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Development  
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# **PLANNING JUSTIFICATION REPORT**

**COUNTRY RESIDENTIAL SUBDIVISION NO. 33**

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**Draft Plan of Subdivision, Draft Plan of  
Condominium (Common Element)  
& Zoning Bylaw Amendment**

**3225 5<sup>th</sup> Concession Road, City of Pickering,  
Region of Durham**

**December 2023**

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## **1.0 Introduction, Site Location & Site Description**

The following Planning Justification Report has been prepared on behalf of 869547 Ontario Inc., being the Registered Owner of lands municipally addressed as 3225 5<sup>th</sup> Concession Road, within the City of Pickering, Region of Durham (*“Subject Lands”*).

The lands subject to this Report are one of few remaining Country Subdivisions with the Region and City, recognized by both the *Region of Durham Official Plan* and *City of Pickering Official Plan*. The lands are located within the Greenbelt Plan’s Natural Heritage System and in accordance with Greenbelt policy 5.2.1, prior land use permissions, in accordance with the Official Plan are maintained, not requiring conformity to the *Greenbelt Plan, 2017*.

Notwithstanding, the Proposed Development of the Subject Lands will result in protection, enhancement, and buffering of existing Natural Features as demonstrated through a series of expert studies.

The Subject Lands are legally described as Part of Lots 3 and 4, Concession 5, Geographic Township of Pickering, now in the City of Pickering, Regional Municipality of Durham.

The Subject Lands have a total Site Area of approximately 17.91 Hectares (*44.2 Acres*) and are located within a Rural Settlement, forming part of the Country Residential Birchwood Estates Settlement Area.

The Subject Lands are located at the northeast corner of 5<sup>th</sup> Concession Road and Sideline 4 being Balsam Road being just west of Audley Road and south of Highway 7.

The Subject Lands are currently vacant, containing open fields and natural heritage features including Significant Woodlands, a Tributary of Carruthers Creek, with an existing Site Access from Sideline 4 being Balsam Road and located on the north side of an unopen road allowance for 5<sup>th</sup> Concession Road.

This Report is intended to provide a planning assessment and justification in support of a proposed Draft Plan of Subdivision, Draft Plan of Condominium (*Common Element*) and Zoning By-law Amendment (*“ZBLA”*), which seek to subdivide, establish tenure, and zone the Subject Lands to permit a Proposed Estate Subdivision consisting of 13 Estate Residential Lots, two Private Roads, Open Space Blocks, Vegetated Planted Buffers, and two Water Pumping Station Blocks. The proposed Estate Residential Lots range from 0.37 Hectares (*0.9 Acres*) to 0.59

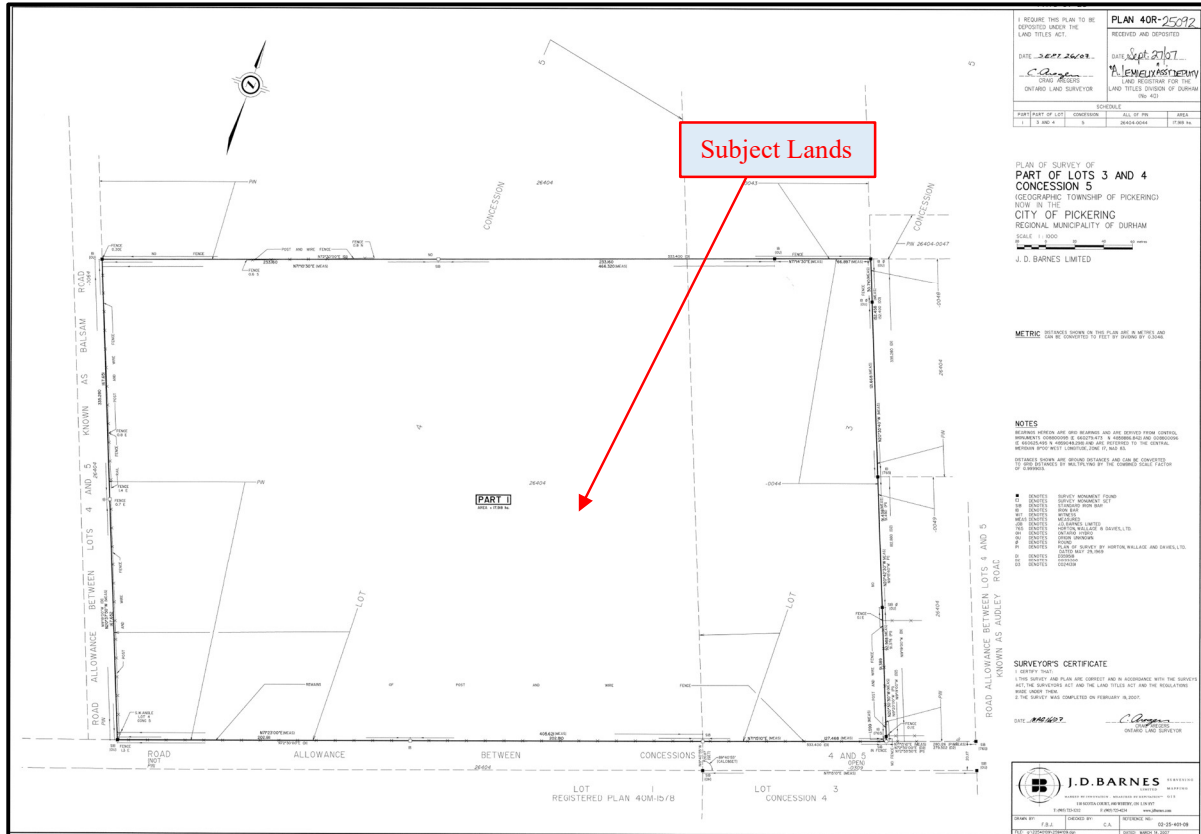
Hectares (1.45 Acres) in area being of sufficient size to ensure compliance with the Region of Durham Lot Sizing Policies.

Access for the Estate Subdivision is proposed via an access from Sideline 4 being Balsam Road and an access from 5<sup>th</sup> Concession Road. As mentioned, two Private Roads are proposed, each terminating with a cul-de-sac. The Estate Subdivision's lots, Private Roads and associated infrastructure are located within the open fields abutting the existing, Natural Features.

The proposed tenure will be of a Common Element Condominium consisting of freehold residential lots with Private Roads, which will be maintained by a future Condominium Corporation.

The Estate Subdivision will be serviced with Municipal Water via a connection to an existing watermain, located along an unopened road allowance for 5<sup>th</sup> Concession Road and sanitary services will be provided through individual septic systems, for each proposed Estate Lot.

**Figure 1: Plan of Survey**



Source: J.D. Barnes Surveying Limited

## 2.0 Surrounding Land Uses

The Subject Lands are surrounded by mainly open space, recreational and rural land uses including estate housing to the south with Deer Creek Golf Club, estate housing to the north including landscape businesses such as Bryden Landscaping and Holiday Gardens, open spaces to the east with PS Auto Wreckers located east of Lake Ridge road and open spaces, estate housing located west of the Subject Lands.

In assessing the appropriateness of the proposed development, the surrounding land use context must be considered. A summary of existing land uses, surrounding the Subject Lands include:

North:

Existing estate housing, commercial, open space and recreational uses are present to the north of the Subject Lands. Commercial uses include landscape businesses such as Bryden Landscaping and Holiday Gardens as well as Number 7 Auto Recyclers.

East:

Existing rural residential, open space and commercial uses are present to the east of the Subject Lands. Commercial Uses include PS Auto Wreckers.

South:

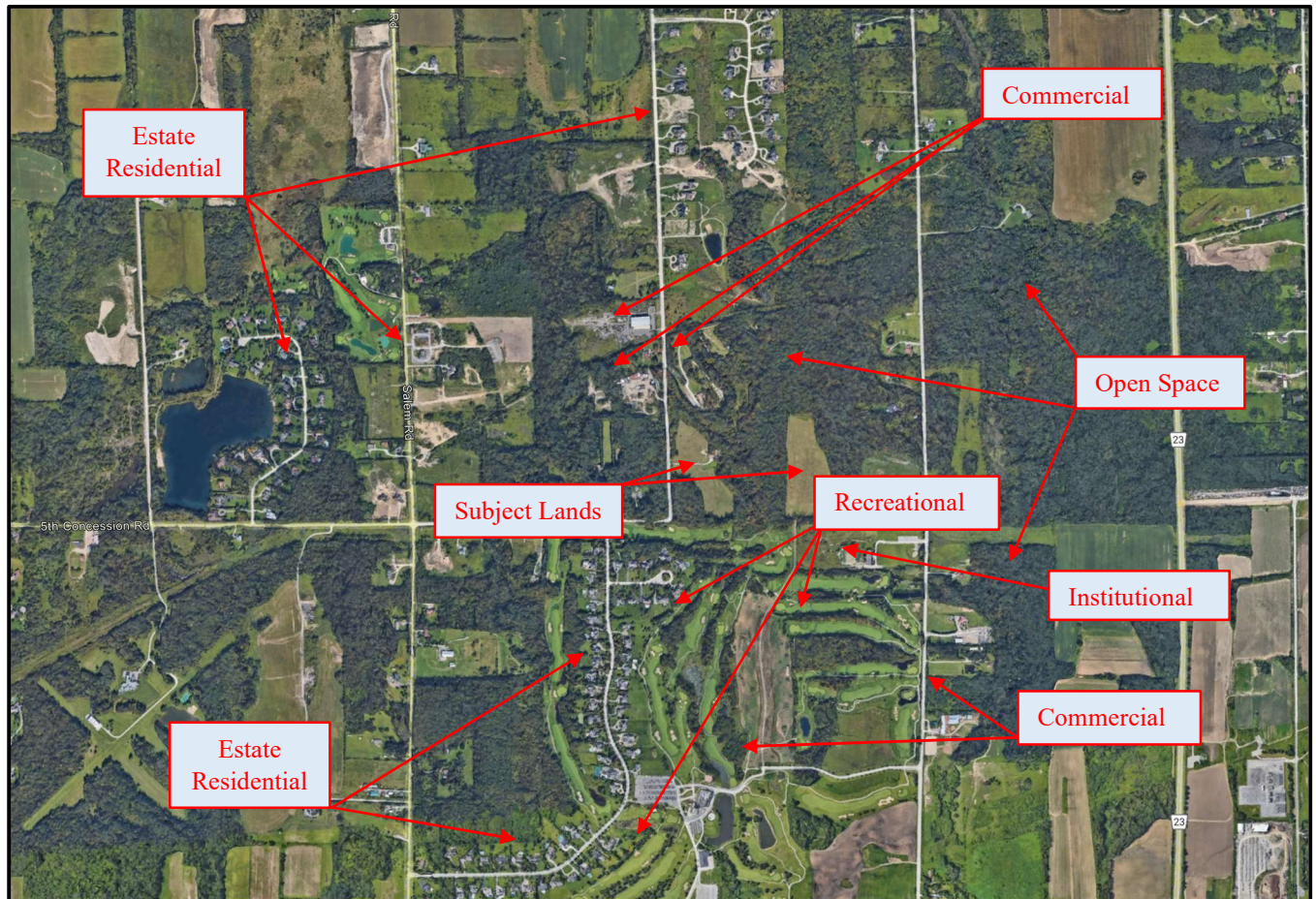
Existing estate housing, recreational, institutional, and commercial uses are present to the south of the Subject Lands. Commercial uses include Smiling Faces Equestrian just south with most of the commercial uses existing south of Taunton Road East and including various forms of typical suburban commercial uses such as restaurants, petrol stations, grocery stores, pharmacies and financial institutions and mainly congregated within the Summerset and Wyndam Manor Plazas. Institutional uses include Gibraltar Leadership Academy, which is located just south and Michaëlle Jean, Davinci and Romeo Dallaire Public Schools and associated playing fields existing south of Taunton Road East. Recreational uses include Deer Creek Golf Course, which exists just south with Audley Recreation Centre and associated baseball fields and parks located south of Taunton Road.

West:

Existing rural and estate housing, open space and agricultural uses are present to the west of the Subject Lands.

The surrounding land use context is in keeping with an existing neighbourhood character, which mainly includes estate housing, rural residential land uses and open spaces. The Proposed Development fits well within the surrounding area, in that, estate and rural dwellings provide for a compatible context, with no active livestock uses noted, which would cause odour impacts.

**Figure 2: Site Location & Surrounding Land Use Map**



Source: Google Earth

### 3.0 Existing Land Use Policies & Regulations

#### 3.1 Provincial Plans & Policies:

The Subject Lands are within the area subject to various Provincial Plans and Policies including the *Greenbelt Plan, 2017*, *'A Place to Grow, Growth Plan for the Greater Golden Horseshoe (August 2020 Consolidation)* and the *Provincial Policy Statement (2020)*, all of which provide a growth management and land use planning framework to govern the use and planning approach for development of the Subject Lands.



The *Greenbelt Plan* provides protection for agricultural lands, water resources and natural areas while providing for a policy framework for land uses permitted.

The Subject Lands are designated as part of the ‘Protected Countryside’ and ‘Natural Heritage System’ of the *Greenbelt Plan* and accordingly, form part of the Growth Plan’s ‘Green Belt Area’.

However, being located within an existing Rural Settlement Area, with a pre-existing Country Residential Subdivision application, recognized by both the Region’s and City’s Official Plans, as noted, policy 5.2.1 of the *Greenbelt Plan* recognizes pre-existing designations without requiring conformity to the *Greenbelt Plan*. The Subject Lands are recognized as being subject to a pre-existing Country Residential Subdivision application (*No. 33*), which permits a maximum of 23 lots.

Specifically, policies 4.5 and 5.2.1 of the *Greenbelt Plan* recognizes existing land uses, previous land use approvals including expansion of similar land uses, through *Planning Act* Amendments and required demonstration of greater conformity to provisions of the Plan.

For the purposes of this Report, the currently permitted and designated land use being a Country Residential Subdivision will be implemented through the proposed Draft Plan of Subdivision, Draft Plan of Condominium (*Common Element*) and regulated through the proposed Zoning By-law Amendment.

Within the Growth Plan area, it is recognized lands forming part of the *Greenbelt Plan* do play a vital role in providing agricultural, conservation, community, and recreational uses to serve urban and rural communities within the Golden Horseshoe. The Proposed Development is representative of a rural use being an Estate Plan of Subdivision.

To a lesser extent, development of the Subject Lands will contribute to the City’s housing stock for Estate Dwellings within a pre-existing Rural Settlement Area, while also ensuring long term environmental protections for the existing Natural Features, through appropriate vegetated planted buffers and future conveyance of the Open Space Blocks, as shown on the proposed Draft Plan of Subdivision, and assessed through an Environmental Impact Study.

It should be noted, recently, the Province has also introduced and put into effect several new Provincial laws directly affecting land use planning policies and housing including *Bill 108, More Homes, More Choice Act, 2019, Bill 109, More Homes for Everyone Act, 2022* and *Bill 23, More Homes Built Faster Act, 2022*.

These Acts have been put into force as part of the Government's Plan to achieve construction to build **1.5 million homes over the next 10 years, with the City's Housing Target requiring an additional 13,000 new homes by the year 2031.**

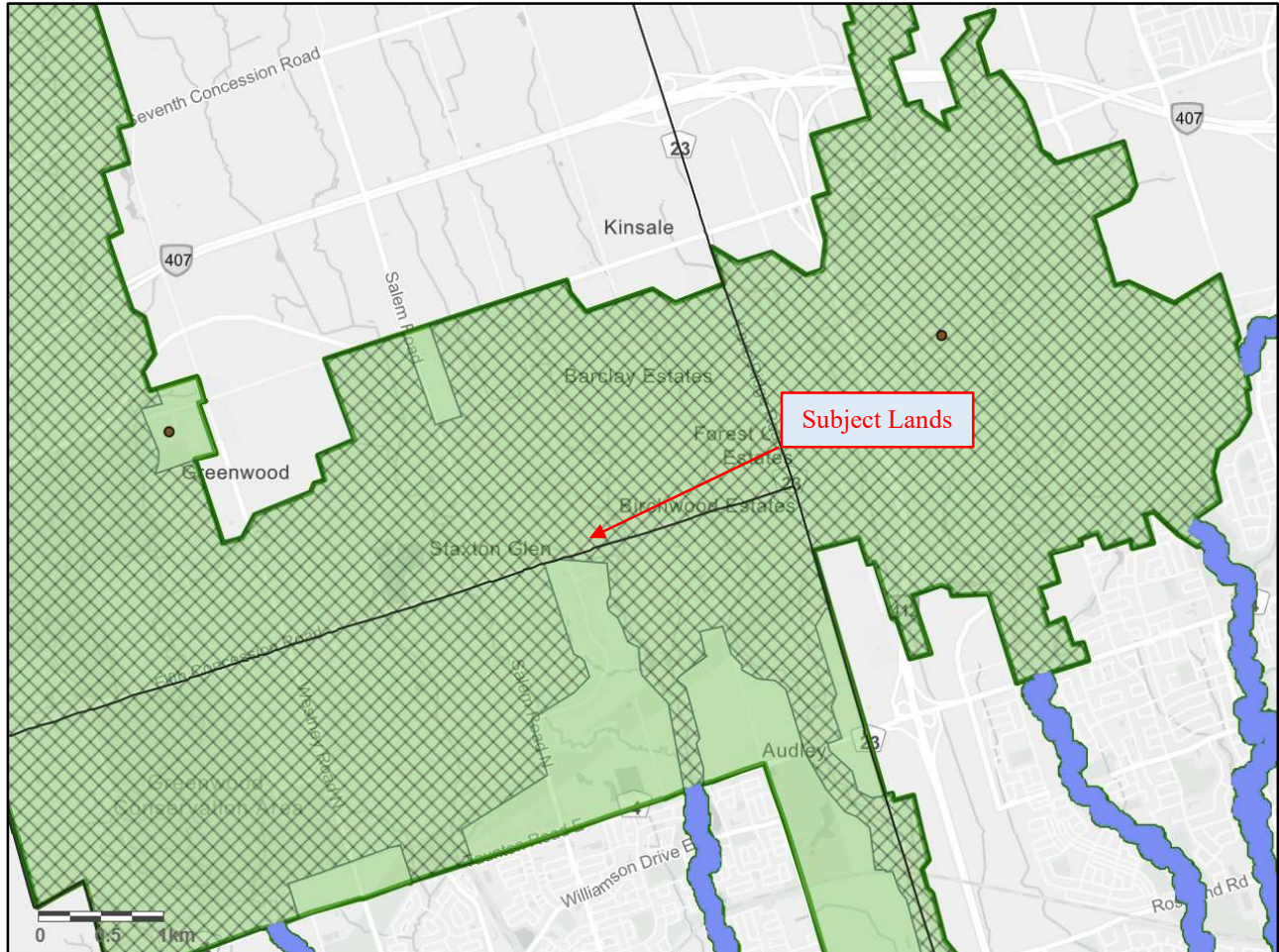
As Province continues to focus policies to expedite planning processes, encourage expedited production of new housing within urban areas and a clear mandate to increase housing supply to meet the growing housing demand within the Greater Golden Horseshoe, which has seen record high house prices as a result housing supply shortages, advancement of housing projects such as the Proposed Development, will aid the Province's housing plan.

Most recently, the Province has given Royal Assent Bill 97 being the *Helping Homebuyers, Protecting Tenants Act, 2023* which, in part, further seeks to expedite housing supply including a new Provincial Planning Statement which is proposed to replace the Provincial Policy Statement and Growth Plan, in an effort to streamline and provide great policy flexibly to ensure more housing.

Bill 97 has received Royal Assent while the proposed Provincial Policy Statement is currently undergoing Public Consultation.

