

Item 11.1.

Section IV – Ontario Regulation 166/06, As Amended

TO: Chair and Members of the Executive Committee
Meeting #6/19, July 5, 2019

FROM: Sameer Dhalla, Interim 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

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 11.1 – 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.

TOWN OF CALEDON

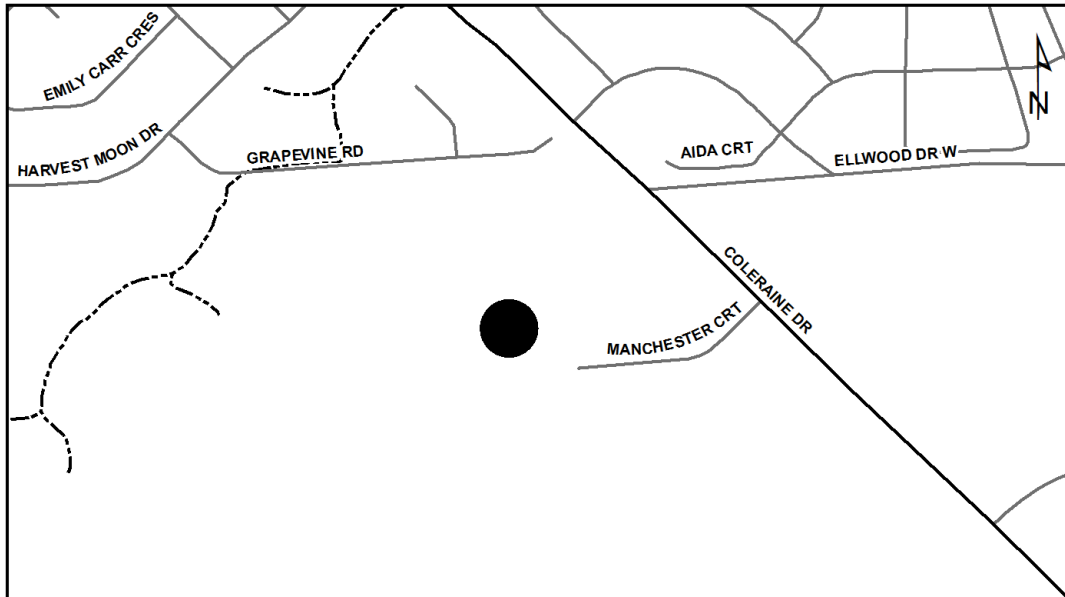
GREYPAN EQUITIES INC. GREYPAN 4 PROPERTIES GP INC.

To construct, reconstruct, erect or place a building or structure, site grade, temporarily or permanently place, dump or remove any material, originating on the site or elsewhere and interfere with a wetland on Part Lot 8, 9, Concession 5, (4 to 6 Manchester Court), in the Town of Caledon, Humber River Watershed as located on the property owned by Greypan 4 Properties GP Inc.; Greypan Equities Inc..

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The purpose is to undertake works within TRCA's Regulated Area of the Humber River Watershed in order to facilitate the construction of a 20,071.38 sq.m (216,046.53 sq.ft) addition to the existing industrial warehouse facility located at 4-6 Manchester Court in the Town of Caledon. Site works also include the construction of an associated parking lot as well as a wetland compensation and upland enhancement area. The works are associated with a municipal Site Plan application (Town File: SP18-0017) and building permit.

MAP LOCATION: 4-6 Manchester Court, Caledon



The permit will be issued for the period of July 5, 2019 to July 4, 2021 in accordance with the following documents and plans which form part of this permit:

