- Drawing No. XS-02, Cross Sections, prepared by IBI Group, Revision 8, Revised Mar 2022, stamped by S. K. Lee, P. Eng. on March 31, 2022, received April 8, 2022;
- Drawing No. CUP-01, Composite Utility Plan, prepared by IBI Group, Revision 8, Revised Mar 2022, stamped by S. K. Lee, P. Eng. on March 31, 2022, received April 8, 2022;
- Drawing No. PP-01, Delta Blvd Extension Plan & Profile, prepared by IBI Group, Revision 1, Revised Mar 2022, stamped by S. K. Lee, P. Eng. on March 31, 2022, received April 8, 2022;
- Drawing No. STM-01, Delta Blvd Extension Storm Drainage Plan, prepared by IBI Group, Revision 1, Revised Mar 2022, stamped by S. K. Lee, P. Eng. on March 31, 2022, received April 8, 2022;
- Drawing No. CS, Content Sheet, prepared by Guthrie Muscovitch Architects, Revision 2, Revised March 30, 2022, received April 8, 2022;
- Drawing No. SP-1, Site Plan, prepared by Guthrie Muscovitch Architects, Revision 9, Revised March 30, 2022, received April 8, 2022;
- Drawing No. G-1, Concept Plan Garage, prepared by Guthrie Muscovitch Architects, Revision 8, Revised March 30, 2022, received April 8, 2022;
- Drawing No. SS-1, Site Section AA, prepared by Guthrie Muscovitch Architects, Revision 3, Revised March 30, 2022, received April 8, 2022;
- Drawing No. BE-1, Block 1 Block Elevations, prepared by Guthrie Muscovitch Architects, Revision 9, Revised March 24, 2022, received April 8, 2022;
- Drawing No. BE-2, Block 2 Block Elevations, prepared by Guthrie Muscovitch Architects, Revision 9, Revised March 24, 2022, received April 8, 2022;
- Drawing No. BE-3, Block 3 Block Elevations, prepared by Guthrie Muscovitch Architects, Revision 9, Revised March 24, 2022, received April 8, 2022;
- Drawing No. L-1, Landscape Plan, prepared by adesso design inc., Revision 1, Revised April 1, 2022, received April 8, 2022;
- Drawing No. L-2, Amenity Space Enlargement & Details, prepared by adesso design inc., Revision 1, Revised April 1, 2022, received April 8, 2022;
- Drawing No. L-3, Details, prepared by adesso design inc., Revision 1, Revised April 1, 2022, received April 8, 2022;
- Drawing No. L-4, Details, prepared by adesso design inc., Revision 1, Revised April 1, 2022, received April 8, 2022;
- Drawing No. L-5, Details, prepared by adesso design inc., Revision 1, Revised April 1, 2022, received April 8, 2022;
- Drawing No. L-6, Details, prepared by adesso design inc., Revision 1, Revised April 1, 2022, received April 8, 2022.

### **RATIONALE**

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

#### Proposal:

The proposal is to remove 0.22 ha of Fresh-Moist Willow Lowland Deciduous Forest, enclose 120 m of the Amberlea Creek watercourse in the Frenchman's Bay Watershed with a 143 m long x 3.66 m x 1.82 m concrete box culvert, and develop an access road and 88 stacked townhomes over underground parking at 760 and 770 Kingston Road and in the City right-of-way in the City of Pickering. The existing twin culverts crossing Amberlea creek on site will be

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removed and the existing creek within the site will be filled in. The new/proposed box culvert is designed to allow for conveyance of flood flows along the northwest and northeast boundaries of the site. The City of Pickering has granted permission for the applicant to construct the road on the City Right-of-Way.

The site is already partially developed and is located on the north side of Kingston Road along a highly developed commercial corridor within the Frenchman's Bay Watershed. There is existing residential development north of the site, and several roads, highways and rail lines to the south. The site is designated for development in the City of Pickering Official Plan, is appropriately zoned and the townhomes have been approved through the City of Pickering's Site Plan Control process. A long-standing Policy 12.8(g) of the Official Plan supports the principle of piping this portion of the Amberlea Creek. The Official Plan direction recognizes, "the interests of landowners on whose lands Amberlea Creek flows to pipe that tributary, and the position of the Toronto and Region Conservation Authority to work with the City and landowners to implement a stormwater management strategy, which will ultimately result in the piping of this portion of the Amberlea Creek."