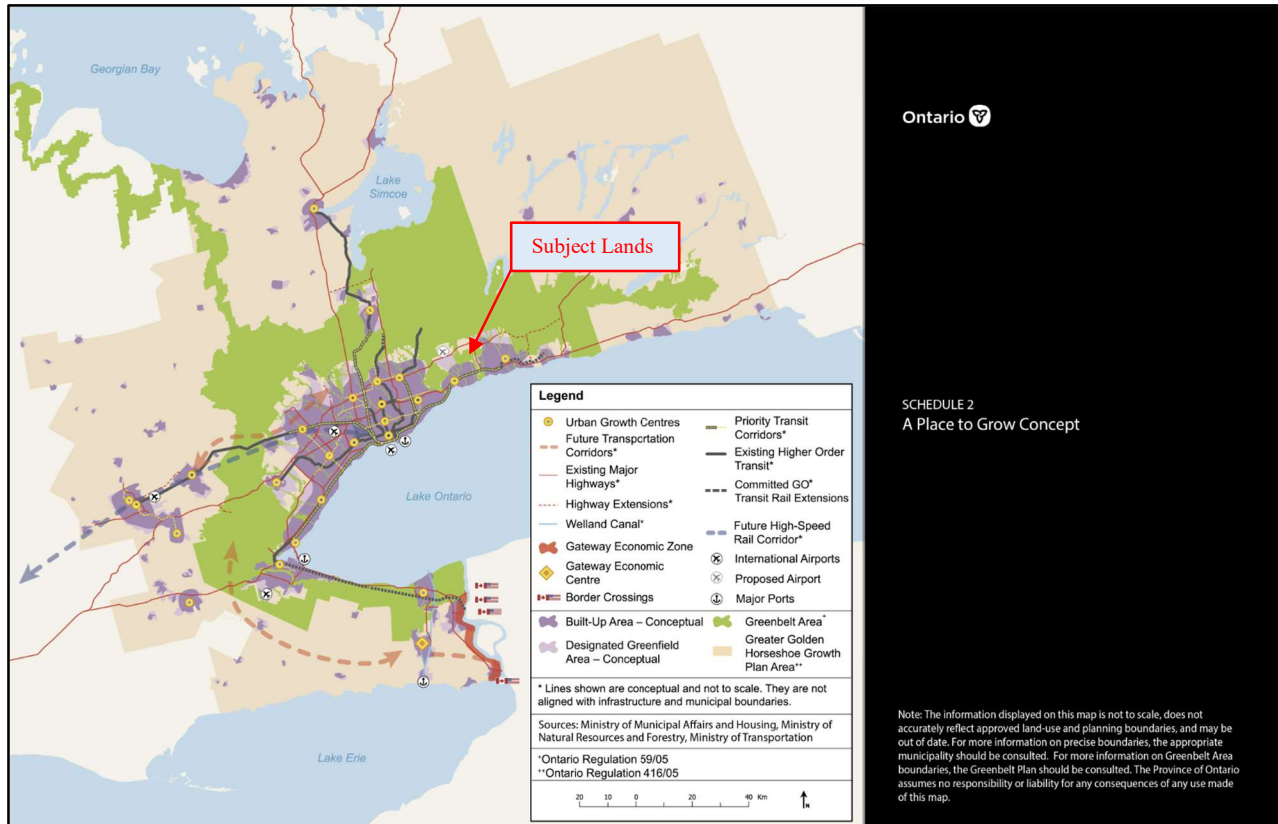
It is recognized the Proposed Development will not consist of urban housing forms nor affordable housing forms. However, the implementation of a previously recognized Country Residential Subdivision will, nevertheless, contribute to the City's housing stock and most notably, for Estate Dwellings.

**Figure 3: Greenbelt Plan Map**



Source: Ontario.ca

**Figure 4: Greater Golden Horseshoe Growth Plan Area**



Source: Ontario.ca

As mentioned, Land Use Planning of the Subject Lands is guided by the *Provincial Policy Statement (2020)* (“PPS”), which provides for a robust set of policies and rules to guide land use planning within the Province to ensure appropriate growth management, use and management of natural resources, protection of the environment and public health and safety.

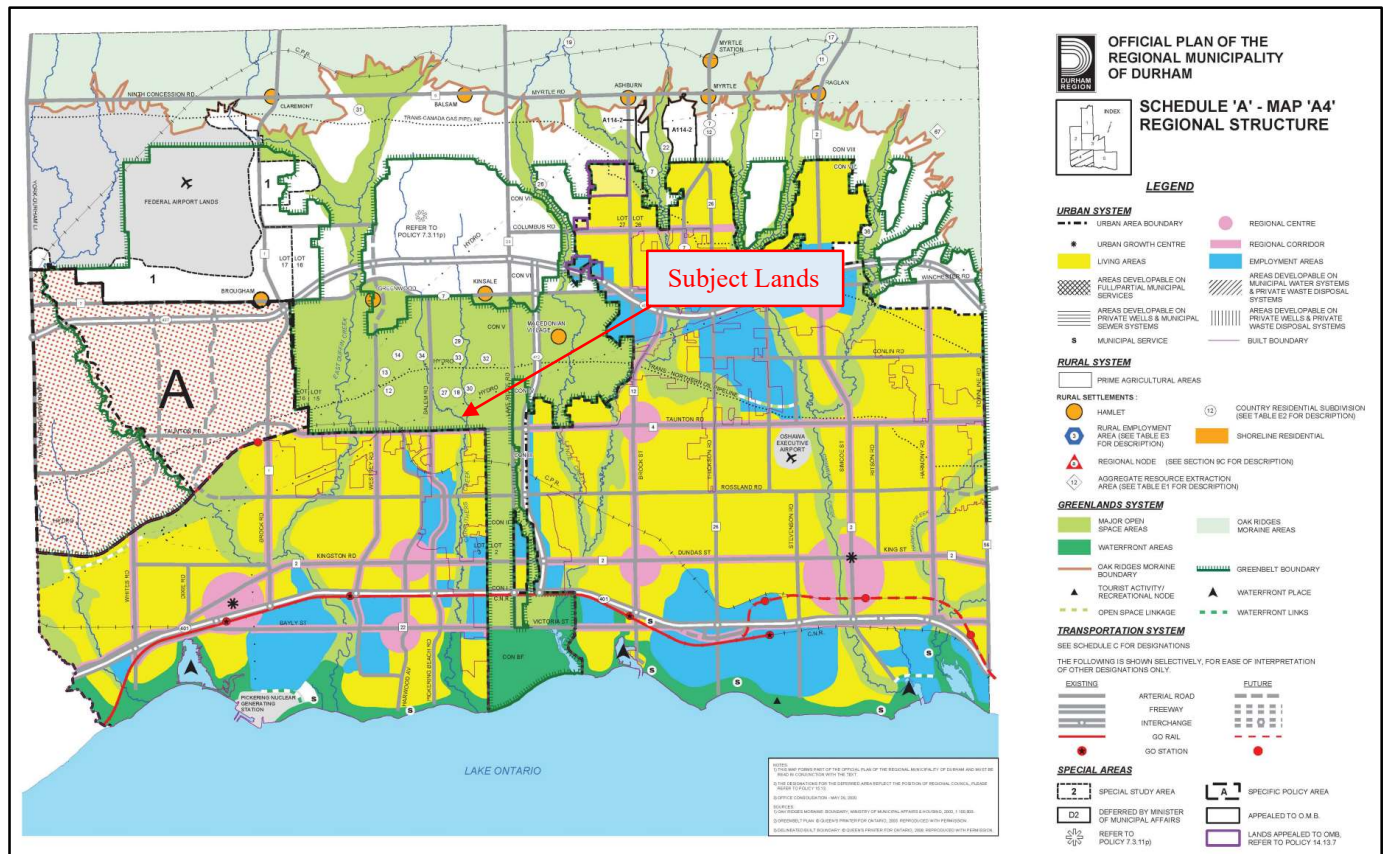
The *Planning Act* requires all decisions pertaining to land use matters shall be consistent with the PPS and conform to the Growth Plan.

Despite the proposed housing forms being of larger dwelling types, the area context is fitting, and the proposed Country Residential Subdivision will generate housing supply, for the City. Accordingly, timely implementation of the Proposed Development is recommended, due to the conformity to Provincial Plans, Policies, and proposed amendment of the Zoning By-law.

3.2 Regional Municipality of Durham Official Plan:

The Subject Lands are designated as an approved ‘Country Residential Subdivision (*Rural Settlement*)’ within the ‘Major Open Space System’, in the Greenlands System, along with being shown as part of the Greenbelt with Key Natural Heritage and Hydrologic Features shown within the Subject Lands, per Schedule B (*Map B1d*).

**Figure 5: Region of Durham Official Plan, Schedule ‘A’, Map ‘A4’**



Source: Region of Durham Office Consolidated Official Plan

Like Provincial Plans and Policies, the Region’s Official Plan provides for a growth management framework of the land use system across Durham Region, to help guide decision making within the regional context to provide regional planning oversight, through protection of the environment, managing of resources and directing growth in an efficient and effective manner.

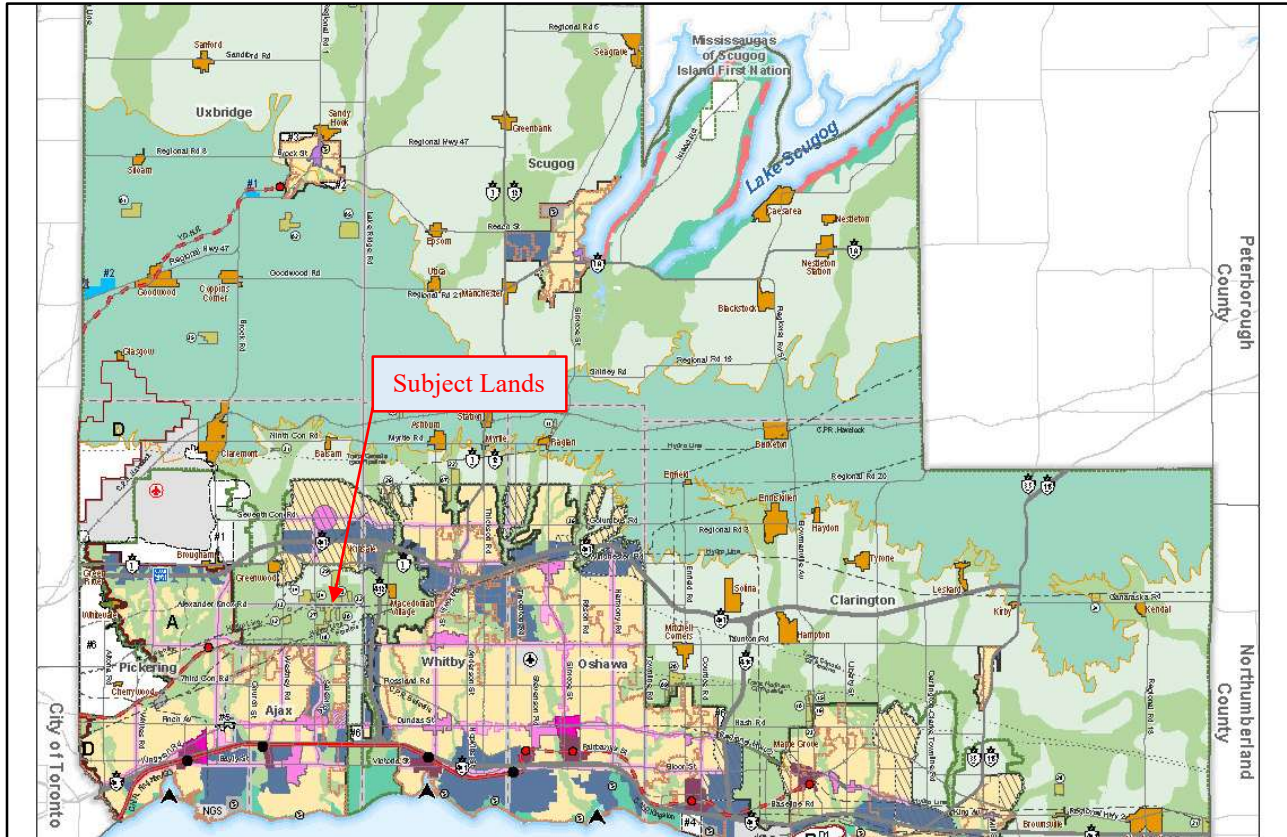
The Proposed Development conforms to the Region's Official Plan including compliance with the standards for regional servicing of individually serviced lots and lot sizing policies. The Proposed Development will also result in the identification, buffering and conveyance of environmental constraints or Natural Features, which is an objective of the Official Plan.

While the lots will be individually serviced by Tile Bed and Septic Systems, the Proposed Development will be serviced by Municipal Water, which is in accordance with Policy 5.4.8 of the Region's Official Plan being a Policy introduced through Region of Durham Official Plan Amendment No. 175, allowing for municipal services to connect, for lands abutting services and located outside of the urban area boundary.

The Region of Durham has adopted an updated Official Plan through the Envision Durham Municipal Comprehensive Review (*MCR*). The adopted Official Plan is currently being reviewed by the Minister of Municipal Affairs and Housing.

The adopted Official Plan maintains the in-effect designations, applicable to the Subject Lands.

**Figure 6: Draft Region of Durham Official Plan, Map 1, Regional Structure-Urban & Rural Systems**

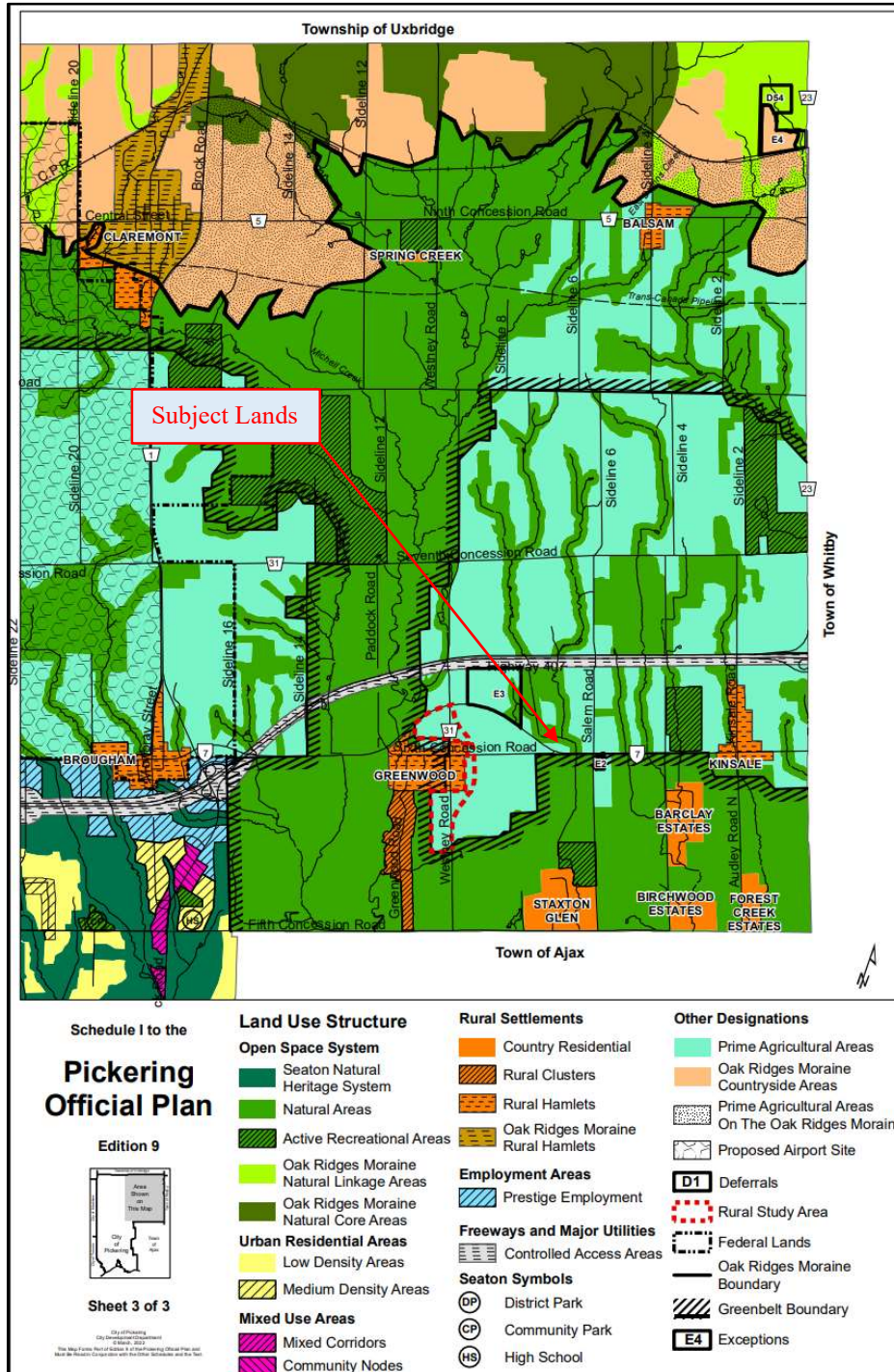


Source: Draft Region of Durham Official Plan

### 3.3 City of Pickering Official Plan:

The Subject Lands are designated 'Rural Settlements-Country Residential' per Schedule 'I' of the *City of Pickering Official Plan*.

**Figure 7: City of Pickering Official Plan, Schedule 'I'**



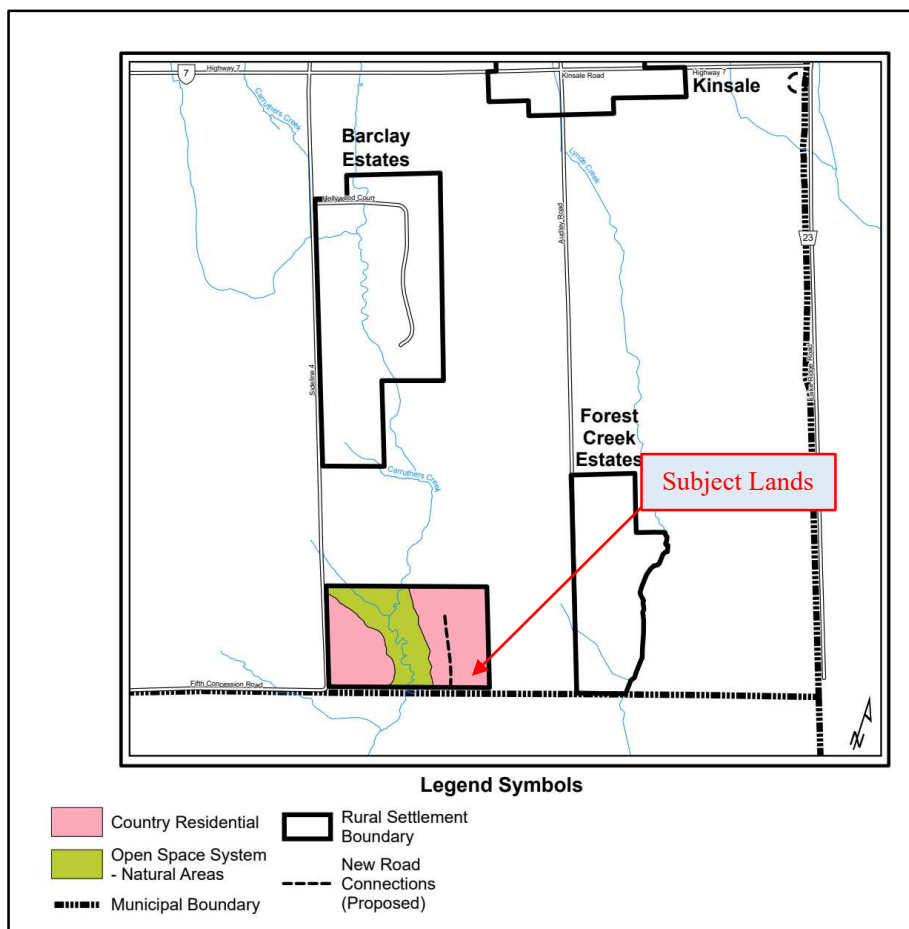
Source: City of Pickering Official Plan



The Proposed Development conforms with the designations of the City’s Official Plan, in that, the proposal consists of large, residential lots, not exceeding and is well below the maximum approved number of residential lots, being 23 lots, per the originally approved Draft Plan of Subdivision.

The Subject Lands are further noted as being part of the ‘Birchwood Estates’ settlement, in accordance with Schedule IV-7 of the Official Plan.

**Figure 8: City of Pickering Official Plan, Schedule ‘IV-Settlement 7: Birchwood Estates**



Source: City of Pickering Official Plan

In accordance with the noted Schedule, the Subject Lands are designated with two parts being part of the ‘Country Residential’ designation and intersected by an ‘Open Space System-Natural Area’s designation with a ‘New Road Connections (Proposed)’, shown on the eastern section of

the Subject Lands. Further, a portion of the lands are noted as being within the ‘Significant Woodlands’ overlay per Schedule III B of the Official Plan. The required 10 metre vegetation protection buffers have been applied in accordance with the Environmental Impact Study recommendations, to protect the existing natural features.

The proposed Draft Plan of Subdivision is in general conformity with the noted designations, with the proposed lotting located west and east of the open space area and proposed private roads, to service the Country Residential areas.