- **Drawing No. 17104-G1, Area Grading Plan, prepared by V.A. Piscione, revision no. 10 dated February 5, 2019, received by TRCA on May 17, 2019;**
- **Drawing No. 17104-G2, Site Servicing Plan, prepared by V.A. Piscione, revision no. 11 dated April 16, 2019, received by TRCA on May 17, 2019;**
- **Drawing No. 17104-G3, Details and Grading Sections, prepared by V.A. Piscione, revision no. 10 dated February 5, 2019, received by TRCA on May 17, 2019;**
- **Drawing No. 17104-G4, Grading Sections, prepared by V.A. Piscione, revision no. 10 dated February 5, 2019, received by TRCA on May 17, 2019;**
- **Drawing No. L-1, Landscape Plan, prepared by Hin Tat Lam, revision no. 9 dated October 17, 2018, received by TRCA on May 17, 2019;**
- **Drawing No. L-1, Existing Tree Preservation and Removal Plan, prepared by JVF Consultants Inc., revision no. 6 dated October 2018, received by TRCA on May 17, 2019;**
- **Drawing No. L-2, Landscape Plan Enlargement Building "A" Addition, prepared by JVF Consultants Inc., revision no. 6 dated October 2018, received by TRCA on May 17, 2019;**
- **Drawing No. L-3, Landscape Details and Landscape Specifications, prepared by JVF Consultants Inc., revision no. 4 dated October 2018, received by TRCA on May 17, 2019;**

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- Drawing No. L-4, Landscape Details, prepared by JVF Consultants Inc., revision no. 3 dated October 2018, received by TRCA on May 17, 2019;
- Drawing No. 17104-ESC1, Area Erosion and Sediment Control Plan (Stage - 1), prepared by V.A. Piscione, revision no. 1 dated July 25, 2018, received by TRCA on May 17, 2019;
- Drawing No. 17104-ESC2, Area Erosion and Sediment Control Plan (Stage - 2 Works), prepared by V.A. Piscione, revision no. 1 dated July 25, 2018, received by TRCA on May 17, 2019;
- Drawing No. 17104-ESC3, Area Erosion and Sediment Control Plan (Stage - 3, 4 and 5 Works), prepared by V.A. Piscione, revision no. 1 dated July 25, 2018, received by TRCA on May 17, 2019;
- Stormwater Management Report, prepared by V.A. Piscione, revised July 16, 2018, received by TRCA on May 17, 2019;
- Environmental Impact Study and Management Plan, prepared by Savanta, revised January 2019, received by TRCA on May 17, 2019;
- Letter of Undertaking, prepared by Andy Smele, dated April 23, 2019, received by TRCA on April 23, 2019;
- Cost Estimate for Construction and Monitoring of Wetland Compensation and Upland Enhancement Area, prepared by Savanta, dated April 22, 2019, received by TRCA on April 23, 2019;
- Opinion of Probable Landscaping Costs, prepared by Savanta, revised February 26, 2019, received by TRCA on April 23, 2019.

Application-Specific Permit Conditions

14. The applicant provides as-built plans to the TRCA once the Wetland Compensation and Upland Enhancement Area (WCUEA) has been completed.

15. The applicant implements the Monitoring and Adaptive Management Strategy for the WCUEA as outlined within Section 7.2 of the Environmental Impact Study and Management Plan (prepared by Savanta, revised January 2019) for the entire proposed duration (5 years).

16. The applicant commits to hire a qualified environmental consultant to conduct the required monitoring in accordance with the Environmental Impact Study and Management Plan (prepared by Savanta, revised January 2019) for the entire proposed duration (5 years).

17. The applicant provides the selected environmental consultant with necessary funding to implement the Monitoring and Adaptive Management Strategy in general conformance with the cost estimate provided by Savanta (dated April 22, 2019).

18. The applicant provides the TRCA with annual monitoring status reports for the WCUEA, once constructed.

19. The applicant notifies and consults with the TRCA prior to the implementation of any adaptive management measures identified by the environmental consultant.

RATIONALE

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

Proposal:

The purpose of this application is to undertake works within TRCA's Regulated Area in order to facilitate the construction of a 20,071.38 sq.m (216,046.53 sq.ft) addition to the existing industrial warehouse facility located at 4-6 Manchester Court in the Town of Caledon. Site works also include the construction of an associated parking lot as well as a wetland compensation and upland enhancement area. The works are associated with a municipal Site Plan application (Town File: SP18-0017) and building permit.

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The subject property is located on the west side of Bolton, along a Canadian Pacific Rail corridor. The front portion of the site currently contains two industrial warehouse facilities and associated truck parking area while the rear portion of the property is vacant of any structures. On June 28, 2017, the Ministry of Natural Resources and Forestry (MNR) conducted a site visit of the vacant portion of the property with TRCA staff. Based on this site visit, it was determined that the rear portion of the site contains three (3) separate Provincially Significant Wetland (PSW) units as well as seven (7) small isolated wetland units which were not deemed to be significant. The rear portion of the site also contains a small headwater drainage feature which conveys minor flows from the site to a culvert located under the rail corridor.