TRCA's Living City Policies state that "if a natural feature itself cannot be protected, TRCA may recommend compensation. However, compensation is a management tool that should only be used as a "last resort", being an option only where federal, provincial and municipal requirements do not protect the feature, and only after all other options for protecting the feature have been evaluated". Given the Official Plan direction and a lack of objection from other approval bodies (including Durham Region engineering staff and Federal Department of Fisheries and Oceans), TRCA Development Planning and Permits, Property and Risk Management and Ecology staff worked with the landowner and the City of Pickering to develop an ecosystem compensation plan consistent with TRCA's Guideline for Determining Ecosystem Compensation (2018).

The ecosystem compensation plan includes cash-in-lieu payment to TRCA to implement ecosystem restoration on lands owned by a subsidiary of the landowner located north-east of Finch Avenue West and Altona Road in the City of Pickering. These lands totaling 2.36 ha will be conveyed at no cost to TRCA and include a valley corridor, watercourse, vegetated valley slopes and 0.43 ha of un-vegetated tableland that can be restored to a natural state. The latter land area is double the required land area as determined under the Guideline and will ensure an overall net gain to the natural heritage system. This is because the tableland portion of the lands to be conveyed could conceivably be developed for a single-family residential dwelling, associated ancillary structures and paved surfaces. This ecosystem compensation plan is consistent with the ecosystem structure and land-based compensation required by the TRCA Guideline for Determining Ecosystem Compensation.

### Control of Flooding:

The proposed works are partially located within the Regional Storm Floodplain which is contained within the existing watercourse channel. A flood study and stormwater management study were reviewed by TRCA Water Resources Engineering staff and the proposed culvert is designed to convey the Regional Storm event to the existing culvert under Kingston Road. Durham Region engineering staff have concurred in writing that they have no objection to the proposed works. Appropriate water quantity and quality controls will be provided within the development.

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### Pollution:

Sediment controls will be provided in accordance with the TRCA Erosion and Sediment Control Guide for Urban Construction (2019).

### Dynamic Beaches:

Not applicable.

### Erosion:

There are no geotechnical and/ or slope stability concerns associated with this project. Erosion and sediment controls are proposed as noted above.

### Conservation of Land:

As TRCA's jurisdiction continues to grow, increased stress is placed on the Natural Heritage System. Conservation in an urban context is challenging because of the finite space available to fit all basic needs of communities, including homes, workplaces, amenities, infrastructure and natural features and areas. These pressures should result in increased support for conservation. However, despite a strong protective policy and regulatory regime, natural features, and the functions they provide continue to decline. Within this context, off-setting enhancements to the natural heritage system adjacent to any areas of impact, which result in a "ecological net gain", and as a last resort ecosystem compensation, become an important tool to help ensure that the critical ecosystem functions and services lost through development and infrastructure are restored back on the landscape for the betterment of communities. The proposal results in the removal of 120 m of watercourse and 0.22 ha of forest. To adequately compensate for the loss of these features and the land base of the natural heritage system, the landowner will fund the restoration of these or similar features off site and convey 0.43 ha of tableland for restoration works to occur in addition to 1.93 ha of valley land to TRCA. As such, it is staff opinion that the test of "conservation of land" can be met in this unique circumstance.

### *Plantings*

Offsite ecosystem compensation is provided which will result in 0.43 ha of new native planting within the City of Pickering.

### Policy Guidelines:

TRCA staff recognize that impacts to natural features, in specific circumstances where avoidance and mitigation are not feasible, may be permitted through the planning and development process as stated in Section 7.4.2 of TRCA's LCP. The proposal is consistent with Ecosystem Compensation policies 7.4.2.1(c) and (d) of the TRCA's Living City Policies.

**CFN: 65953 - Application #: 1430/21/PICK**

**Report Prepared by: Steve Heuchert, extension 5311, email [steve.heuchert@trca.ca](mailto:steve.heuchert@trca.ca)**

**For information contact: Steve Heuchert, extension 5311, email [steve.heuchert@trca.ca](mailto:steve.heuchert@trca.ca)**

**Date: May 26, 2022**