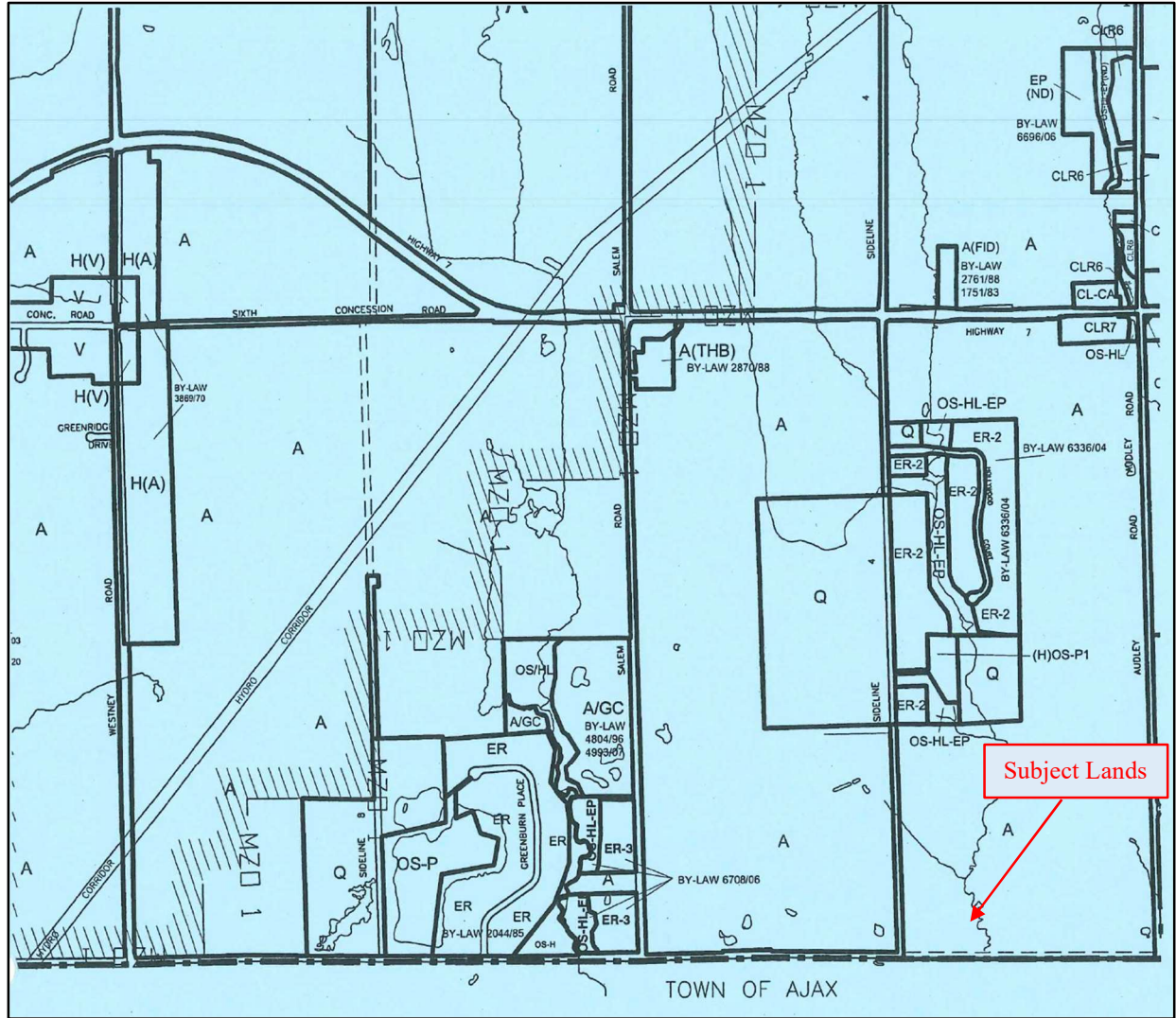
#### 3.4 City of Pickering Zoning By-law No. 3037:

The Subject Lands are Zoned ‘A’-Rural Agricultural per *City of Pickering Zoning By-law No. 3037*, as amended by By-law No. 6577/05.

A site-specific Zoning By-law Amendment is proposed to facilitate the Proposed Development by means of establishing development standards for the proposed Estate Lots and ensuring protection of existing Natural Features including the required vegetated buffers.

The draft Zoning By-law Amendment seeks to rezone the Subject Lands from the current ‘A’-Rural Agricultural Zone to the ‘E-2’ Estate Residential Zone, with site specific exceptions including the ‘OS-EP’ Open Space, Environmental Protection Zone.

**Figure 9: City of Pickering Zoning By-law No. 3037, Zoning Map**



Source: City of Pickering Zoning By-law No. 3037, as amended

Lastly, the Subject Lands are regulated by the TRCA Regulated Area and Carruthers Creek watershed.

## **4.0 Proposed Development**

The Proposed Development generally consists of Draft Plan of Subdivision with 13 freehold Estate Lots tied to two private roads including Open Space Blocks and Infrastructure Blocks. The Proposed Development is intended to proceed as a Common Element Plan of Condominium and accordingly, both a Draft Plan of Subdivision and Draft Plan of Condominium (*Common Element*) were prepared. The private roads and associated infrastructure blocks will be maintained by a future Condominium Corporation while the Open Space Blocks are anticipated to be conveyed to the TRCA or City.

A Pre-Application Consultation Meeting was held on November 2<sup>nd</sup>, 2020, to overview the Proposed Development including proposed Draft Plan of Subdivision and to confirm the required Plans and Studies to assess the Proposed Development.

The Pre-Application Consultation Meeting and Comments resulted in revisions to the Proposed Development, notably ensuring the proposed Estate Lots adhere to the Region's Lot Sizing Requirements and assuring the Proposed Development could be serviced with Municipal Water. Extensive Background Studies were prepared to ensure development limits, as proposed are accurate and to ensure no adverse impacts arising from the Proposed Development. The Background Studies took considerable time to prepare, mainly due to the required in field surveys and ground water monitoring associated with the Subject Lands' existing Natural Features.

### 4.1 Proposed Draft Plan of Subdivision & Draft Plan of Common Elements Condominium:

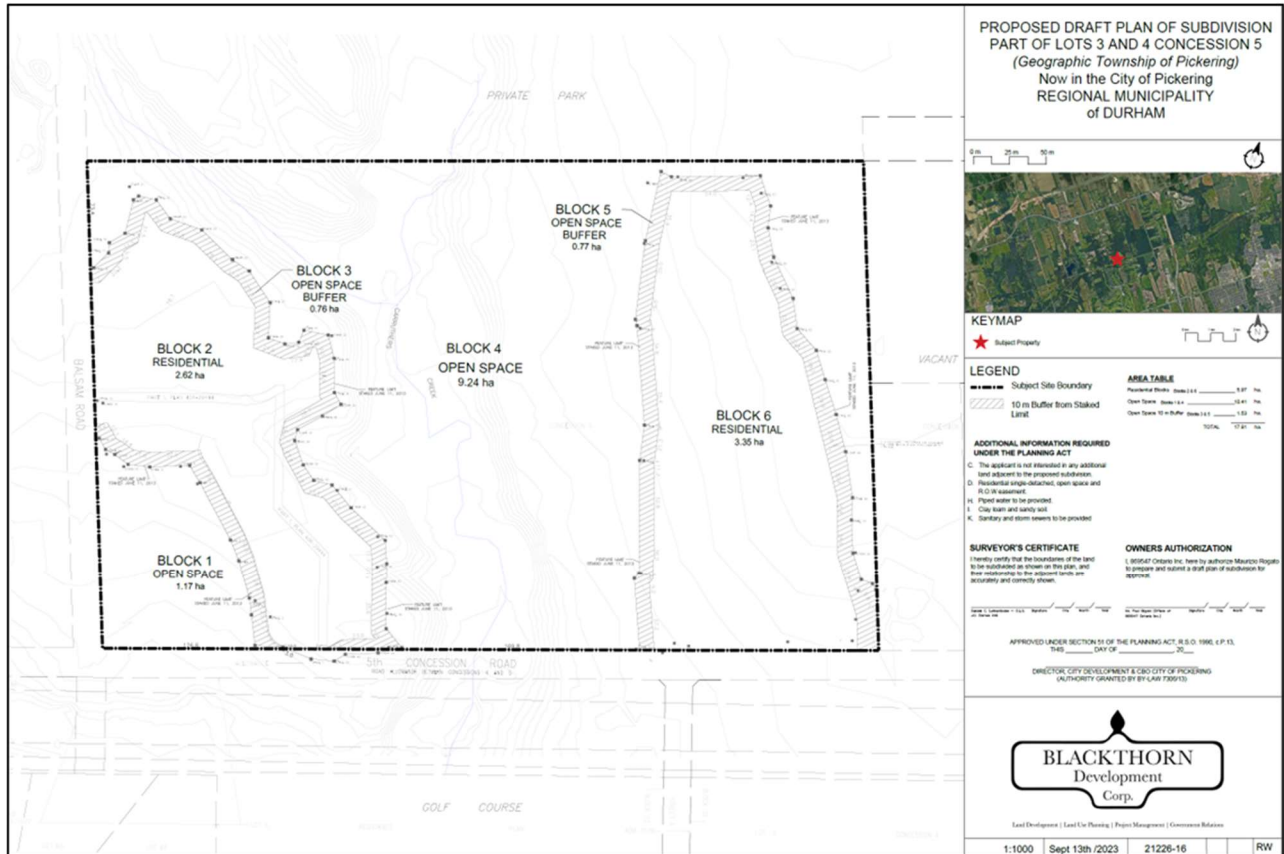
As mentioned, the Proposed Development consists of 13 Estate Lots, ranging in Lot Areas of 0.37 Hectares (*0.9 Acres*) up to 0.59 Hectares (*1.45 Acres*) including two Private Roads with a minimum width of 6.5 metre, each with a cul-de-sac, a total of 11.95 Hectares (*29.5 Acres*) of Open Space Blocks including 10-metre Buffers and two Water Pumping Station Blocks.

Access is proposed from both Sideline 4 (*Balsam Road*) and 5<sup>th</sup> Concession Road. The Private Roads are not connecting but rather, each Private Road provides access to the proposed Estate Lots with 6 Lots being accessed via a Private Road from Sideline 4 (*Balsam Road*) and 7 Lots being accessed via a Private Road from 5<sup>th</sup> Concession Road.

As the tenure proposed is a Common Element Condominium, the Draft Plan of Subdivision seeks to create two residential blocks together with four Open Space Blocks inclusive of Buffers. The proposed Draft Plan of Common Elements Condominium will create the parcel of tied lands

(POTLs) including the Private Roads, Water Pumping Station Blocks, for which the freehold Estate Lots will be tied to.

**Figure 10: Draft Plan of Subdivision**



Source: Blackthorn Development Corp.

**Figure 11: Draft Plan of Common Elements Condominium**



Source: J.D. Barnes Surveying Limited

**4.2 Proposed Zoning By-law Amendment:**

As mentioned, the proposed Zoning By-law Amendment seeks to rezone the Subject Lands to facilitate the Proposed Development by means of zoning the Estate Lots as draft Zoning By-law Amendment seeks to rezone the Subject Lands from the current ‘A’-Rural Agricultural Zone to the ‘E-2’ Estate Residential Zone, with site specific exceptions including the ‘OS-EP’ Open Space, Environmental Protection Zone.

The draft Zoning By-law Amendment is included within Appendix II of this report.

## **5.0 Supporting Studies**

Several and extensive supporting studies were prepared to analyze the Subject Lands including the Proposed Development and to ensure appropriate application and adherence to design standards.

The following are summaries of the supporting, technical studies prepared to analyze the proposed development and assess its feasibility.

### 5.1 Phase One Environmental Site Assessment:

A Phase One Environmental Site Assessment was prepared by GeoPro Consulting Limited and dated September 10<sup>th</sup>, 2021.

The Assessment was carried to examine the prior uses and current uses of the Subject Lands, reviewing any notable environmental concerns, in accordance with Ministry Standards 406/19, as it is anticipated a Record of Site Condition (*RSC*) is not required. The Assessment is an update to a prior Assessment, prepared by GeoPro Consulting Limited and dated May 2017.

The Assessment released three Areas of Potential Environmental Concern (*APECs*) being a former residential house area, the northwest corner portion of the site and the southwest boundary area of the site.

To examine the *APECs*, a Sampling and Analysis Plan including a Soil Characterization Report, which is summarized within this Report, were recommended and prepared.

As outlined below, the Soil Characterization Report did not identify any exceedances per Ministry Standard and therefore, a Phase Two Assessment is not required.

### 5.2 Stages 1, 2, 3, and 4 Archaeological Assessments:

The Subject Lands underwent extensive Archaeological review with the completion of a Stage 1, 2, 3, and 5 Archaeological Assessments, prepared by ArcheoWorks Inc., in collaboration with the Curve Lake First Nation and Huron-Wendat First Nation who participated during the field investigations and reviewed the Stage 4 Archaeological Assessment.

The Assessments are dated May 2<sup>nd</sup>, 2022 (*Stage 1-2 & Supplementary Assessments*), July 20<sup>th</sup>, 2022 (*Stage 3 Assessment*) and May 4, 2023 (*Stage 4 Assessments*).

The Stage 1 and 2 Assessment including the Supplementary Assessment revealed the potential for artifacts of significance and as such, a Stage 3 Assessment was undertaken, consisting of the excavation of 34 test units, resulting in the recovery of a total of 176 Indigenous and 915 Euro-Canadian artifacts. No in situ potential cultural features were encountered but 117 indigenous artifacts were recovered from subsoil.

One component or site necessitated a Stage 4 Assessment. The site referenced as 'H1' contained artifacts typical of those associated with a residential occupation from the mid-19 century historic period, circa 1845-1861, where the site's Ownership was under William Coffin and Lawrence Heydon. Both the Euro-Canadian and Indigenous artifacts found within the H1 Archaeological Site were deemed to be of significant cultural heritage value or interest.

As such, a Stage 4 Assessment consisting of mitigation and development impacts review was required and undertaken. As mentioned, both the Curve Lake First Nation and Huron-Wendat First Nation participated and monitored the field investigations and Assessments.

It should be noted, the H1 Archaeological Site is located outside of the proposed area of disturbance being near proposed Lot 1 within the Open Space Block.

The Stage 4 investigation consisted of 38 one-square-metre units, resulting in the recovery of 183 Indigenous lithic artifacts, all consisting of debitage without any formal tools or diagnostic attributes. Further, a mechanical excavation of 680 square metres was undertaken, to remove topsoil within the H1 Archaeological Site. Within the mechanically excavated area, no Indigenous or historic Euro-Canadian cultural features were encountered.

As no Euro-Canadian artifacts were recovered within the H1 Archaeological Site, it was concluded that the historical remains found during the Stage 3 Archaeological Assessment represent a residential occupation attributable to the above noted Owner who were considered non-resident landowners.

The Indigenous component of the H1 Archaeological Site was deemed to represent a small, specialized site for tooling, likely representative of a 'single event' wherein a hunter discarded a broken point and fashioned a new one without no specified time-period attributed due to the lack of diagnostic attributes.

Accordingly, the H1 Archaeological Site has been recommended as being free of any further archaeological concerns.



The remainder of the Subject Lands was also deemed to be free of any archaeological significant findings or artifacts.

The Assessments have been filed with the Ministry of Citizenship and Multiculturalism for deposit into the Public Register of Archaeological Reports.

According, the Proposed Development can be accommodated on the Subject Lands without any impacts to Archeological features of significance.

### 5.3 Arborist Report:

An Arborist Report was prepared by Beacon Environmental and dated September 2023.

The Report provided for an Inventory of existing trees and assessed impacts on existing trees arising from the Proposed Development of the Subject Lands.

A total of 139 trees were inventoried as having a minimum DHB of 15 cm within the Subject Lands and adjoining properties. Of the total trees inventoried 81 individual trees are proposed to be removed including 74 trees impacted by the Proposed Development and 7 trees recommended for removal due to their poor condition or health. 58 trees are recommended for preservation with appropriate tree protection to be undertaken during Site Works.

In accordance with the City's Tree Compensation Guidelines, 114 replacement trees are required to compensate for the removal of trees which are a minimum of 15 cm DBH.

As the Proposed Development consists of Estate Lots which will be individual constructed, based on market absorption, it is recommended the compensation plantings be undertaken within the preserved Open Space Bocks and/or Vegetated Planted Buffers.

The Report provides for a list of recommended tree types, to be planted, in consultation with the City.

Accordingly, despite the Proposed Development impacting existing tree cover, there are opportunities to recoup the loss through compensation plantings within the preserved natural feature blocks and further, individual planting plans will also be generated as each Estate Home is constructed.

#### 5.4 Environmental Impact Study & Wetland Water Balance Risk Assessment:

An Environmental Impact Study and Wetland Water Balance Risk Assessment was undertaken by Beacon Environmental and dated September 2023.

Both studies were undertaken to ensure no adverse impacts on any Natural Feature are posed by the Proposed Development of the Subject Lands.

The assessments included the inventory of all potential Features including habitats and the establishment of development limits, in consultation with the Toronto and Region Conservation Authority. Staking of development limits was undertaken twice being June 11<sup>th</sup>, 2023, and August 11<sup>th</sup>, 2021.

The Wetland Water Balance Risk Assessment determined the existing wetland community, located on and off site, was deemed to be ‘low risk’ with unlikely impacts arising from the Proposed Development on the existing wetland community. Accordingly, monitoring is not recommended but a mitigation plan to maintain water balance to the wetland is recommended along with a non-continuous hydrological model with output at monthly or higher resolution.

The Environmental Impact Study included a comprehensive, seasonal field program to assess existing site conditions and function of natural features.

Natural Features identified included a Tributary of Carruthers Creek containing Redside Dace habitat, Significant Woodlands with bat habitat, Significant Valleylands, Wetlands and as noted, fish habitat and habitat for endangered or threatened species.

The Study determined no adverse impacts on Natural Features arising from the Proposed Development other than accommodation of two storm outfalls, buffer encroachments to accommodate road and water infrastructure including associated tree removals, which will be compensated, in accordance with City Guidelines. Further, mitigation through Low Impact Development measures, the preservation of woodlands with buffers, and appropriate timing of vegetation removal were recommended.

The Environmental Impact Study concludes the Proposed Development can be implemented on the Subject Lands while complying and conforming with relevant policies including the *Provincial Policy Statement, Greenbelt Plan, Region of Durham Official Plan* and *City of Pickering Official Plan*.

### 5.5 Geomorphic Assessment:

Due to the proximity of Carruthers Creek, a Geomorphic Assessment was prepared by Beacon Environmental and dated October 2023.

The Assessment characterized existing conditions of the Tributary transversing the Subject Lands to determine any impacts arising from the Proposed Development and the proposed limits of development on the Tributary including on any habitat impacts, in this case being Redside Dace.

Two reaches of Carruthers Creek were noted (*e.g.*, CC-1 & CC-2) with reach CC-1 being noted as being in a transitional state, subject to Geomorphic Assessment and reach CC-2, noted as being in a stable state. Both reaches were noted as being in good ecological health with post development impacts only noting a minor decrease in erosion potential for reach CC-1. To mitigate such an impact the stormwater management plan would address the same.

Lastly, the proposed storm outfalls are located outside the Meander Belt and as such, conformity with the Toronto and Region Conservation Authority's design criteria has been met.

Accordingly, the Proposed Development does not pose adverse impacts to the Tributary of Carruthers Creek including any potential habitat therein.

### 5.6 Geotechnical Investigation (Slope Stability & Setback Study):

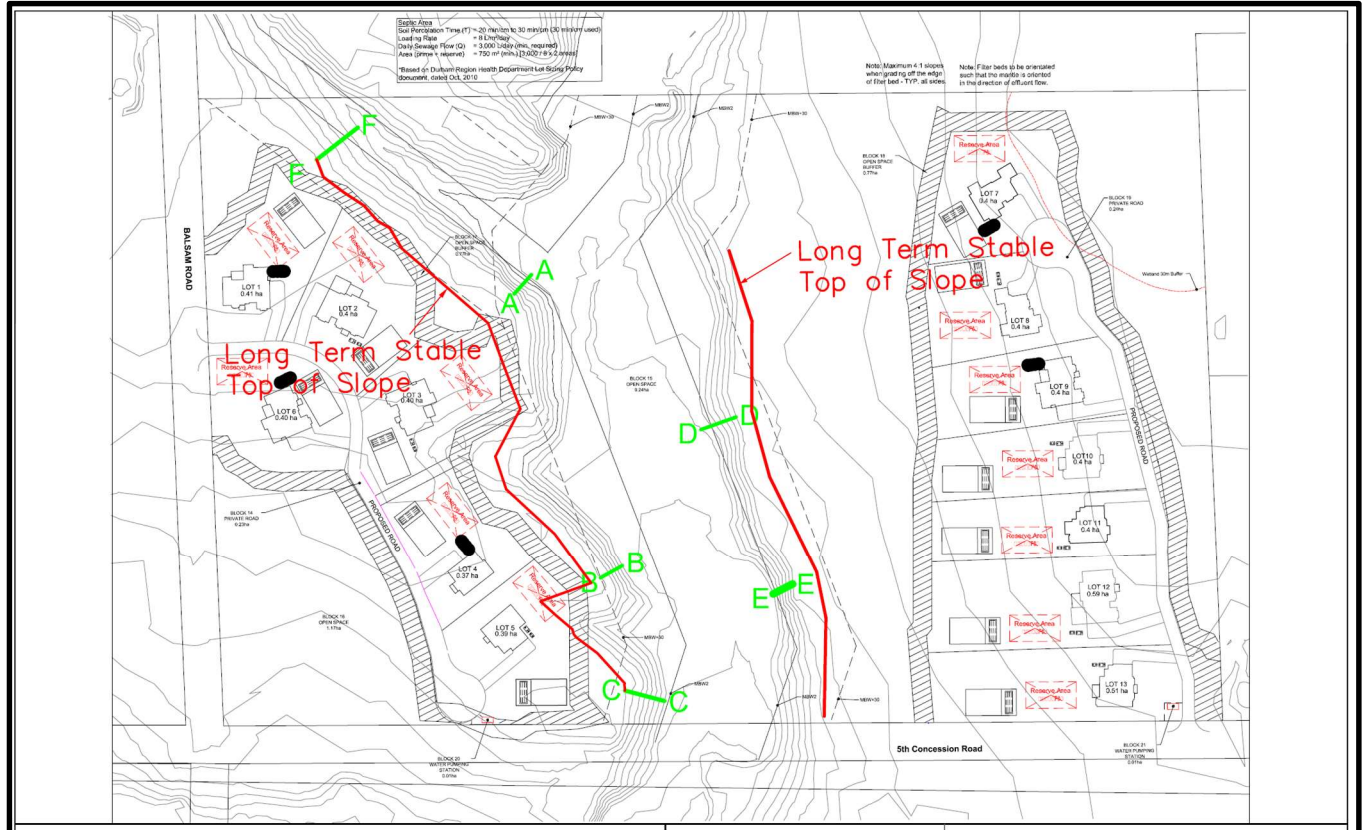
GeoPro Consulting Limited prepared a Geotechnical Investigation, dated October 27<sup>th</sup>, 2023 to analyze the site's stable slope and required setback.