The proposed works associated with this permit includes the construction of a rear addition to the southernmost existing industrial warehouse. The proposed addition and its associated parking area will be located on the currently vacant portion of the subject lands. In order to facilitate construction of the works, removal of the isolated wetland units as well as the headwater drainage feature will be required. Based on an assessment of the features by a qualified environmental consultant (Savanta), the isolated wetland features equal a total of 0.38 hectares and are largely dominated by invasive species (phragmites). No rare plants or amphibians were observed in these wetlands. A headwater drainage feature assessment was also conducted by the environmental consultant where it was determined that the headwater drainage feature on site do not provide direct fish habitat.

In order to compensate for the removal of the isolated wetland units, the applicant is proposing to construct five new wetland vegetation communities as well as an upland enhancement area on the north-west portion of the site (i.e. the Wetland Compensation and Upland Enhancement Area or WCUEA). A large bioswale will also be constructed along the north side of the property to replicate the function of the headwater drainage features to be removed. The wetland compensation is proposed to exceed a 1:1 removal to compensation ratio, resulting in a total area of 0.40 hectares of new wetland habitat. An additional 0.14 hectares of upland shrub thicket habitat and 0.05 hectares of nodal shrub and tree plantings are also proposed to be planted within the WCUEA. The goal of the proposed WCUEA is to establish a healthy and diverse ecosystem that replicates the ecological functions and size of the non-significant features slated for removal. The re-created wetlands will include online pools that provide appropriate breeding habitat for frogs and other species that share similar habitat preferences. Furthermore, additional wildlife enhancement features such as turtle basking logs, raptor perching poles and wildlife brush piles will also be implemented. Water flow will be directed to the WCUEA from one of the nearby PSW units as well as clean rooftop drainage from the adjacent industrial warehouse in order to support the planted vegetation communities. The proposed warehouse addition is appropriately setback from both the existing and proposed wetland features.

In addition to constructing the WCUEA, the applicant has also committed to conducting monitoring for a five (5) year period. The monitoring program will include assessments of planted vegetation as well as surveys of wetland hydrology and flora and fauna. Through this permit, the property owner has agreed to application specific conditions which will ensure the monitoring program is funded and executed for its entire proposed duration. Given the above, TRCA staff do not have any ecology concerns with this application. Furthermore, there are no flooding or geotechnical related concerns as well.

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Control of Flooding:

The proposed works are located outside of the Regional Floodplain. As such, there are no anticipated impacts to the storage and/or conveyance of flood waters.

Pollution:

A detailed erosion and sediment control plan has been developed by the applicant and will be implemented for the duration of construction to prevent the migration of sediment into the adjacent natural features.

Dynamic Beaches:

Not applicable.

Erosion:

There are no geotechnical and/or slope stability concerns anticipated with this project.

Conservation of Land:

The removal of multiple isolated wetland units as well as a headwater drainage feature will be required to facilitate the proposed development. The removal of low functioning natural features will total 0.38 hectares. In order to compensate the removal of these features, the applicant is proposing to construct 0.40 hectares of new wetland habitat as well as an additional 0.14 hectares of upland shrub thicket and 0.05 hectares of nodal shrub and tree plantings (i.e. the Wetland Compensation and Upland Enhancement Area or WCUEA). Once complete, the WCUEA will result in a high functioning ecological system which exceeds a 1:1 replacement ratio. The project will result in a net ecological gain.

Plantings

Once earthworks for the WCUEA are complete, a comprehensive restoration plan will be implemented. The plantings will consist of emergent shallow marsh, thicket swamp, meadow marsh, upland cultural meadow and upland tree and shrub plantings. All proposed plantings will be native and non-invasive consistent with TRCA's guidelines.

Policy Guidelines:

The proposal complies with Section 8.4 - General Regulation Policies - of The Living City Policies (LCP) for Planning and Development in the Watersheds of the Toronto and Region Conservation Authority.

CFN: 61496.A - Application #: 0513/19/CAL

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