The assessment including a visual field review of current slope conditions and a global stability analysis based on subsurface conditions encountered in the boreholes carried during the Investigation.

Existing slopes are noted on both sides of Carruthers Creek with a range of 1.7 horizontal to 1 vertical to 5.6 horizontal to 1 vertical, with heights ranging from 5 meters to 7 metres.

Six Sections were examined along the slope including Sections A-A, B-B, C-C, D-D, E-E and F-F, as shown on Figure 12 below:

**Figure 12: Long Term Stable Top of Slope:**



Source: GeoPro Consulting Limited.

Sections C-C and F-F are considered as 'stable' at the existing crest line. For Section A-A, 20.98 metres is applied away from the existing top of the slope with B-B being 5.75 metres away, D-D 9 metres away, and E-E being 14.45 metres away. The plotted slope line per Figure 12 will be reviewed through the application review process including being confirmed by the Toronto and Region Conservation Authority. The Report recommends preservation of vegetation on the existing the existing slopes, with surface water being directed away from the slope surface and no placement of soils or materials on the existing slope or near the top of the slopes.

In accordance with the Conceptual Building Envelope Plan (Figure 13) no foundations are anticipated near the existing slope and accordingly, the Proposed Development is not anticipated to impact the long-term stable slope which will also be protected in accordance with the recommendations and 'best geotechnical practices' during construction of the dwellings.

### 5.7 Soil Characterization Report & Supplementary Geotechnical Investigation:

GeoPro Consulting Limited also prepared a Soil Characterization Report and a Supplementary Geotechnical Investigation dated December 28<sup>th</sup> and December 5<sup>th</sup>, 2022, respectively.

The Soil Characterization Report was prepared in support of filing the Phase One Environmental Site Assessment, where three APECs were identified. The Report was completed in accordance with Ministry Regulation 406/19 and included testing of soil samples. The Report revealed no exceedances of applicable Ministry standards per the samples tested. Recommendations noted a shallow groundwater table and ensuring appropriate testing for any excess soils.

The Supplementary Geotechnical Investigation was carried out to obtain information pertaining to subsurface conditions of the Subject Lands and to provide recommendations for the construction of the proposed Single Detached Dwellings. The supplementary Investigation provides additional information arising from an original Investigation conducted in 2017 and the supplementary includes the borehole logs from the original Investigation. The additional field work included six boreholes at a depth of 5 metre, where carried out in August 2021.

Soil conditions described within the supplementary Investigation note a topsoil thickness of 120mm to 350mm, along with fill materials consisting of silty fine sand, encountered within three boreholes, extending 2.1 metres below the existing ground surface. Clayey silt deposits were also encountered in one borehole at a depth of approximately 5 metres below the existing ground surface. Groundwater levels ranged from 2.2 metres below ground surface to 4.4 metres, indicating a varied groundwater level.

To ensure no impacts during construction and appropriate methodology for excavation and footings, the Investigation provides eleven recommendations including a pre-construction meeting, the use of approved engineering fill within the underside of the elevations, offset stakes identifying basements, garages and building footprints, stripping of topsoil, full-time geotechnical inspection and compaction testing during the placement of any engineering fill, assuring excavations are carried out in accordance with Ministry regulations, no ponding of surface water, clear stone backfill to be used in any portion of engineering fill, protection of poured pads and reinspection of any fill over a prolonged period of not being used.

The Investigation demonstrates the Subject Lands' soil characteristics can be managed to ensure safe construction the proposed dwellings.

#### 5.8 Preliminary Nitrate Impact Assessment:

A Preliminary Nitrate Impact Assessment was prepared GeoPro Consulting Limited, dated October 18<sup>th</sup>, 2023.

The Assessment was prepared by collecting groundwater samples from existing monitoring wells, which were drilled in support of the Hydrogeological Assessment. Samples were taken from six wells. The estimated nitrate concentration, for the site, was estimated to be 0.19 mg/L based on an average measurement taken from the existing wells.

The nitrate dilution calculations were assessed in accordance with the Region's Lot Sizing Requirements and *MECP Procedure D-5-4: Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment* to ensure the Proposed Development water quality is maintained.

The Assumptions include 13 Estate Lots, a Daily Effluent Flow of 1,000 L/day, a Developable Area of 74,900 Square Metres, Infiltration Rate of 0.32m/year, Nitrate Loading of 40g/day and Assumed Impervious Surface of 30%.

Based on the above Assumptions, the estimated on-site recharge is 58,966 L/day and an estimated total daily nitrate load of 520,000 mg/day being an equivalent of 8.82 mg/L in the groundwater, for the proposed 13 Lots.

The Assessment concluded no exceedances above the Region's guidelines in groundwater quality with a background nitrate concentration of 0.19 mg/L and approximately 8.82 mg/L of nitrate is anticipated to be added to the groundwater system, which meets Regional Guideline and Ontario Drinking Water Quality Standards.

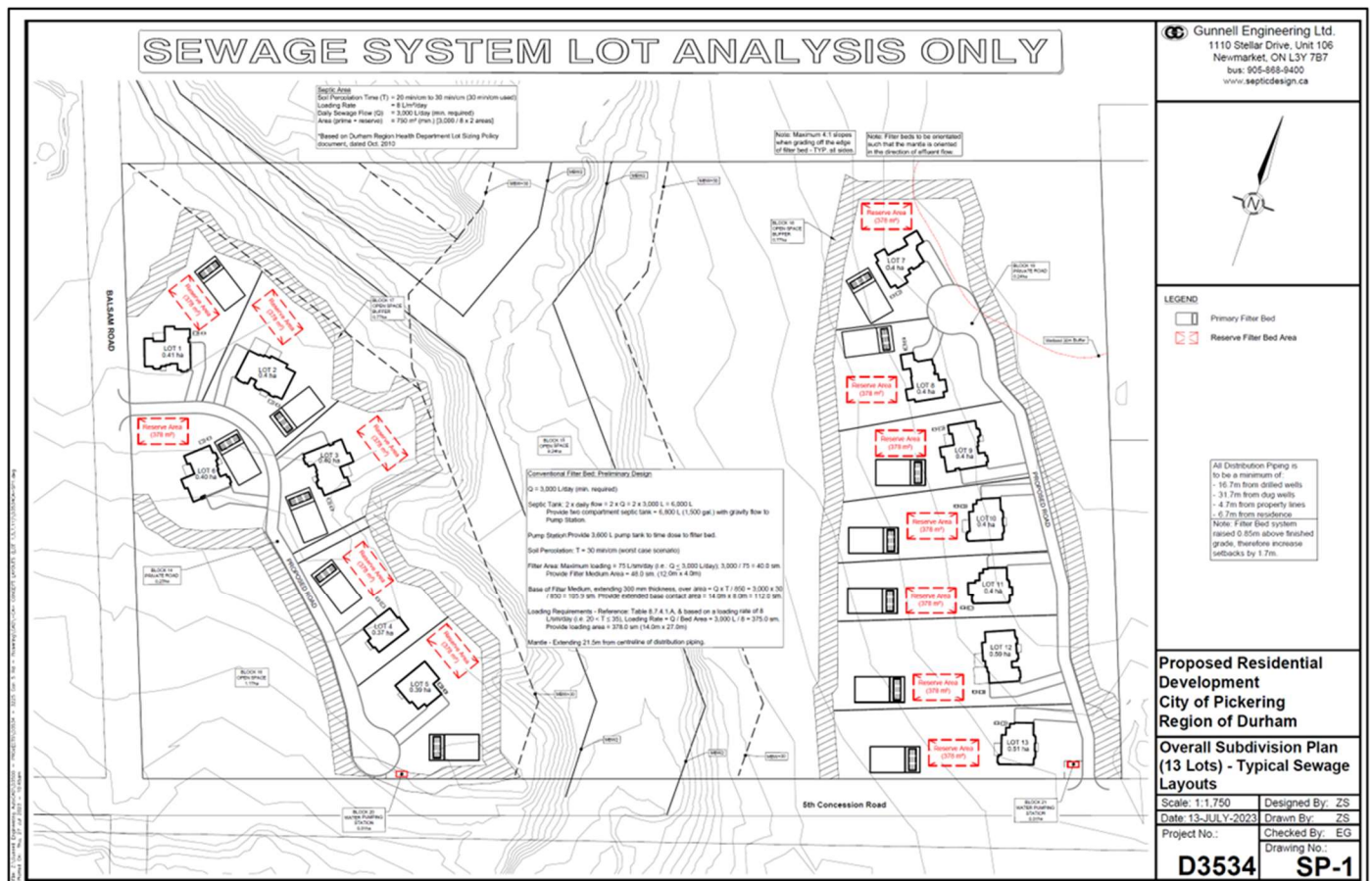
However, the Preliminary Assessment has demonstrated the lot sizes per the Proposed Development are sufficient to ensure protection of on-site groundwater quality.

#### 5.9 Preliminary Sewage System Assessment:

A Preliminary Sewage System Assessment was prepared by Gunnell Engineering and dated June 30<sup>th</sup>, 2022. The Assessment was prepared with review of the Region of Durham's Health Department requirements for Lot Sizing, the Preliminary Nitrate Assessment prepared by GeoPro Consulting Limited, review of a Concept Plan for the Proposed Development and the Ministry's Guideline D-5-4 pertaining to Individual On-Site Sewage Systems.

As per the Preliminary Nitrate Assessment, Gunnell Engineering noted, with inclusion of the protected Open Space Blocks, within the overall land area, the assessment of the 13 proposed lots would likely result in no impacts. The Region's concurrence with the recommended approach to include the open space buffers area in the overall land area to assess attenuation was obtained and therefore, it is anticipated the Sewage Systems can be properly designed based on the average lot size of 0.4 Hectares. The Sewage System Lot Analysis is shown in Figure 13 below:

**Figure 13: Sewage System Lot Analysis (Conceptual Building Envelope Plan)**



Source: Gunnell Engineering Ltd.

#### 5.10 Hydrogeological Assessment:

A Preliminary Hydrogeological Assessment was prepared by GeoPro Consulting Limited and dated October 30<sup>th</sup>, 2023. The purpose of the Assessment was to obtain information which would aid the preliminary design of the Proposed Development including characterization of the soil and groundwater conditions for any required dewatering or groundwater control, evaluation of water supply and assess infiltration rates of the existing soils on each, proposed Lot.

The Assessment included the installation of seven monitoring wells was undertaken, at elevation depths of 135.29 to 136.13 including ten test pits were advanced by hand to a depth of approximately 0.5 mBGS.

The Assessment concluded a Permit To Take Water may be required for each of the proposed Lots, dependant on final design. Further, recommendations were provided for the individual septic system designs, based on shallow groundwater depths, being raised septic beds, supported by imported materials and ensuring the design is compliant with the Ontario Building Code.

As the development is now proposed to be on Municipal Water, the potable well recommendations are not applicable including the recommendation to further study water supply.

#### 5.11 Water Balance Assessments:

Utilizing the findings of the Preliminary Hydrogeological Assessment, a Water Balance Assessment and updated Water Balance Assessment were prepared by R.J. Burnside & Associates Limited, dated February 14<sup>th</sup>, 2023, and August 15<sup>th</sup>, 2023.

The Assessments were prepared to support the Engineering Design and to evaluate potential impacts arising from the Proposed Development on the natural water balance associated with the Subject Lands.

The original Assessment noted a potential reduction to the natural infiltration, post development and with no Low Impact Development (*LIDs*) features, of approximately 1,300 cubic metres per year. The average pre-development infiltration volume was estimated to be approximately 30,600 cubic metres per year. Strategies were recommended to match the pre-development infiltration volume including ensuring extra depth of topsoil to ensure more stormwater retention, delaying runoff of stormwater and disconnecting the rear half of roofs, from the proposed dwellings, directing extra water to pervious areas, maximizing the potential for additional infiltration.



The updated Water Balance Assessment overviewed the proposed stormwater management and LIDs proposed including the recommended extra depth of topsoil, the disconnection of approximately 2,890 cubic metres of roofs to help increase infiltration of stormwater, approximately 2,779 cubic metres of driveways will be directed to lawn areas, which will also help increase infiltration and the introduction of soakaway pits collecting approximately 2,750 cubic metres of runoff and accommodating the 5mm storm event.

With the above mitigation and LID measures in place, there is approximately 4% increase of the pre-development annual infiltration volume and as such, the LID measures can mitigate the infiltration deficit by increasing recharge volumes within the proposed development area, resulting in a post-development infiltration volume of approximately 31,751 cubic metres being above the pre-development scenario.

Accordingly, the impacts arising on the natural water balance of the Site can be mitigated by proposed use of mitigation strategies and LIDs, which have been implemented within the proposed site's engineering design.

**Figure 14: Water Balance Calculations**

Frisque Lands Water Balance - Existing Conditions and Post-Development with Mitigation (with LIDs)														
Land Use	Soil Type	Approx. Land Area (m <sup>2</sup> )**	Estimated Impervious Fraction for Land Use**	Estimated Impervious Area (m <sup>2</sup> )	Runoff from Impervious Area* (ml/a)	Runoff Volume from Impervious Area (m <sup>3</sup> /a)	Estimated Pervious Area (m <sup>2</sup> )	Runoff from Pervious Area* (ml/a)	Runoff Volume from Pervious Area (m <sup>3</sup> /a)	Infiltration from Pervious Area* (ml/a)	Infiltration Volume from Pervious Area (m <sup>3</sup> /a)	Total Runoff Volume (m <sup>3</sup> /a)	Total Infiltration Volume (m <sup>3</sup> /a)	
<b>Existing Land Use</b>														
Undeveloped Pasture / Shrub Lands (West)	Sandy Loam	58,500	0.00	0	0.741	0	58,500	0.067	3,902	0.200	11,706	3,902	11,706	
Wooded Lands (West)	Sandy Loam	22,100	0.00	0	0.741	0	22,100	0.067	1,474	0.200	4,422	1,474	4,422	
Undeveloped Pasture / Shrub Lands (East)	Sandy Silt Till	61,600	0.00	0	0.741	0	61,600	0.120	7,396	0.147	9,039	7,396	9,039	
Wooded Lands (East)	Sandy Silt Till	36,800	0.00	0	0.741	0	36,800	0.120	4,418	0.147	5,400	4,418	5,400	
<b>TOTAL PRE-DEVELOPMENT</b>		<b>179,000</b>	<b>-</b>	<b>0</b>		<b>0</b>	<b>179,000</b>	<b>-</b>	<b>17,190</b>	<b>-</b>	<b>30,568</b>	<b>17,190</b>	<b>30,568</b>	
<b>Post-Development Land Use</b>														
Open Space & Buffer Area (Pasture/Shrub - West)	Sandy Loam	32,500	0.00	0	0.741	0	32,500	0.067	2,168	0.200	6,503	2,168	6,503	
Wooded Lands (West)	Sandy Loam	22,100	0.00	0	0.741	0	22,100	0.067	1,474	0.200	4,422	1,474	4,422	
Residential Lots (West)	Roof, Driveway and Pervious areas	Sandy Loam	23,001	0.16	3,761	0.741	2,788	19,240	0.082	1,583	0.247	4,748	4,063	4,748
	Roof to grass (assume 50% of runoff volume infiltrates)*	Sandy Loam	1,701	1.00	1,701	0.741	1,261	0	0.082	0	0.247	0	630	630
	Driveway to grass (assume 50% of runoff volume infiltrates)*	Sandy Loam	1,298	1.00	1,298	0.741	962	0	0.082	0	0.247	0	481	481
Soakaway Pits - assume designed to accommodate 5 mm storm from 196 m <sup>2</sup> of roof area, 5 mm storms account for approximately 48% of total rainfall* (42% of precipitation), so assume 42% of runoff from impervious areas will infiltrate	Sandy Loam	NA	NA	NA	NA	NA	NA	NA	NA	NA	308	NA	308	
Open Space & Buffer Area (Pasture/Shrub - East)	Sandy Silt Till	27,300	0.00	0	0.741	0	27,300	0.120	3,278	0.147	4,006	3,278	4,006	
Wooded Lands (East)	Sandy Silt Till	36,800	0.00	0	0.741	0	36,800	0.120	4,418	0.147	5,400	4,418	5,400	
Residential Lots (East)	Roof, Driveway and Pervious areas	Sandy Silt Till	31,639	0.13	4,199	0.741	3,112	27,440	0.126	3,445	0.153	4,211	6,009	4,211
	Roof to grass (assume 25% of runoff volume infiltrates)*	Sandy Silt Till	1,189	1.00	1,189	0.741	881	0	0.126	0	0.153	0	661	220
	Driveway to grass (assume 25% of runoff volume infiltrates)*	Sandy Silt Till	1,472	1.00	1,472	0.741	1,091	0	0.126	0	0.153	0	818	273
Soakaway Pits - assume designed to accommodate 5 mm storm from 1,762 m <sup>2</sup> of roof area, 5 mm storms account for approximately 48% of total rainfall* (42% of precipitation), so assume 42% of runoff from impervious areas will infiltrate	Sandy Silt Till	NA	NA	NA	NA	NA	NA	NA	NA	NA	549	NA	549	
<b>TOTAL POST-DEVELOPMENT</b>		<b>179,000</b>	<b>-</b>	<b>13,620</b>	<b>-</b>	<b>10,095</b>	<b>165,380</b>	<b>-</b>	<b>16,366</b>	<b>-</b>	<b>30,147</b>	<b>24,000</b>	<b>31,751</b>	
											% Change from Pre to Post	140	-4	
											Effect of development (with mitigation)	1.4 times increase	Maintains infiltration	
											To balance pre- to post infiltration target (m <sup>3</sup> /a)**	-1,184		

Source: R.J. Burnside & Associates Limited.

### 5.12 Functional Servicing & Stormwater Management Report:

A Functional Servicing & Stormwater Management Report was prepared by Candevcon East Limited, dated July 2023, to provide a servicing, grading, and stormwater management strategies in support of the Proposed Development.

In each servicing scenario, existing conditions were examined along with proposed conditions.

The servicing strategies ensure site servicing and stormwater management in support of the Proposed Development can be advanced, in accordance with Provincial and Municipal Standards.

For stormwater management, the storm sewer system will be designed to convey the 5-year post-development flows from the development to two proposed outlets to Carruthers Creek, with major system flows from the private roads, front half of the roofs and front yards, captured and detained. Quantity control will be provided in oversized storm sewers, ensuring 100-year post development peak flows are controlled to pre-development levels. Oil and grit separators are also proposed at each of the two outlets, which will provide enhanced protection.

Further, LIDs including disconnection of roof leaders to increase depth of topsoil, soakaway pits and/or infiltration swales and end-of-pipe infiltration galleries or bioretention areas are recommended which will assist in ensuring infiltration to pre-development levels.

For sanitary servicing, as noted, individual septic systems will be designed and implemented on each Lot, in accordance with Provincial and Regional Standards.

For water servicing, watermains will be installed within the Private Roads and connecting to the existing 400mm diameter watermain, located on 5<sup>th</sup> Concession Road.

During construction Erosion and Sediment Control measures will be put in place to ensure no impacts on the surrounding open space areas of the Site or the Tributary of Carruthers Creek.

Accordingly, the Proposed Development can be adequately serviced with recapture of pre-development storm infiltration, individual septic systems and connecting to existing municipal water.

During the Detailed Design stage, the final servicing plans will be generated including individual lot grading plans, to ensure compliance with Municipal Design Standards.

### 5.13 Traffic Assessment Study:

A Traffic Assessment Study was prepared by Candevcon Group Inc. and dated September 20<sup>th</sup> 2023.

The Assessment examined future operations of three intersections including Audley Road at 5<sup>th</sup> Concession Road, the Site Access at 5<sup>th</sup> Concession Road and the Site Access at Sideline 4 or Balsam Road.

The Assessment assumed a full build out by the year 2025 for all proposed 13 Single Detached Dwellings with a horizon year of 2030. The existing road network, future road network and background including future (2030) traffic volumes were considered when assessing the impacts of the Proposed Development.

The Assessment concluded the Proposed Development would generate 12 net trips during the A.M. peak hour and 15 net trips during the P.M. peak hour with all three examined intersections expected to operate at an acceptable level of service including the Audley Road at 5<sup>th</sup> Concession Road and proposed Site Access at 5<sup>th</sup> Concession Road intersections expected to operate at a Level of Service “A” including turning movements. The proposed Site Access at Sideline 4 or Balsam Road is also expected to operate at a Level of Service “A” during A.M. and P.M. peak hours with turning movements at a Level of Service “B” or better.

Accordingly, the Traffic Assessment Study demonstrates the Proposed Development can be accommodated with an acceptable level of service under the 2030 horizon year.

### 5.14 Noise Impact Study:

A Noise Impact Study was prepared Candevcon Group Inc. and dated September 20<sup>th</sup>, 2023.

The Study assessed the Proposed Development’s potential noise impacts including potential impacts associated with projected sound levels from 5<sup>th</sup> Concession Road. No other sources of noise were identified. The evaluation of noise impacts associated with 5<sup>th</sup> Concession Road was undertaken using the principles and procedures per the Ministry of Environment, Conservation and Park’s Environmental Noise Guideline, noting noise criteria of 55 dBA for outdoor living areas, 50 dBA at bedroom windows and 55 dBA at living room windows.

The projected sound levels for Lots 5 and 13 being the lots closes to 5<sup>th</sup> Concession Road were below the Ministry’s criteria, in both the day and nighttime scenarios.

Accordingly, no acoustical mitigation measures are required to accommodate the Proposed Development. This includes acoustical barriers, warning clauses, ventilation requirements and special building materials or components. All construction will need to conform to the Ontario Building Code which is deemed to be sufficient to ensure a compliant noise environment for future residents.

As summarized above, extensive supporting studies have confirmed the Proposed Development can be implemented on the Subject Lands without any adverse impacts to the natural environment and existing community, while also conforming to Provincial and Municipal Standards in the areas of ecology, environmental science, civil, noise and traffic engineering.

The recommendations of the supporting studies have or will be implemented through the Detailed Process associated with the subdivision process.

## **6.0 Sustainability Checklist & Summary**

In accordance with the City's Integrated Sustainable Design Standards for Low-Rise development, the Residential Checklist was completed and is included as Appendix I of this Report.

The overview and detailed description of the Proposed Development is provided in Section 4 of this Report and generally consists of an Estate Residential Plan of Subdivision of Common Element Condominium tenure. While the building typology is not the most sustainable housing type as Estate Homes are typically larger, consuming more resources, the Draft Plan of Subdivision and Common Element Condominium Plan's design is sustainable, as all Natural Features including the Tributary to the existing creek and Significant Woodlands are being preserved and buffered. Further, the Proposed Development can accommodate Additional Dwelling Units, either within each Single Detached Dwelling(s) or accessory to the Dwellings.

As the Proposed Development's implementation will involve Custom Home Designs, to suite the end users, commitments to various Tier 1 (*Mandatory Performance Standards*) and Tier 2 (*Optional Performance Standards*) will require continued monitoring, as each dwelling proceeds to the Building Permit stage of the approvals process. This includes required Documentation to confirm adherence to the Tier 1 and 2 Performance Standards, which can be provided as part of the Detailed Design stage associated with the Final Approval of the proposed Plan of Subdivision and as part of the Building Permit process. Unlike conventional subdivision construction, Estate Homes are constructed through a customized design process.

However, in accordance with the completed Checklist, the Proposed Development can adhere to the Tier 1 Performance Standards including:

- Resident Education of sustainable measures and maintaining the same.
- Urban Heat Island Reduction through implementation of solar readiness for roofs.
- Building Energy Performance and Emissions with the use of Energy Star appliances and other features to be determined at dwelling(s) custom design.
- Renewable Energy with solar readiness and/or a Home Energy Management System.
- Building Resilience through Low Impact Development features, as described within the Functional Servicing and Stormwater Management Report.
- Private Pedestrian Walkways to be incorporated at Detailed Design, for the Subdivision and within the private roads. The roads connect to preserved Open Spaces or Significant Woodlands. As part of the Detailed Design process a Sidewalk Plan can be provided.
- Private Play Areas and Structures which each homeowner will consider, on each Estate Lot, which is large enough to accommodate such accessory uses.
- Community Safety through CPTED by means of appropriate ‘visible’ design of the subdivision, ensuring safety of future residents.
- Topsoil depth increases to allow more stormwater retention and infiltration.
- Light Pollution Reduction to be undertaken at the Detailed Design, for the Subdivision, ensuring compliance with Dark Sky requirements. An Exterior Lighting Plan will be provided at the Detailed Design stage of the approvals process.
- Native and Non-Invasive Species through restoration plantings, within preserved Significant Woodlands, as required and determined at the Detailed Design, for the Subdivision. A Landscape Plan will be provided, at the Detailed Design stage of the approvals process.

- Vegetated Buffers have been implemented in accordance with the recommendations of the Environmental Impact Study. As mentioned, a Landscape Plan will be provided, at the Detailed Design stage of the approvals process.
- Tree Preservation and Removal Compensation is documented in Arborist Report along with an Inventory and Preservation Plan meeting the Tier 2 Optional Performance Standard.
- Healthy Street Trees will be planted, details of which will be confirmed through the Landscape Plan which will be provided as part of the Detailed Design process associated with the Subdivision. It is also expected that the Tier 2 Optional Performance Standard can be met.
- Natural Heritage Features and Open Space Enhancement is outlined within the Environmental Impact Study and as mentioned, a Landscape Plan will be provided, at the Detailed Design stage of the approvals process which will meet the Tier 2 Optional Performance Standard.
- Electric Vehicles Including Plug-In Hybrid Vehicles will be roughed in, as required, and documented as part of the Detailed Design stage of each Estate Dwelling's Building Permit Application.
- Construction Waste Reduction measures will be put in place as part of the Construction Management Plan to be provided as part of the Detailed Design process, associated with the Subdivision.
- On-Site Storage is assured for each Estate Lot which provides ample room to permit curbside collection including separation of waste.
- Stormwater Management utilizes soakaways with a Stormwater Management Report being provided which also adheres to the Tier 2 Optional Performance Standard.
- Water Efficiency will be assured and documented at the Building Permit stage for each Estate Dwelling. The Estate Subdivision makes use of Municipal Water which is a more sustainable approach compared to well water.

Overall, the Proposed Development is anticipated to adhere to all Mandatory Sustainability Performance Standards and 4 Optional Sustainability Performance Standards.

As noted, through the Detailed Design Process and Building Permit process monitoring to ensure implementation and documentation of sustainable Performance Standards should be undertaken. Accordingly, the Proposed Development is capable to meeting the City's sustainability objectives.

As mentioned, the Sustainability Checklist is included within Appendix I of this Report.

## **7.0 Planning Policy Analysis & Justification**

As noted in Section 3 of this Report, the Subject Lands are governed by various Provincial Plans and Policies including the *Greenbelt Plan (2017)*, *Provincial Policy Statement (2020)* and *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)*.

The following is an assessment and analysis of the applicable Provincial and Municipal land use policies including justification for the Proposed Development.

### 7.1 Greenbelt Plan (2017):

As shown in Figure 3 of this Report, the Subject Lands are located within the Greenbelt Plan's 'Protected Countryside' and 'Natural Heritage System'.

As the Subject Lands were designated and subject to a Draft Plan of Subdivision application, prior to December 16, 2004, permitting a Country Residential Subdivision, consisting of no more than 23 residential lots. Accordingly, the Proposed Development is not subject to the policies of *Greenbelt Plan*.

The following transition policies of the *Greenbelt Plan* have been reviewed when considering whether the Proposed Development is transitioned from the Plan:

#### *5.2 Transition*

*The Greenbelt Act, 2005 requires that decisions with respect to applications made under the Ontario Planning and Development Act, 1994, the Planning Act or the Condominium Act, 1998 which were commenced on or after December 16, 2004 (the date this Plan*

*came into force) and relate to the areas in this Plan designated as Protected Countryside conform with all applicable policies of this Plan.*

*The Greenbelt Act, 2005 authorizes the Lieutenant Governor in Council to make regulations for various prescribed matters to address applications which were commenced prior to December 16, 2004 but for which no decision has been made and for other transitional matters, including the application of prescribed policies for applications made under the Ontario Planning and Development Act, 1994, the Planning Act or the Condominium Act, 1998 which were commenced before December 16, 2004.*

*In addition to such regulations, the settlement area policies of section 3.4 of this Plan, as well as those within section 5, provide further direction on how this Plan applies to existing uses, matters in process and previous site-specific approvals.*

*Municipalities should consider the policies of the Greenbelt Plan, as appropriate, when processing applications that are not required to conform with this Plan.*

#### *5.2.1 Decisions on Applications Related to Previous Site-Specific Approvals*

*Where an official plan was amended prior to December 16, 2004 to specifically designate land use(s), this approval may continue to be recognized through the conformity exercise addressed in section 5.3 and any further applications required under the Planning Act or the Condominium Act, 1998 to implement the official plan approval are not required to conform with this Plan.*

*Where a zoning by-law was amended prior to December 16, 2004 to specifically permit land use(s), this approval may continue to be recognized through the conformity exercise described in section 5.3, and any further applications required under the Planning Act or the Condominium Act, 1998 to implement the use permitted by the zoning by-law are not required to conform with this Plan.*

*Applications to further amend the site-specific official plan or zoning by-law permissions referred to above for uses similar to or more in conformity with the provision of this Plan are also permitted. All such applications should, where possible, seek to achieve or improve conformity with this Plan.*

In review of the above noted transition policies, the Subject Lands were designated prior to December 16, 2004, to permit a Country Residential Subdivision, consisting of no more than 23



residential lots. Therefore, the designation continues per Policy 5.2.1, which recognizes the designation of lands through the conformity exercise addressed in Section 5.3 of the *Greenbelt Plan*, while not requiring *Planning Act* applications, to implement the designation to conform to the *Greenbelt Plan*. Further, the Subject Lands were subject to a Draft Plan of Subdivision which is recognized in both the Region's and City's Official Plans.

Notwithstanding, the transition policies noted, the Proposed Development seeks to bring the proposed uses into greater conformity with the *Greenbelt Plan*, as required.

As has been demonstrated through the extensive Supporting Studies including but not limited to the Environmental Impact Study, Wetland Water Balance Risk Assessment, Geomorphic Assessment, Slope Stability and Water Balance Assessment, heightened protection and enhancement of existing natural features including the existing Significant Woodlands and Tributary to Carruthers Creek is assured by avoiding development within any natural feature, incorporating appropriate buffers, and restoration plantings within the Open Space Blocks denoted on the proposed Draft Plan of Subdivision. It is anticipated the Open Space Blocks will be transferred into public ownership, which will further ensure protection from development for generations to come.

In addition to the Transition policies, the above noted plans and studies demonstrate general conformity to the Greenbelt Plan's applicable policies of the Natural Heritage System and Protected Countryside including policies associated with Key Hydrologic Areas, Key Natural Heritage Features and Key Hydrologic Features, External Connections, General Non-Agricultural Use Policies, Infrastructure and Cultural Heritage Resource policies, which are noted and reviewed, as follows:

### *3.2.2 Natural Heritage System Policies*

*For lands within the Natural Heritage System of the Protected Countryside, the following policies shall apply:*

- 1. The full range of existing and new agricultural, agriculture-related and on-farm diversified uses and normal farm practices are permitted subject to the policies of section 3.2.2.2.*
- 2. New buildings or structures for agriculture, agriculture-related and onfarm diversified uses are not subject to the policies of section 3.2.2.3 but are subject to the policies of section 3.2.5.*

*3. New development or site alteration in the Natural Heritage System (as permitted by the policies of this Plan) shall demonstrate that:*

*a) There will be no negative impacts on key natural heritage features or key hydrologic features or their functions;*

*b) Connectivity along the system and between key natural heritage features and key hydrologic features located within 240 metres of each other will be maintained or, where possible, enhanced for the movement of native plants and animals across the landscape;*

*c) The removal of other natural features not identified as key natural heritage features and key hydrologic features should be avoided. Such features should be incorporated into the planning and design of the proposed use wherever possible;*

*d) Except for uses described in and governed by the policies of sections 4.1.2 and 4.3.2,*

*i. The disturbed area, including any buildings and structures, of the total developable area will not exceed 25 per cent (40 per cent for golf courses); and*

*ii. The impervious surface of the total developable area will not exceed 10 per cent; and*

*e) At least 30 per cent of the total developable area will remain or be returned to natural self-sustaining vegetation, recognizing that section 4.3.2 establishes specific standards for the uses described there.*

*4. The Natural Heritage System, including the policies of section 3.2.5, does not apply within the existing boundaries of settlement areas, but does apply when considering expansions to settlement areas as permitted by the policies of this Plan. Municipalities should consider the Natural Heritage Systems connections within settlement areas when implementing municipal policies, plans and strategies.*

*5. When official plans are brought into conformity with this Plan, the boundaries of the Natural Heritage System may be refined, with greater precision, in a manner that is consistent with this Plan and the system shown on Schedule 4.*

*6. Towns/Villages are not permitted to expand into the Natural Heritage System*

The Proposed Development consists of Estate Residential Lots, reduced in number from its original Plan of no more than 23 lots, down to 13 Lots. New development or site alteration in the Natural Heritage System cannot generate any negative impacts on key natural heritage features or hydrologic features, while ensuring connectivity and maintenance of such features.

As noted within the Environmental Impact Study and associated environmental Supporting Studies, noted above, the Subject Lands contain Significant Woodlands and a Tributary to Carruthers Creek (*Containing Redside Dace*), a Significant Valley, Wetlands along with Fish and Specie habitats. There is also probability of specie habitat within the Significant Woodlands.

Development of the Estate Dwellings will occur within two open areas of the Subject Lands with appropriate 10-metre buffers to the Significant Woodlands, features of which were staked twice with the TRCA on June 11<sup>th</sup>, 2013, and again on August 11<sup>th</sup>, 2021.

It is also anticipated that through Conditions of Draft Plan Approval, Edge Management and Restoration Planting Plans will be generated to restore the Significant Woodlands ensuring to removal of invasive species, no negative impacts to the Woodlands or potential specie habitat including enhanced connectivity for the movement of native plants and animals across the landscape.

Further, the pre-development infiltration rate will be exceeded in the post-development scenario by use of LIDs. As demonstrated in the Water Balance Assessment, the LID measures can mitigate the infiltration deficit by increasing recharge volumes within the proposed development area, resulting in a post-development infiltration volume of approximately 31,751 cubic metres being above the pre-development scenario.

A Review of the Hydrologic and Natural Heritage Features policies was also undertaken, as follows:

#### *3.2.4 Key Hydrologic Areas*

*Key hydrologic areas are areas which contribute to the hydrologic functions of the Water Resource System. These areas maintain ground and surface water quality and quantity by collecting, storing and filtering rainwater and overland flow, recharge aquifers and feed downstream tributaries, lakes, wetlands and discharge areas. These areas are also sensitive to contamination and feed key hydrologic features and drinking water sources.*

*Key hydrologic areas include:*

- *Significant groundwater recharge areas;*
- *Highly vulnerable aquifers; and*
- *Significant surface water contribution areas.*

*For lands within a key hydrologic area in the Protected Countryside, the following policies apply:*

*1. Major development may be permitted where it has been demonstrated that the hydrologic functions, including groundwater and surface water quality and quantity, of these areas shall be protected and, where possible, improved or restored through:*

- a) The identification of planning, design and construction practices and techniques;*
- b) Meeting other criteria and direction set out in the applicable watershed planning or subwatershed plan; and*
- c) Meeting any applicable provincial standards, guidelines and procedures.*

*2. Section 3.2.4.1 does not apply to major development that is a new or expanding building or structure for agricultural uses, agriculture-related uses or on-farm diversified uses where the total impervious surface does not exceed 10 per cent of the lot.*

### *3.2.5 Key Natural Heritage Features and Key Hydrologic Features Policies*

*Key natural heritage features include:*

- *Habitat of endangered species and threatened species;*
- *Fish habitat;*
- *Wetlands;*
- *Life science areas of natural and scientific interest (ANSIs);*
- *Significant valleylands; • Significant woodlands;*
- *Significant wildlife habitat (including habitat of special concern species);*
- *Sand barrens, savannahs and tallgrass prairies; and*
- *Alvars. Key hydrologic features include:*
  - *Permanent and intermittent streams;*
  - *Lakes (and their littoral zones);*

- *Seepage areas and springs; and*
- *Wetlands.*

*For lands within a key natural heritage feature or a key hydrologic feature in the Protected Countryside, the following policies shall apply:*

*1. Development or site alteration is not permitted in key hydrologic features and key natural heritage features within the Natural Heritage System, including any associated vegetation protection zone, with the exception of:*

- a) Forest, fish and wildlife management;*
- b) Conservation and flood or erosion control projects, but only if they have been demonstrated to be necessary in the public interest and after all alternatives have been considered; or*
- c) Infrastructure, aggregate, recreational, shoreline and existing uses, as described by and subject to the policies of section 4.*

*2. Beyond the Natural Heritage System within the Protected Countryside, key hydrologic features are defined by and subject to the policies of section 3.2.5.*

*3. Beyond the Natural Heritage System within the Protected Countryside, key natural heritage features are not subject to the policies of section 3.2.5, but are to be defined pursuant to, and subject to the policies of, the PPS.*

*4. In the case of wetlands, seepage areas and springs, fish habitat, permanent and intermittent streams, lakes and significant woodlands, the minimum vegetation protection zone shall be a minimum of 30 metres measured from the outside boundary of the key natural heritage feature or key hydrologic feature.*

*5. A proposal for new development or site alteration within 120 metres of a key natural heritage feature within the Natural Heritage System or a key hydrologic feature anywhere within the Protected Countryside requires a natural heritage evaluation or a hydrological evaluation which identifies a vegetation protection zone which:*

- a) Is of sufficient width to protect the key natural heritage feature or key hydrologic feature and its functions from the impacts of the proposed change and associated*

*activities that may occur before, during and after construction and, where possible, restore or enhance the feature and/or its function; and*

*b) Is established to achieve and be maintained as natural self-sustaining vegetation.*

*6. A proposal for new development or site alteration within the Natural Heritage System is not subject to section 3.2.5.5 where the only key natural heritage feature is the habitat of endangered species and threatened species.*

*7. Notwithstanding section 3.2.5.5, new buildings and structures for agricultural, agriculture-related or on-farm diversified uses are not required to undertake a natural heritage or hydrologic evaluation if a minimum 30 metre vegetation protection zone is provided from a key natural heritage feature or key hydrologic feature. In addition, these uses are exempt from the requirement of establishing a condition of natural self-sustaining vegetation if the land is and will continue to be used for agricultural purposes. However, agricultural, agriculture-related and on farm diversified uses shall pursue best management practices to protect and/or restore key natural heritage features and key hydrologic features and functions.*

*8. Notwithstanding sections 3.2.5.4 and 3.2.5.5, within the Niagara Peninsula Tender Fruit and Grape Area, new buildings or structures for agricultural, agriculture-related and on-farm diversified uses are permitted within 30 metres of permanent and intermittent streams, where:*

*a) The permanent or intermittent stream also functions as an agricultural swale, roadside ditch or municipal drain as determined through provincially approved mapping;*

*b) A minimum 15 metre vegetation protection zone is established between the building or structure and the permanent or intermittent stream; however, this vegetation protection zone is not required to be maintained as natural self-sustaining vegetation if the land is and will continue to be used for agricultural purposes;*

*c) There is no alternative location for the building or structure on the property without impacting lands that are in specialty crop production;*

*d) A new individual on-site sewage system will not be located within 30 metres of the stream; and*

*e) Agricultural, agriculture-related and on-farm diversified uses shall pursue best management practices to protect or restore key hydrologic features and functions*

Carruthers Creek bisects the Subject Lands along with the presence of Key Natural Heritage and Hydrologic Features. Accordingly, various environmental Supporting Studies were prepared including an Environmental Impact Study, Wetland Risk Assessment and Water Balance Assessment to assess any impacts arising from the Proposed Development on the groundwater, concluding the pre-development infiltration rate will be maintained and increased in the post-development scenario, through the use of acceptable LIDs, as outlined within the Functional Servicing and Stormwater Management Report.

As mentioned, the Subject Lands contain Significant Woodlands and contain a Tributary of Carruthers Creek. All Natural Features were previously staked with the TRCA, twice, and all development limits have been respected by the Proposed Development's layout, while the Woodlands have been properly buffered by vegetated protection zones, to be enhanced through restoration plantings.

No development is proposed within a key natural feature, ensuring protection of the feature and potential habitats for species. This has been demonstrated through the Environmental Impact Study.

The External Connections policies were also reviewed in the context of the Subject Lands and proposed development, as follows:

### *3.2.6 External Connections*

*The Natural Heritage System is connected to local, regional and provincial scale natural heritage, water resource and agricultural systems beyond the boundaries of the Greenbelt, including the Natural Heritage System that will be issued pursuant to the Growth Plan. The Greenbelt's Natural Heritage System also connects to those areas designated as Urban River Valley in this Plan.*

*The external connections are generally depicted by a dotted green line on Schedules 1, 3 and 4 and Appendices 1 and 2 but are not within the regulated boundary of the Greenbelt Plan. Many of the external connections shown on Schedules 1, 2 and 4 at the time of the Plan's approval in 2005 have been added to the Greenbelt Plan as Urban River Valley areas and are subject to the policies of section 6 of this Plan.*

*1. To support the connections between the Greenbelt's Natural System and the local, regional and broader scale natural heritage systems of southern Ontario, such as the Lake Ontario shoreline, including its remaining coastal wetlands, the Great Lakes Coast, Lake Simcoe, the Kawartha Highlands, the Carolinian Zone and the Algonquin to Adirondack Corridor, the federal government, municipalities, conservation authorities, other agencies and stakeholders should:*

*a) Consider how activities and land use change both within and abutting the Greenbelt relate to the areas of external connections and Urban River Valley areas identified in this Plan;*

*b) Promote and undertake appropriate planning and design to ensure that external connections and Urban River Valley areas are maintained and/or enhanced; and*

*c) Undertake watershed planning, which integrates supporting ecological systems with those systems contained in this Plan.*

*2. The river valleys that run through existing or approved urban areas and connect the Greenbelt to inland lakes and the Great Lakes, including areas designated as Urban River Valley, are a key component of the long term health of the Natural System. In recognition of the function of the urban river valleys, municipalities and conservation authorities should:*

*a) Continue with stewardship, remediation and appropriate park and trail initiatives which maintain and, to the extent possible, enhance the ecological features and functions found within these valley systems;*

*b) In considering land conversions or redevelopments in or abutting an urban river valley, strive for planning approaches that:*

*i. Establish or increase the extent or width of vegetation protection zones in natural self-sustaining vegetation, especially in the most ecologically sensitive areas (i.e. near the stream and below the stable top of bank);*

*ii. Increase or improve fish habitat in streams and in the adjacent riparian lands;*



*iii. Include landscaping and habitat restoration that increase the ability of native plants and animals to use valley systems as both wildlife habitat and movement corridors; and*

*iv. Seek to avoid or, if avoidance is not possible, minimize and mitigate adverse impacts associated with the quality and quantity of urban runoff into the valley systems; and*

*c) Integrate watershed planning and management approaches for lands both within and beyond the Greenbelt, taking into consideration the goals and objectives of protecting, improving and restoring the Great Lakes.*

*3. In addition to the urban river valleys, portions of the former Lake Iroquois shoreline, particularly within Durham Region, traverse existing or approved urban areas. Municipalities should consider planning, design and construction practices that maintain or, where possible, enhance the size, diversity, connectivity and functions of key natural heritage features, key hydrologic features and key hydrologic areas of those portions of the Lake Iroquois shoreline within their approved urban boundaries.*

As mentioned, within the Environmental Impact Study, the Proposed Development does not interfere with existing connectivity in the landscape along Carruthers Creek valley corridor. The Proposed Development does not encroach onto any feature, protecting and enhancing the Natural Features including the Significant Woodlands, through vegetation protection zones, which will be self sustaining and planted. Further, the Significant Woodlands and Tributary provide connectivity within the local landscape, as it provides a connection for movements of both aquatic and urban-tolerant terrestrial species. The north-south movement within the Subject Lands will be enhanced through plantings associated with an Edge Management Plan, at the detailed design stage.

The general policies of the Protected Countryside, as it pertains to non-agricultural uses, were also reviewed, as follows:

#### *4.1.1 General Non-Agricultural Use Policies*

*For non-agricultural uses, the following policies apply:*

*1. Non-agricultural uses are not permitted in the specialty crop areas as shown on Schedule 2 and Schedule 3 of this Plan or within prime agricultural areas in the*

*Protected Countryside, with the exception of those uses permitted under sections 4.2 to 4.6 of this Plan.*

*2. Proposals for non-agricultural uses must demonstrate that:*

- a) The use is appropriate for location on rural lands;*
- b) The type of water and sewer servicing proposed is appropriate for the type of use;*
- c) There are no negative impacts on key natural heritage features or key hydrologic features or their functions; and*
- d) There are no negative impacts on the biodiversity or connectivity of the Natural Heritage System.*

*3. With the exception of mineral aggregate operations, where non agricultural uses are proposed on rural lands, the completion of an agricultural impact assessment should be considered.*

The Proposed Development is located within a designated Settlement being ‘Birchwood Estates’, with the Existing Use and Transition policies of the *Greenbelt Plan* applying. The Proposed Development is appropriately located on the Subject Lands, ensuring protection of Natural Features. As mentioned, no negative impacts are anticipated to occur to any key natural heritage feature including the existing Tributary, Wetlands, Significant Woodlands, Valley, fish, and specie habitats. In fact, such features would be enhanced through restorative plantings, LIDs, and public ownership of the significant features.

In review of the Greenbelt Plan’s infrastructure policies within Section 4.2, the Proposed Development’s infrastructure will include two storm outfalls, with the west outfall located at the toe of the valley slope, outside Redside Dace habitat and the east storm outfall will make use of an existing outfall structure, which is also is located outside any key feature with an appropriate stormwater management, which makes use of LIDs and sewage septic system, which is located outside of the meander belt. Both storm outfalls have deemed as supportable in accordance with the Geomorphic Assessment completed.

Further minor system flows from external drainage areas will be conveyed by a drainage swale flowing southerly and parallel to the road on the east side of the site, with conveyance of ‘clean’ flows via a culvert. Water servicing will be undertaken by means of connection to the existing

watermain located along 5<sup>th</sup> Concession Road and sanitary services will be through individual septic and tile bed systems, located on each Estate Lot, designed in accordance with provincial and municipal standards, including adherence to the Region's Lot Sizing Policies.

There are minor encroachments proposed on both the east and west side of the Subject Lands' buffer areas, required to accommodate the private road, drainage swale, water pumping station and regional easement. The storm outfalls are also located within the woodland communities.

An assessment of impacts including tree removals and potential bat habitat impacts will be undertaken at the detailed design stage of the process associated with the Draft Plan of Subdivision. An Arborist Report has been prepared to summarize the required tree removals and compensation which will be in the form of restorative plantings within the Significant Woodlands.

**Conformity & Transition Statement:**

***Accordingly, based on an examination of the Greenbelt Plan's policies pertaining to Transition Policies, Natural Heritage System Policies, Protected Countryside Policies and Infrastructure Policies, the Proposed Development is permissible and does result in greater conformity to the objectives of the Greenbelt Plan.***

**7.2 Planning Act, Matters of Provincial Interest, Sections 2 & 51 (24):**

Section 2 of the *Planning Act* requires that an approval authority, in carrying out its responsibilities under the *Act*, "shall have regard to" matters of provincial interest.

Section 51, subsection 24 sets out the criteria for which Draft Plans of Subdivision are evaluated to have regard for health, safety, convenience, accessibility for persons with disabilities and the welfare of future and present residents within the municipality.

The following addresses both noted sections of the *Planning Act*, as follows:

The Proposed Development has regard for matters of Provincial Interest per Section 2 of the *Planning Act* including:

- (a) *the appropriate protection of ecological systems including natural areas, features.*
- (h) *the orderly development of safe and healthy communities.*

- (j) the adequate provision of a full range of housing, including affordable housing.*
- (o) the protection of public health and safety.*
- (p) the appropriate location of growth and development.*
- (q) The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians.*
- (r) the promotion of built form that:
  - (i) is well designed,*
  - (ii) encourages a sense of place and*
  - (iii) provides for public spaces that are of high quality, safe, accessible, attractive, and vibrant.**

The Proposed Development is appropriately located within an area designated for development, is orderly with appropriate scale of development fitting within the rural and estate housing context, provides for a varied housing type (e.g., *Single Detached Dwellings*), is capable of being a sustainable form of development, is well designed with high quality design, which is safe, attractive, and accessible.

The proposed Draft Plan of Subdivision has regard for required criteria per Section 51 (24) of the *Planning Act* including:

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*
- (b) whether the proposed subdivision is premature or in the public interest;*
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*
- (d) the suitability of the land for the purposes for which it is to be subdivided;
  - (d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;**

- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;*
- (f) the dimensions and shapes of the proposed lots;*
- (g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;*
- (h) conservation of natural resources and flood control;*
- (i) the adequacy of utilities and municipal services;*
- (j) the adequacy of school sites;*
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;*
- (l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and*
- (m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).*

In review the above noted and applicable criteria, the proposed Draft Plan of Subdivision has regard for matters of Provincial Interest, is not premature, conforms to the Official Plan with available lands to accommodate the proposed development and has been designed in accordance with the requirements of the Act, with adequate access to community services, an available road network, and poses no adverse impacts to natural features.

### 7.3 Provincial Policy Statement 2020:

The Provincial Policy Statement (*PPS 2020*) outlines matters and policies of Provincial interest, as they would relate to land use planning and seeks to establish the policy(s) foundation for regulations with the goal of enhancing the quality of life for residents of Ontario.

All decisions under the *Planning Act* shall be consistent with the PPS 2020.

The PPS 2020 promotes coordinated land use planning with efficient use of land and development patterns which will accommodate an appropriate supply and range of residential, employment, institutional and recreational land uses.

In assessing the appropriateness of the proposed development, the following policies of the PPS 2020 are relevant:

*1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns*

*1.1.1 Healthy, liveable and safe communities are sustained by:*

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;*

*g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*

*h) promoting development and land use patterns that conserve biodiversity; and*

*i) preparing for the regional and local impacts of a changing climate.*

*1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a provincial plan, that time frame may be used for municipalities within the area.*

*Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.*

*Nothing in policy 1.1.2 limits the planning for infrastructure, public service facilities and employment areas beyond a 25-year time horizon.*

The Proposed Development represents appropriate development of the Subject Lands, being located within the existing Rural Settlement with a recognized Country Residential Subdivision, in accordance with Municipal Official Plans.

The Proposed Development will ultimately improve the environmental condition of the site itself and surrounding area by means of protecting natural features and placing them into public ownership.

The Proposed Development of the Subject Lands will also be supported by the existing community and surrounding land uses including nearby institutional, community and recreational uses.

In reviewing the Proposed Development, Section 1.1.3 and 1.1.5 of the PPS 2020 provides direction to municipalities regarding the use of resources including land, as follows:

*1.1.3.1 Settlement areas shall be the focus of growth and development. 1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

*a) efficiently use land and resources;*

- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d) prepare for the impacts of a changing climate;*
- e) support active transportation;*
- f) are transit-supportive, where transit is planned, exists or may be developed; and*
- g) are freight-supportive.*

*Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.*

*1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.*

*1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.*

*1.1.3.5 Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas.*

*1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.*



*1.1.3.7 Planning authorities should establish and implement phasing policies to ensure:*

*a) that specified targets for intensification and redevelopment are achieved prior to, or concurrent with, new development within designated growth areas; and*

*b) the orderly progression of development within designated growth areas and the timely provision of the infrastructure and public service facilities required to meet current and projected needs.*

*1.1.3.8 A planning authority may identify a settlement area or allow the expansion of a settlement area boundary only at the time of a comprehensive review and only where it has been demonstrated that:*

*a) sufficient opportunities to accommodate growth and to satisfy market demand are not available through intensification, redevelopment and designated growth areas to accommodate the projected needs over the identified planning horizon;*

*b) the infrastructure and public service facilities which are planned or available are suitable for the development over the long term, are financially viable over their life cycle, and protect public health and safety and the natural environment;*

*c) in prime agricultural areas:*

*1. the lands do not comprise specialty crop areas;*

*2. alternative locations have been evaluated, and*

*i. there are no reasonable alternatives which avoid prime agricultural areas; and*

*ii. there are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas;*

*d) the new or expanding settlement area is in compliance with the minimum distance separation formulae; and*

*e) impacts from new or expanding settlement areas on agricultural operations which are adjacent or close to the settlement area are mitigated to the extent feasible. In undertaking a comprehensive review, the level of detail of the assessment should*

*correspond with the complexity and scale of the settlement boundary expansion or development proposal.*

*1.1.3.9 Notwithstanding policy 1.1.3.8, municipalities may permit adjustments of settlement area boundaries outside a comprehensive review provided:*

- a) there would be no net increase in land within the settlement areas;*
- b) the adjustment would support the municipality's ability to meet intensification and redevelopment targets established by the municipality;*
- c) prime agricultural areas are addressed in accordance with 1.1.3.8 (c), (d) and (e); and*
- d) the settlement area to which lands would be added is appropriately serviced and there is sufficient reserve infrastructure capacity to service the lands.*

*1.1.5.1 When directing development on rural lands, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.*

*1.1.5.2 On rural lands located in municipalities, permitted uses are:*

- a) the management or use of resources;*
  - b) resource-based recreational uses (including recreational dwellings);*
  - c) residential development, including lot creation, that is locally appropriate;*
  - d) agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;*
  - e) home occupations and home industries;*
  - f) cemeteries; and*
  - g) other rural land uses.*
- 
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*1.1.5.3 Recreational, tourism and other economic opportunities should be promoted.*

*1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.*

*1.1.5.5 Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.*

*1.1.5.6 Opportunities should be retained to locate new or expanding land uses that require separation from other uses.*

*1.1.5.7 Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.*

*1.1.5.8 New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.*

While the policies pertaining to settlement area boundary expansions and adjustments do not apply when considering the Proposed Development, the policies directing growth to an existing settlement area including the rural lands within municipalities policies, apply.

As mentioned, the Proposed Development will make use of existing water infrastructure with storm infrastructure not impacting natural features and sanitary infrastructure designed in accordance with Provincial and Municipal requirements pertaining to onsite septic systems. The Proposed Development is located within a recognized rural settlement being the 'Birchwood Estates' community, with the implementation of pre-existing Country Residential Subdivision, with a reduced number of Estate Lots from its original approval of 23 Lots.

The Proposed Development will be regulated, with appropriate development standards including setbacks, height restrictions, private roads, and servicing standards. The Proposed Development will provide traditional housing types being Estate Single Detached Dwellings, which are in

keeping with the area's rural context and with no livestock facilities operating within the surrounding area, there are no adverse impacts arising from compatibility with existing agricultural or farm uses, adhering to the Minimum Distance Separation Formulae.

Further the policies of Section 1.3.1, Section 1.4.1 and 1.6.6.1 of the PPS 2020 are also relevant when considering the proposed development, policies of which state the following:

*1.3.1 Planning authorities shall promote economic development and competitiveness by:*

*a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;*

*b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*

*c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;*

*d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4; and*

*e) ensuring the necessary infrastructure is provided to support current and projected needs.”*

*1.4.1 To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:*

*a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and*

*b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans. Upper-tier and single-tier municipalities may choose to maintain land with servicing capacity sufficient to provide at least a five-year*

*supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans”.*

*1.6.6.1 Planning for sewage and water services shall:*

*a) accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:*

- 1. municipal sewage services and municipal water services; and*
- 2. private communal sewage services and private communal water services, where municipal sewage services and municipal water services are not available or feasible;*

*b) ensure that these systems are provided in a manner that:*

- 1. can be sustained by the water resources upon which such services rely;*
- 2. prepares for the impacts of a changing climate;*
- 3. is feasible and financially viable over their lifecycle; and*
- 4. protects human health and safety, and the natural environment;*

*c) promote water conservation and water use efficiency;*

*d) integrate servicing and land use considerations at all stages of the planning process;  
and*

*e) be in accordance with the servicing hierarchy outlined through policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5. For clarity, where municipal sewage services and municipal water services are not available, planned or feasible, planning authorities have the ability to consider the use of the servicing options set out through policies 1.6.6.3, 1.6.6.4, and 1.6.6.5 provided that the specified conditions are met.*

The Proposed Development being a form of rural development consisting of Estate Lots, accommodates a segment of the local and regional marketplace who seek customized housing options. The Proposed Development will make use of existing water infrastructure while implementing storm controls which will exceed the current onsite infiltration rate and individual

septic systems which will be designed in accordance with Provincial and Municipal requirements. The Estate Lots are of sufficient size to conform to the Region's Lot Sizing Policies

The Proposed Development will add to the community's resiliency by means of protecting Natural Features including the Significant Woodlands, Valleyland, Wetlands, and associated fish and specie habitats.

Lastly, the required Public Consultation to consider the proposed Zoning By-law Amendment, will ensure appropriate public engagement and participation regarding the proposed plans and studies to support the Proposed Development on the Subject Lands.

**PPS Consistently Statement:**

***Based on the aforementioned, the Proposed Development of the Subject Lands including the proposed Zoning By-law Amendment and Draft Plan of Subdivision applications are consistent with the PPS 2020.***

**7.4 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020):**

As mentioned, the Subject Lands are located within the 'Green Belt Area', which is not intended to accommodate major growth or development. As noted, the Proposed Development is permitted in accordance with an existing Municipal Official Plan designation permitting a Country Residential Subdivision.

Within the Greenbelt, the policies of the Growth Plan, which address the same, similar, related or overlapping matters do not apply.

However, the Growth Plan provides direction pertaining to management and conservation of Natural Resources including infrastructure.

A review of the applicable Growth Plan's policies was undertaken and the policy direction within the *Greenbelt Plan* and PPS 2020 was noted as similar, as the direction pertains to protection of Natural Features and provisions for servicing infrastructure.

A review of the policies indicates the Proposed Development will play a meaningful role by helping to protect and enhancing protection of Natural Features within the Greenbelt Plan while providing for housing which caters to a specific segment of the marketplace being custom Estate

dwellings. The Proposed Development is also capable of being a sustainable form of development, meeting all mandatory sustainability measures including some option performance measures, in accordance with the City's sustainability guidelines. The Proposed Development also promotes conservation of Natural Features, all of which are part of the guiding principles of the Growth Plan. This includes the protection and buffering of the Significant Woodlands, an acceptable sewage and water servicing scheme, and the use of LIDs to improve infiltration of stormwater.

Given the presence of sloped Natural Features, the Tributary to Carruthers Creek and Wetlands, the Subject Lands and surrounding lands are not currently being utilized for agricultural purposes, with existing uses within the area mostly including rural dwellings, open spaces, institutional and some nearby commercial uses.

The configuration of the Subject Lands with Significant Woodlands and slopes does not provide for a suitable condition to undertake agricultural practices on.

Accordingly, the Subject Lands are not capable of being used as a viable agricultural operation and therefore, will not reduce the availability of agricultural lands.

Lastly, the Proposed Development will contribute to the objective of resilient and complete communities through protection of Natural Features which will be placed in public ownership.

**Growth Plan Conformity Statement:**

***Based on the aforementioned, the Proposed Development of the Subject Lands conforms to the Growth Plan.***

**7.5 Region of Durham Official Plan:**

As mentioned, the Subject Lands are designated as an approved 'Country Residential Subdivision (*Rural Settlement*)' within the 'Major Open Space System', in the Greenlands System, along with being shown as part of the Greenbelt with Key Natural Heritage and Hydrologic Features shown within the Subject Lands, per Schedule B (*Map B1d*).

It should be noted, the Region's Official Plan is currently being updated through a Municipal Comprehensive Review, which is currently being reviewed for approval by the Minister of Municipal Affairs and Housing.

The adopted Official Plan carries forward the existing designations of the current Official Plan.

In accordance with the in effect Official Plan, an Amendment to the Region's Official Plan is not required to permit the Proposed Development. However, conformity to the Official Plan policies must be demonstrated to ensure good land use planning of the Subject Lands.

The Rural Settlements Policies per the Durham Official Plan have been reviewed and outlined as follows:

*9B.1 General Policies*

*9B.1.1 Rural settlements consist of existing Hamlets, Country Residential Subdivisions, Shoreline Residential Areas and Rural Employment Areas designated on Schedule 'A', Regional Structure, as well as residential clusters and 4 hectare lots.*

*9B.1.2 Development in Rural Settlements shall occur with careful consideration to the natural, built and cultural environments.*

*9B.1.3 Hamlets shall be the predominant location for residential and social, commercial and employment development serving the needs of the surrounding area.*

*9B.1.4 Limited growth will occur only in those hamlets that are determined to be suitable for further development, in accordance with Policies 9B.2.7 and 9B.2.8.*

*9B.1.5 In the search for solutions to contaminated wells in Rural Settlements, emphasis shall be put on addressing the reasons for contamination and alternative mitigating measures, rather than on the provision of new and/or expanded municipal water services. Further, where municipal water service is proposed to be extended to a Rural Settlement to address well contamination problems, a study, as described in Policy 9B.2.8, shall be undertaken by the respective area municipality, in consultation with the Region, to identify any impacts arising from such an extension, as well as establishing any implications for further development on private sewage disposal systems.*

*9B.2 Policies*

*9B.2.1 The rural population forecasts presented in Policy 7.3.3 represent an allocation of development potential in the Rural System, not a target to be achieved. Area municipalities shall ensure that the total amount of development proposed, from all rural*



*severances and within all Rural Settlements, as defined by this Plan, conforms with these forecasts.*

The Subject Lands are a recognized Country Residential Subdivision with a maximum of 23 dwellings. The Proposed Development has been reduced in number of Lots and Dwellings, down to 13 Estate Lots. This is representative of limited growth and further the Proposed Development considers the natural environment with protection of existing Natural Features, as demonstrated within the Supporting Studies including the Environmental Impact Study.

The following Country Residential Subdivision Policy of the Official Plan specifically applies to the Subject Lands:

*9B.2.19 The development of a country residential subdivision, approved prior to Policy 9B.2.17 coming into force, shall:*

- a) not exceed the maximum number of residential units permitted, as contained in Schedule 'E' – Table 'E2' of this Plan;*
- b) be designed to be unobtrusive and blend into the Region's landscape;*
- c) not detract from the surrounding natural environment or require significant alterations of the existing topography, waterways or vegetation;*
- d) not have an adverse cumulative impact on the environment;*
- e) contain a range of lot sizes generally from 0.6 to 1 hectare;*
- f) be serviced with an internal road system, having a minimum of two access points without direct access onto a Provincial highway or a Type A arterial road;*
- g) be in conformity with the Provincial Minimum Distance Separation formulae;*
- h) not have a negative impact on key natural heritage or hydrologic features; and*
- i) be in conformity with the provisions of the area municipal official plan.*

In reviewing the specific policies above, the Draft Plan of Subdivision does not exceed the 23 Lots permitted per Table 'E2' and in fact has reduced the number of Lots to 13 Lots.

The design of the Proposed Development blends into the rural and natural environment landscape with appropriate buffers and in keeping with the surrounding land use context, which exists today.

The onsite and surrounding Natural Features including the Significant Woodlands, Wetland, Valleyland and Tributary to Carruthers Creek will remain protected and enhanced through future restoration plantings and conveyance of the Woodlands into public ownership, resulting in minimum disturbance of features or encroachments, which are required to accommodate the Proposed Development. Cumulatively, the Proposed Development will result in protection of features and enhancement of natural features.

The Lot Sizes contemplated for the Proposed Development range 0.37 Hectares to 0.59 Hectares, generally conforming to the range outlined in the above noted Policy. Further, in accordance with the Preliminary Nitrate Impact Assessment and Conceptual Building Envelope Plan, the lot sizes conform to the Region's Lot Sizing policies with an estimated on-site recharge is 58, 659 L/day and an estimated total daily nitrate load of 520,000 mg/day being an equivalent of 8.86 mg/L in the groundwater, for the proposed 13 Lots.

There are no exceedances above the Region's guidelines in groundwater quality with a background nitrate concentration of 0.19 mg/L and approximately 8.86 mg/L of nitrate is anticipated to be added to the groundwater system, which meets Regional Guideline and Ontario Drinking Water Quality Standards.

The Proposed Development has two access points, as required and is serviced by an internal and private road network which will be maintained by a future Condominium Corporation.

As outlined in Section 7.8 of this Report, the Subject Lands are not located within an area containing any livestock facilities and therefore, the Minimum Distance Separation Formulae is being complied with.

Impacts to Natural Features including Hydrologic Features have also been carefully examined through extensive Supporting Studies including an Environmental Impact Study, Wetland Risk Assessment, Geomorphic Assessment, Water Balance Assessment and Hydrogeological Assessment, of which have confirmed the Proposed Development can be accommodated on the Subject Lands with no adverse impacts to the noted features.

The Proposed Development is compliance with the City's Official Plan which carries forward the Country Residential Subdivision policy permissions and conformity to the City's Official Plan is demonstrated per Section 7.7 of this Report.

Lastly, Regional Official Plan Amendment No. 175 introduced Policy 5.4.8 to the Region's Official Plan, which is also applicable to the Proposed Development and noted as follows:

*5.4.8 Notwithstanding Section 5.3, or any other policy of this Plan to the contrary, a municipal water and/or sanitary sewer connection may be permitted outside the Urban Area Boundary:*

*a) to a legally existing use;*

*b) for a vacant lot of record that meets the requirements of applicable law for a building permit;*

*c) within the Greenbelt Plan area, for a vacant lot of record that meets the requirements of applicable law for a building permit for a single dwelling only; or*

*d) where lot creation is permitted by this Plan, subject to conforming to the applicable Regional lot sizing policies related to private services.*

*For a property to be considered under this policy, it shall directly abut a municipal watermain or sanitary sewer service within a public right-of-way or easement, and the connection shall be technically feasible, to the satisfaction of the Region.*

The above amending Policy permits service connections outside the Urban Area Boundary and within the *Greenbelt Plan* area including for lot creation permitted by the Official Plan.

Accordingly, the Proposed Development seeks to connect to an existing Watermain within 5<sup>th</sup> Concession Road as the existing service connection abuts the Subject Lands and the Proposed Development also adheres to the Region's Lot Sizing Policies for the septic services, which will be located on each Estate Lot, with all design criteria adhering to Provincial and Municipal standards.

The general Major Open Space policies, of the Region's Official Plan were also examined and noted as follows:

*10A.1 General Policies*

*10A.1.1 Major Open Space Areas are designated on Schedule 'A' and include key natural heritage and hydrologic features, prime agricultural lands as well as lands of lesser agricultural significance.*

*10A.2 Policies*

*10A.2.1 The predominant use of lands in the Major Open Space Areas shall be conservation, and a full range of agricultural, agricultural-related and secondary uses. In addition, the establishment of non-agricultural uses, including agri-business, major recreational uses, commercial kennels and landscape industry uses may be considered subject to the policies of this Plan, and the Greenbelt Plan. Area municipal official plans may further distinguish between non-agricultural uses which are compatible with the character of the Major Open Space Areas in urban and rural areas.*

*10A.2.2 Any proposal for development or site alteration, except buildings and structures for agricultural, agricultural-related and secondary uses in Major Open Space Areas and/or the Greenbelt Natural Heritage System, as permitted by the policies of the Plan, shall demonstrate that:*

- a) there will be no negative effects on key natural heritage or hydrologic features or their functions;*
- b) connectivity between key natural heritage or hydrologic features is maintained, or where possible, enhanced for the movement of native plants and animals across the landscape;*
- c) the removal of other natural features not identified as key natural heritage or hydrologic features should be avoided. Such features should be incorporated into the planning and design of the proposed use wherever possible; and*
- d) the disturbed area of any site does not exceed 25 percent, and the impervious surface does not exceed 10 percent, of the total developable area, except for major recreational uses and aggregate extraction areas. With respect to golf courses, the disturbed area shall not exceed 40 percent of the site.*

As demonstrated through extensive Supporting Studies, the Proposed Development will not pose adverse impacts to the open spaces including Natural Features existing on the Subject Lands and in fact, such features will be protected and enhanced through restoration and transfer to public ownership. There are encroachments required into the Buffers to accommodate site services including a section of private road. Any impacts will be carefully assessed through the detailed design process, ensuring no adverse impacts.

Of the approximately 17.91 Hectares of total Site Area, approximately 5.97 Hectares is proposed to be utilized for the 13 Estate Residential Lots, representing 33% of the total Site Area. As a portion of each Lot will remain as outdoor amenity, largely undisturbed, the 25% per Policy (d) above is generally complied with while the storm infiltration rates are expected to exceed the pre-development rate through the use of acceptable LIDs. Lastly, no development is proposed within a significant Natural Feature.

Accordingly, the Proposed Development is recognized by the Region's Official Plan as permissible through the Country Residential designation and associated policies. The revised Draft Plan of Subdivision represents a significant reduction in number of Lots, from 23 to 13 together with extensive environmental protections through preservation, buffering and the implementation of LIDs to limit impacts arising from servicing the Proposed Development. Therefore, the Proposed Development is in keeping with and conforms to the Region's Official Plan policies.

**Region of Durham Official Plan Conformity Statement:**

***Based on the aforementioned, the Proposed Development of the Subject Lands including the proposed Zoning By-law Amendment and Draft Plan of Subdivision applications conform to the Region of Durham Official Plan.***

**7.6 City of Pickering Official Plan:**

As mentioned, the Subject Lands are designated 'Rural Settlements-Country Residential' per Schedule 'I' of the *City of Pickering Official Plan*. The Subject Lands are located within the 'Birchwood Estates' area.

The following rural and site-specific Policies of the Official Plan were examined in assessing the Proposed Development:

*City Policy Rural Settlements*

*3.10 City Council:*

*(a) shall recognize as Rural Settlements on Schedule I, those areas in the City having or intended to have significant concentrations of rural housing;*

*(b) shall distinguish different types of Rural Settlements on Schedule I based on the development and growth characteristics set out in Table 10; and*

*(c) shall zone lands designated Rural Settlements in accordance with the provisions specified in a respective Part 3 Rural Settlement Plan (Chapter 13).*

The Subject Lands are recognized on Schedule IV-7 as being part of the ‘Birchwood Estates’ with two areas noted as ‘Country Residential’, separated by an area of ‘Open Space System-Natural Areas’. As such, the Subject Lands are distinguished per Table 10 of the Official Plan as a ‘Country Residential’ Rural Settlement, defined as follows:

*Large lot residential subdivisions located mainly on an internal road which do not exceed the maximum approved number of residential lots. No new country residential settlements will be permitted.*

The Proposed Development is in keeping with the above definition, in that, the updated Plan represents less than the permitted 23 Lots, down to 13 Lots, which front onto an internal road network which will be privately maintained.

The proposed Zoning By-law Amendment is in keeping with the ‘Birchwood Estates’ description and policies, which are noted as follows:

*Description*

- Located on the east side of Sideline 4, at the Fifth Concession Road road allowance*
- Includes open space lands associated with a tributary of Carruther’s Creek*
- Lands identified as Birchwood Estates were approved for a “country residential” development in 1998 for a maximum of 23 residential lots; the detailed development concept is still awaiting subdivision approval and zoning*

- *Development proposes that siting and layout of development is to avoid environmental features such as the valleys of Carruther's Creek and its tributaries*
- *Country residential developments typically comprise large modern homes on large lots on a public street with private individual water supply and sewage disposal services*
- *Country residential subdivisions typically build out over a relatively long period of time*
- *Only residential uses are anticipated within the settlement; no stores, community or cultural facilities*

*City Policy*

*Birchwood Estates Settlement Policies*

*13.9 City Council shall:*

- (a) recognize the existing dwelling on the Birchwood Estates lands;*
- (b) ensure that development is undertaken in a manner that respects environmental features such as Carruther's Creek and its tributaries to the satisfaction of the City and the conservation authority; and*
- (c) endeavour to ensure the country residential environment of the settlement is maintained once developed.*

The settlement population projection for 'Birchwood Estates' is expected to be 75 persons by the year 2031.

The existing dwelling is removed from the Subject Lands with only remnants of the former dwelling existing onsite, as documented within the Phase One Environmental Assessment. The proposed building typology being Single Detached Dwellings in keeping with the typology formerly present onsite.

In keeping with the above noted Policies, the Proposed Development respects the natural environment including its features such as the Tributary to Carruthers Creek, Significant Woodlands, Wetlands and fish, species habitat by means of ensuring protection and enhancement

of such features through extensive study, development buffering and setbacks including future restoration plantings to be undertaken at the detailed design stage of the Subdivision process.

Based on a review of the ‘Birchwood Estates’ policies, the Proposed Development is permissible and in keeping with the policy objectives of recognizing former land uses, ensuring environmental protection of existing Natural Features and maintenance of the ‘country’ residential setting of the surrounding area context.

The Subject Lands are also located within the ‘Natural Heritage System’ per Schedule III A of the Official Plan.

The following open space policies were examined to assess the Proposed Development:

*Open Space System*

*3.5 City Council:*

*(a) shall recognize as Open Space System on Schedule I, a connected and integrated natural heritage system of significant valleylands and stream corridors; shorelines; areas of natural and scientific interest; wetlands; significant woodlands; major parks, recreational and conservation areas; marina areas, and other major blocks of land comprising natural core areas, corridors; Natural Core Areas and Natural Linkage Areas on the Oak Ridges Moraine; and the Seaton Natural Heritage System within the Central Pickering Development Plan;*

*(b) may zone lands designated Open Space System, for one or more purposes as set out in Table 3, in accordance with the Oak Ridges Moraine Conservation Plan and the Greenbelt Plan where applicable, and in so doing will apply appropriate performance standards, restrictions and provisions;*

*(c) shall recognize that the Open Space System includes key natural heritage and key hydrologic features which have related minimum areas of influence and minimum vegetation protection zones (see Sections 16.42 and 16.51);*

*(d) shall recognize as Oak Ridges Moraine Natural Core Areas on Schedule I, in accordance with the Oak Ridges Moraine Conservation Plan, lands with a high*



*concentration of key natural heritage features, key hydrologic features or landform conservation areas;*

*(e) shall recognize that the primary purpose of the Oak Ridges Moraine Natural Core Areas is to maintain and where possible, improve or restore the ecological integrity of the Moraine, and where possible, improve or restore the health, diversity and size of key natural heritage features, key hydrologic features and the related ecological functions;*

*(f) shall recognize that additional purposes and objectives for the Oak Ridges Moraine Natural Core Areas are also found in Sections 11(1) and (2) of the Oak Ridges Moraine Conservation Plan;*

*(g) within the Oak Ridges Moraine Natural Core Areas:*

*(i) every application for development or site alteration shall require permitted uses to be compatible with their surroundings and shall be subject to the Oak Ridges Moraine policies as set out in Chapter 16; and*

*(ii) shall require studies in accordance with the Oak Ridges Moraine Conservation Plan to support applications for development or site alteration, which identify planning, design and construction practices that ensure that no buildings or other site alterations impede the movement of plants and animals among key natural heritage features, key hydrologic features and adjacent lands within Natural Core Areas and Natural Linkage Areas;*

*(h) shall recognize as Oak Ridges Moraine Natural Linkage Areas on Schedule I, in accordance with the Oak Ridges Moraine Conservation Plan, lands identified as being part of a regional-scale open space corridor system that support or have the potential to support the movement of plants and animals among the Natural Core Areas, river valleys and stream corridors;*

*(i) shall recognize that the primary purpose of the Oak Ridges Moraine Natural Linkage Areas is to maintain, and where possible, to improve or restore, the ecological integrity of the Moraine, and where possible, to improve or restore the open space linkages between Natural Core Areas and along river valleys and stream corridors;*

*(j) shall recognize additional purposes and objectives for the Oak Ridges Moraine Natural Linkage Areas are also found in Sections 12(1) and (2) of the Oak Ridges Moraine Conservation Plan;*

*(k) within the Oak Ridges Moraine Natural Linkage Areas:*

*(i) shall require permitted uses be compatible with their surroundings; and*

*(ii) will require that, within the Oak Ridges Moraine Natural Linkage Areas, every application for development or site alteration shall be supported by information which identifies planning, design and construction practices that ensure that no buildings or other site alterations impede the movement of plants and animals among key natural heritage features, key hydrologic features and adjacent lands within Natural Core Areas and Natural Linkage Areas; and*

*(l) shall recognize as part of the Open Space System the Seaton Natural Heritage System, additional policies for which are further set out under Sections 11.50 through 11.59.*

The Subject Land are within the ‘Protected Countryside’ and ‘Natural Heritage System’ of the *Greenbelt Plan* and not within the Oak Ridges Moraine.

The Proposed Development recognizes and protects the existing Natural Features including the Tributary to Carruthers Creek, the Significant Woodlands and Valleylands, Wetlands and specie habitats for both fish and other species.

In review Table 3 of the Official Plan, Natural Areas are permitted various land uses, generally summarized as conversation, environmental protection, restoration, educational uses, recreational uses, existing agricultural uses and infrastructure. Therea are no existing agricultural operations taking place on the Subject Lands and no noted livestock facilities within the area of the Subject Lands, which would pose compatibility issues with the Proposed Development.

An examination of the Resource Management policies within the Official Plan, as they relate to the ‘Natural Heritage System’ was also undertaken and policies are noted as follows:

*City Policy*

*Natural Heritage System*

*10.6 City Council acknowledges that achieving an integrated Natural Heritage System is vital to ensuring healthy and resilient watersheds; accordingly the Natural Heritage System is identified on Schedule IIIA. Protection of this system is encouraged to support ecological integrity, including healthy terrestrial and aquatic ecosystems. Lands with the highest concentration of the most sensitive and/or key natural heritage and key hydrologic features and functions, are identified on Schedules IIIB, IIIC and IIID.*

The Proposed Development's residential Lots are located outside of the Natural Area features, limits of which were twice staked with the TRCA, in 2013 and again in 2021. The limited use within the natural area includes grading and encroachments for provision of water, storm and road infrastructure. As documented and recommended within the Environmental Impact Study, any impacts arising from the minor grading and encroachments will be examined at the detailed design stage of the process.

As a Tributary of Carruthers Creek exists on the Subject Lands along with associated Valleylands, the following policies were examined in assessing the Proposed Development:

*City Policy*

*Stream Corridors*

*10.7 City Council recognizes the importance of its stream corridors, and acknowledges the health of its significant valleylands and corridors can be affected by uses and activities anywhere in the watershed; accordingly, Council shall, in coordination with the relevant conservation authority:*

- (a) identify permanent and intermittent streams on Schedule IIIC to increase awareness of these features;*
- (b) protect watercourses and significant valleylands and stream corridors in an open and natural state as a key component of the Open Space System;*
- (c) regard significant valleylands and stream corridors to be important wildlife corridors, and encourage land owners adjacent to, and permitted activities within the*

*corridors to implement best management and stewardship practices;*

*(d) incorporate watercourses into the Open Space System, and encourage public ownership of these resources where appropriate and feasible;*

*(e) where significant valleylands and stream corridors cannot be secured in public ownership, encourage stewardship practices (see Section 10.3);*

*(f) require conveyance of significant valleylands and associated vegetation, and/or buffers to the City or other public agency as a condition of development approval, where appropriate;*

*(g) where eroded and degraded stream corridors are restored for the purpose of protecting infrastructure or restoring natural form and function, encourage the restoration of natural riparian vegetation and removal of barriers to fish migration, where appropriate;*

*(h) promote stream rehabilitation, through the principles of natural channel design and use of bio-engineering techniques in the final design and construction, to the satisfaction of the City and the Conservation Authority; and*

*(i) require, where appropriate, the recommendations of an Environmental Report to be implemented (see Section 16.8).*

As demonstrated by the Supporting Studies including but limited the Environmental Impact Study, the Proposed Development will result in the protection of all existing Natural Features including the Tributary, Red Dace habitat within, the Valleylands, Significant Woodlands and Wetlands.

The staked features are anticipated to be transferred into public ownership, ensuring protection for generations to come including stewardship, through educational materials to be provided to all future residents, as required by the Sustainability Checklist.

The Tributary was examined per the Geomorphic Assessment with two reaches of Carruthers Creek were noted (*e.g.*, CC-1 & CC-2) with reach CC-1 being noted as being in a transitional state, subject to Geomorphic Assessment and reach CC-2, noted as being in a stable state. Both reaches were noted as being in good ecological health with post development impacts only

noting a minor decrease in erosion potential for reach CC-1. To mitigate such an impact the stormwater management plan would address the same.

Lastly, the proposed storm outfalls are located outside the Meander Belt and as such, conformity with the Toronto and Region Conservation Authority's design criteria has been met.

The stormwater management policies of the Official Plan were also examined, as follows:

*City Policy*

*Stormwater Management*

*10.8 City Council recognizes the importance of stormwater management in addressing water quality, quantity, temperature, erosion control and water balance for groundwater and key natural heritage and key hydrologic features; accordingly, Council shall, in coordination with the relevant conservation authority:*

*(a) manage the quality and quantity of stormwater runoff being released, as well as erosion control and water balance for groundwater recharge and natural features in the City by:*

*(i) preparing and updating, as required, subwatershed plans, master drainage plans and stormwater management guidelines that include natural features and fisheries preservation and enhancement strategies, in consultation with relevant authorities and agencies;*

*(ii) requiring a stormwater management plan that implements a management concept endorsed by a watershed, subwatershed or master drainage plan, where applicable, prior to the approval of any site-specific development proposal;*

*(iii) require that designated areas for snow storage are located where melting snow cannot carry contaminants and salt loads directly into Significant Groundwater Recharge Areas and/or Highly Vulnerable Aquifers; and*

*(b) consider alterations or enclosures of limited portions of watercourses within existing, urbanized areas if supported by an approved subwatershed plan or environmental master servicing plan;*

*(c) promote the use of stormwater management practices such as:*

*(i) naturalized methods to mitigate the effects of stormwater runoff within valley systems;*

*(ii) integration of stormwater quality and quantity features into the open space network; and*

*(d) for any application for development or site alteration within the Oak Ridges Moraine, require stormwater management plans in accordance with Sections 10.8 and 16.44, and for lands within the Greenbelt in accordance with the Stormwater Management Infrastructure Policies of the Greenbelt Plan.*

As noted in the Functional Servicing and Stormwater Management Report, the storm sewer system will be designed to convey the 5-year post-development flows from the development to two proposed outlets to Carruthers Creek, with major system flows from the private roads, front half of the roofs and front yards, captured and detained. Quantity control will be provided in oversized storm sewers, ensuring 100-year post development peak flows are controlled to pre-development levels. Oil and grit separators are also proposed at each of the two outlets, which will provide enhanced protection. Further, LIDs including disconnection of roof leaders to increase depth of topsoil, soakaway pits and/or infiltration swales and end-of-pipe infiltration galleries or bioretention areas are recommended which will assist in ensuring infiltration to pre-development levels.

As previously noted, there are minor encroachments proposed on both the east and west side of the Subject Lands' buffer areas, required to accommodate the private road, drainage swale, water pumping station and regional easement. The storm outfalls are also located within the woodland communities. An assessment of impacts including tree removals and potential bat habitat impacts will be undertaken at the detailed design stage of the process associated with the Draft Plan of Subdivision. Based on the above, the Proposed Development conforms to the Official Plan's stormwater management policies.

The Key Natural Heritage and Hydrologic Features policies were also examined, as follows:

*City Policy*

*Key Natural Heritage and Key Hydrologic Features*

*10.12 City Council recognizes the significance and sensitivity of key natural heritage and key hydrologic features and their inter-related systems of water resources, biotic habitat, natural and cultural heritage, and landform; accordingly, Council shall:*

*(a) identify key natural heritage and key hydrologic features outside the Oak Ridges Moraine in cooperation with appropriate agencies (see Schedules IIIB and IIIC);*

*(b) identify key natural heritage features and key hydrologic features within the Oak Ridges Moraine (see Section 16.42 and Schedules IIIB and IIIC);*

*(c) ensure the protection of these areas from development;*

*(d) ensure the protection of these areas from development;*

*(e) encourage stewardship practices where key natural heritage and key hydrologic features are located on lands held in private ownership; and*

*(f) require, where appropriate, the recommendations of an Environmental Report to be implemented (see Section 16.8).*

The extensive environmental study of the Subject Lands was undertaken which resulted in the identification and staking of the Key Natural Heritage and Hydrologic Features, ensuring proper identification of the same, buffering and ultimately, protection of all features, through conveyance into public ownership and avoidance of development. As such, compliance with the above noted policies has been demonstrated and the Proposed Development will ensure protection of features.

Further in accordance with Policy 10.13(b) a Hydrogeological Assessment was prepared together with a Water Balance Assessment to ensure no impacts on Hydrologic Features, arising from the Proposed Development.

The examination of Environmental Risk Management and Source Protection Plans policies, as they would pertain to the Subject Lands was also undertaken, as follows:

*City Policy*

*Shorelines, Significant Valleylands, Stream Corridors, and Hazardous Lands*

*10.22 City Council recognizes that hazardous lands and hazardous sites could be unsafe for development due to naturally occurring processes and climate change, including flooding hazards, erosion hazards, dynamic beach hazards, and unstable soils or bedrock; accordingly, Council:*

*(a) shall identify shorelines, significant valleylands, and stream corridors (which may include hazardous lands) to increase awareness of these features (see Schedule IIC);*

*(b) shall adhere to provincial standards and conservation authority regulations and standards for identifying the limits of hazardous lands and hazardous sites;*

*(c) shall protect the safety of the public by directing development or site alteration to locations outside of hazardous lands and hazardous sites and their associated minimum vegetation protection zones, with the exception of:*

*(i) development permitted in accordance with the Flood Plain Special Policy Areas provisions (see Section 10.23);*

*ii) development and site alteration in certain areas associated with a flooding hazard along watercourse or stream corridors where the development is limited to uses which by their nature must locate within the flood plain, including flood and/or erosion control works or non structural uses such as trails, limited recreational and educational uses, and limited sports fields, subject to the requirements of the conservation authorities and the City; and*

*(iii) instances where safe entry and exit ways need to be established during times of flooding, erosion and other emergencies, subject to the approval of the conservation authorities and the City; and*

*(d) may permit alterations to a watercourse or stream corridor, including the placement or removal of fill, or placement of the necessary stabilization materials for erosion*



*protection, or the provision of access to a valley, only following the appropriate approval of the relevant Conservation Authority and the relevant Provincial Ministry, where necessary.*

The Proposed Development protects and enhances its natural features with no hazardous conditions arising including the landing having safe access through the two proposed accesses.

A portion of the Subject Land are located within a Highly Vulnerable Aquifer Area and as mentioned, a Hydrogeological Assessment and Water Balance Assessment were undertaken, in accordance with Policy 16.14 of the Official Plan, to assess any potential risk to the groundwater within the site. The Assessments together with the provision of LIDs ensure the pre-development infiltration rate is maintained and exceeded in the post-development scenario. Further, the proposed Estate Lots or residential use is not listed as a 'high risk' to groundwater.

During review of the Planning Act applications, the Region will advise whether or not the application of road salt within the Proposed Development would be a moderate or low risk to drinking water including whether a Salt Management Plan is required. If a Plan is required, the same can be undertaken as a Condition of Draft Plan Approval.

The Subject Lands also contain identified areas as 'Areas of High Potential Mineral Aggregate Resources'. Policy 10.10 of the Official Plan, pertaining to Aggregate Resources was examined, as follows:

*City Policy*

*Aggregate Resources*

*10.10 City Council, in acknowledging that mineral aggregates are an important resource, recognizes that there are some areas of high potential mineral aggregate reserves remaining in the City; accordingly, Council shall:*

*(a) identify Areas of High Potential Mineral Aggregate Resources to increase awareness of this area (see Schedule III E);*

*(b) require proponents of development within or adjacent to Areas of High Potential Mineral Aggregate Resources that could preclude or hinder existing or future aggregate extraction, to submit a study that assesses the potential aggregate reserves on the site and the impact of the proposal on the ability of lands within the area of high potential to*

*be utilized for extraction purposes, and for such development to be permitted the required study must demonstrate that:*

*(i) the extraction of the resource would not be feasible; or*

*(ii) the proposed land uses would serve a greater long-term public benefit; and*

*(iii) issues of public health, public safety and environmental impact are addressed; and*

*(c) require new sites for aggregate extraction, including new sites for aggregate extraction or expansions to existing aggregate operations within or outside the Oak Ridges Moraine or the Greenbelt Plan to be established by amendment to this Plan and to the Durham Regional Official Plan (see Section 16.34);*

*(d) require, where appropriate, the recommendations of the required studies be implemented (see (b) above and Section 16.34); and*

*(e) encourage the rehabilitation of abandoned pits and quarries in a manner that is compatible with surrounding land uses.*

While the site's western section is within an area identified as having high potential for aggregate resources, a study was not deemed necessary since protection of the onsite Natural Features represents a 'greater good' in the long-term for the public benefit vs. the extraction of any available aggregate resources. Further, the Country Residential Subdivision is recognized within both the Region and City's Official Plans, providing transition of the approved Plan which is now being implemented by means of the revised Plan, based on extensive Supporting Studies. Further, extracting aggregate resources from the Subject Lands can pose environmental impacts to the existing Tributary, Fish and specie habitats, Significant Woodlands and Valleylands.

Based on a review of environmental policies within the City's Official Plan, the Proposed Development conforms to the policy objectives as demonstrated above.

The City's Official Plan also contains Transportation policies which were examined as follows:

*City Policy*

*Transportation Objectives*

*4.2 City Council shall:*

*(a) participate in the design and operation of a transportation system that enables the year-round movement of people, goods, and services, within and through the City, in a manner that is safe, convenient, reliable, efficient, aesthetically pleasing, and recognizes the local context;*

*(b) use existing and future transportation infrastructure efficiently;*

*(c) balance the need to accommodate private automobiles with the need to accommodate pedestrians, cyclists, the disabled, public transit, taxis, and the movement of goods and services;*

*(d) find ways of reducing the amount of commuting from and through the City, while maintaining an appropriate grid of roads and transit connections to adjacent municipalities;*

*(e) gradually shift the City's transportation focus to an increased north south orientation while recognizing a strong east west orientation will continue;*

*(f) establish a logical network of roads that, where warranted, facilitate connections within and between neighbourhoods, using Kingston Road as the City's mainstreet;*

*(g) involve residents, business-people, landowners, relevant public agencies, and other interested groups and individuals in transportation decisions; and*

*(h) ensure that required transportation infrastructure projects that impact the Natural Heritage System or key natural heritage or key hydrologic features are planned, designed and implemented in accordance with the environmental protection policies of the Greenbelt Plan, Section 16.46 of this Plan, and the Open Space System policies of this Plan, where applicable.*

The Subject Lands front onto an unopened road allowance of 5<sup>th</sup> Concession Road, with Site Accesses proposed from the Road and Sideline 4 Road (*e.g., Balsam Road*). 5<sup>th</sup> Concession Road is identified as a Type B Arterial Road. The Site is also located within the Durham Transit Rural On Demand area but no regularly scheduled transit service adjacent to the Site.

The Draft Plan of Subdivision and Common Element Condominium proposes two private roads, one to the west and one to the east, providing for access to the Estate Lots, terminating with cul-de-sacs. The impacts to the onsite Natural Features as a result of the proposed private roads, were also examined with minimal impacts through grading encroachments, into the buffers. The assessment of any impacts will be undertaken at the detailed design stage.

As the Subject Lands contain extensive Open Spaces which are to be protected, there could be opportunities to introduce trails, in accordance with Policy 4.7. However, the two private roads will provide for pedestrian movements and a direct connection to the Open Space blocks. Lastly, in reviewing the Official Plan, the design policies in Chapters 9 and 14 were examined, as follows:

*City Policy*

*Community Design Objectives*

*9.2 To achieve the community design goal, City Council shall:*

*(a) encourage the creation of an overall physical form for Pickering that is related to the scale and pace of pedestrians;*

*(b) encourage private and public developments that offer pedestrians and users a high level of comfort, enjoyment and personal protection;*

*(c) encourage private and public developments that provide an integrated mix of uses, activities and experiences;*

*(d) encourage the design of road patterns, buildings and the spaces between them in a manner that supports an efficient public transit system and makes it easy for both pedestrians and vehicles to move about in a variety of directions;*

*(e) encourage developments that are designed to fit their contexts by considering the mix of uses, and the massing, height, scale, architectural style and details of existing, adjacent buildings;*

*(f) encourage developments that create spaces between and along buildings that are of high architectural and landscape quality, and contribute to and enhance the overall quality of Pickering's public realm;*

*(g) encourage, where appropriate, the creation of landmarks and other distinctive elements including buildings, open spaces, landscapes and natural features that make it easy for people to understand where they are, and how they get to the various places, amenities and facilities they require;*

*(h) encourage the design of buildings and places that can be used for a variety of purposes, and are capable of adapting over time to changing circumstances and opportunities;*

*(i) encourage the use of colour, decoration and variation in material to create buildings, and the spaces around buildings, that are attractive for people to look at and use; and*

*(j) encourage developments that establish appropriate relationships between built and natural environments, that ensure sensitive natural systems are protected and where possible enhanced, and celebrate significant aspects of the natural and cultural landscape.*

In accordance with the above policy objectives, the Proposed Development is designed appropriately when considering the relationship or interface between Natural Features and the development areas of the lands, ensuring protection of the noted features. Further, the Estate Dwellings are anticipated to be designed with superior architecture and customised for each end user.

As the Subject Lands are located within a natural setting, the following design polices are noted:

*City Policy*

*Design With Nature*

*14.4 City Council shall:*

*(a) through the review of development proposals, endeavour to ensure that significant natural features, such as watercourses, wetlands, woodlands and escarpments are protected as visual landmarks to maintain links with Pickering's cultural and historic heritage;*

*(b) where possible, require the maximum retention of natural features on properties proposed to be developed, and ensure that such features are permitted to regenerate with minimal intervention;*

*(c) encourage the protection of mature trees of aesthetic and heritage value;*

*(d) evaluate existing vegetation to be preserved on properties subject to development against the following criteria:*

*(i) its ability to survive construction conditions;*

*(ii) its contribution to a larger vegetated area extending over abutting properties;*

*(iii) its ability to provide shading, screening or noise attenuation, both on-site and for surrounding properties;*

*(iv) its contribution to the diversity of the broader plant community;*

*(v) its value due to species, age or ornamental qualities; and*

*(vi) its intrinsic relation with adjacent designated heritage buildings or districts;*

*(e) encourage the use of plant materials in a design capacity to define open spaces, frame desired views or focal points, direct pedestrian movement, and reinforce particular locations;*

*(f) encourage the use of plant materials to create visual variety on the basis of their form, colour and texture, and to satisfy functional requirements, such as providing shade, providing screening in all seasons, providing sound attenuation, buffering wind, controlling snow deposition, and stabilizing slopes;*

*(g) in certain areas of the City, encourage the use of low maintenance plant and landscape materials which enhance ecological stability; and*

*(h) encourage the use of native plant species which are tolerant to disease and pollutants as the dominant plant material when creating new plant communities or when adding to existing plant communities.*

The Proposed Development's main attraction can be considered to be the natural setting of the Significant Woodlands with Tributary to Carruthers Creek, both of which have been provided the greatest protection with planted buffers, staking of features and the anticipated conveyance of features into public ownership. The retention of most trees is expected notwithstanding the Estate Lots, as outlined within the Arborist Report and for trees removed, compensation will be undertaken by means of restoration plans, which can remove invasive species and restore the Woodlands.

Ultimately, the Proposed Development is reflective of its natural setting, focusing development within the two open areas of the site, wherein the future Estate Dwellings will overlook onto the features, which in turn, will provide opportunities for stewardship.

The Subdivision design policies were also examined as follows:

*City Policy*

*Development and Subdivision Design*

*14.5 City Council shall:*

*(a) encourage designs and patterns for streets and major aisles that provide appropriate access for vehicles, public transit, pedestrians and cyclists; create view corridors and vistas where appropriate; and allow adequate space for utilities and services;*

*(b) encourage designs of streets, major aisles, blocks and lots that create a public realm supporting comfortable and safe pedestrian activity and movement both within and beyond the development;*

*(c) encourage street patterns and major aisle arrangements that respect the integrity of the City's continuous landform features such as ridges, and valley and stream corridors, in both urban and rural areas;*

*(d) encourage new subdivision streets and major aisles that generally align on a grid or modified grid pattern in order to create development blocks appropriately sized for their intended use and possible future uses;*

*(e) where necessary and appropriate, encourage the use of existing landform and vegetative features to visually hide or screen those land uses and activities that detract from the physical and visual character of an area;*

*(f) encourage the design of local road patterns that provide direct pedestrian access to transit stops and transfer nodes;*

*(g) introduce public roads into large blocks of developable land;*

*(h) discourage designs such as reverse lotting that require long stretches of noise attenuation or privacy fencing adjacent to major roads; and*

*(i) require the implementation of green development standards in development and subdivision design, in keeping with applicable City policies and guidelines, including but not limited to the following:*

*(i) incorporating Low Impact Development (LID) techniques such as bio-swales, rain barrels, and perforated pipe systems;*

*(ii) orienting lots and homes to maximize energy efficiency and conservation; and*

*(iii) increasing the tree canopy through tree planting programs to promote biodiversity, improve air quality, and reduce the urban heat island effect.*

The subdivision and common element condominium plans' design ensures adequate access and movements for future residents along with the implementation storm LIDs such as soakaway pits

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including the orientation of lots to maximize conservation of natural features and decreasing impacts on tree removal. Per the sustainability checklist, various energy features including Dark Sky lighting, solar readiness and EV Charging readiness are anticipated to be implemented into the design of the Plan, through the detailed design process. There are also opportunities to accommodate Additional Dwelling Units within each Single Detached Dwelling(s) and as accessory to the Dwelling.

The Views and Vistas policies of the Official Plan are also complied with by means of maintenance and enhancement of views from the future dwellings to woodlands and Tributary preserved including views from the two private roads providing for a pleasing aesthetic and preservation of the ‘Country Residential’ rural fabric.

A full review of the City’s Official Plan policies indicates the Proposed Development conforms to the Official Plan, with no Amendment required to implement the same.

**City of Pickering Official Plan Conformity Statement:**

***Based on the aforementioned, the proposed development of the Subject Lands including the proposed Zoning By-law Amendment and Draft Plan of Subdivision applications conform to the City of Pickering Official Plan.***

**7.7 Minimum Distance Separation:**

A review of surrounding land uses, as outlined in Section 2 of this Report has confirmed no active livestock operations and therefore, the Minimum Distance Separation Formulae I and II (*MDS I & MDS II*) setbacks to non-agricultural land uses do not apply.

A radius of 1,500 metres was applied when reviewing any existing or approved livestock facilities, which again, were not noted within the Study Area.

**7.8 City of Pickering Zoning By-law No. 3037:**

As mentioned, the Subject Lands are Zoned ‘A’-Rural Agricultural per *City of Pickering Zoning By-law No. 3037*, as amended by By-law No. 6577/05.

A site-specific Zoning By-law Amendment is proposed to facilitate the Proposed Development by means of establishing development standards for the proposed Estate Lots and ensuring protection of existing Natural Features including the required vegetated buffers.

The draft Zoning By-law Amendment seeks to rezone the Subject Lands from the current 'A'-Rural Agricultural Zone to the 'E-2' Estate Residential Zone, with site specific exceptions including the 'OS-EP' Open Space, Environmental Protection Zone.

The proposed Zone and specific exceptions are appropriate when considering the nature of the Proposed Development of large, Estate Lots.

A copy of the proposed Zoning By-law Amendment is included within Appendix II of this Report.

## **8.0 Conclusion**

The proposed Zoning By-law Amendment and Draft Plan of Subdivision applications are consistent with the *Provincial Policy Statement (2020)*, conform with the *Greenbelt Plan, 2017*, a *Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)* and conform to the *Region of Durham Official Plan and City of Pickering Official Plan*.

The Proposed Development of the Subject Lands consisting of a Draft Plan of Subdivision with 13 Estate Lots, Private Roads, preserved Natural Features and infrastructure blocks is consistent with the overall vision established for Country Residential Subdivisions, per the Region's and City's Official Plan.

The Proposed Development of the Subject Lands will result in greater protection of Natural Features including a Tributary to Carruthers Creek, Significant Woodlands, Valleylands and Wetlands, through buffering, protection of same and anticipated conveyance of the Woodlands to public ownership.

The Proposed Development is sustainable, in that, the development is capable of implementing the City's mandatory sustainability features including some optional features while also being capable of accommodating Additional Dwelling Units within each Single Detached Dwelling(s) or an accessory to the Dwellings.

The Proposed Development can be accommodated with the use of existing Municipal Water Services, conformance to the Region's Lot Sizing Policies with adequately sized Lots to accommodate the required, individual septic and tile bed systems, and storm infrastructure including no impacts to the existing transportation network, with sufficient capacity to accommodate the Proposed Development.

Based on the above, it is the opinion of the undersigned that the proposed *Planning Act* applications and proposed Condominium Tenure (*e.g., Common Elements*) to permit and

implement the Proposed Development, on the Subject Lands is representative of good land use planning.

Prepared By:

Maurizio Rogato B.U.R.Pl., M.C.I.P., R.P.P

Principal

**BLACKTHORN DEVELOPMENT CORP.**

**APPENDIX I**  
**SUSTAINABILITY CHECKLIST**



Low-Rise Residential

**Instructions**

The Pickering Integrated Sustainable Design Standards (ISDS) for low-rise residential applies to development less than 4 storeys with a minimum of 5 dwelling units. Tier 1 performance measures are required by the City of Pickering and must be included as part of your complete development application. Tier 2 performance is encouraged, but optional.

Words and terms identified in **bold** in the Performance Criteria and Documentation cells are defined further in the Glossary of the User Guide.

Performance criteria apply to all building types except where specified.

**Applicant Information:**

Applicant/Agent: Blackthorn Development Corp.

Name (First, Last Name): Maurizio Rogato

Telephone Number: 416-888-7159

Email: mrogato@blackthorncorp.ca

Address of Subject Land (Street Number and Name): 3225 5th Concession Road, City of Pickering, Region of Durham

Registered Owner (First, Last Name): Paul Bigoni, 869547 Ontario Inc.

**Project Information:**

Project Name: Country Residential Subdivision No. 33

Date Checklist Completed (yyyy-mm-dd): 2023-10-10

Is this checklist revised from an earlier submission (Yes/No): No

Gross Floor Area (square metres): N/A (Estate Lots)

Number of Storeys: Approx. 2 Storeys

Non Residential Gross Floor Area (square metres): N/A (No Non Residential Use Proposed)

Proposal Description (narrative of your project):

The Proposed Development consists of 13 Residential Estate Lots, two Private Roads, protected Natural Heritage/Open Space Blocks, and Water Station Blocks. Each of the Single Detached Dwellings will be designed on an individual basis and serviced by a septic system. All lots will be serviced by Municipal Water connection via 5th Concession Road. The Tenure of the Proposed Development will be of Common Element Condominium.

Low-Rise Residential

**Education**

Performance Measures		Performance Criteria			For Submission		
Number	Development Feature	1 Mandatory	Met	Tier 2 Optional	Met	Documentation	Comments
E1	<b>Resident Education</b>	Provide a Resident <b>Education Information Package</b> (hardcopy or digital through website link) to residents that explains the use and maintenance of sustainable building features as well as sustainable lifestyle practices.	<input checked="" type="checkbox"/>	Meet Tier 1 and post signage and other education materials onsite to educate residents and visitors of sustainability features.	<input type="checkbox"/>	<input type="checkbox"/> Educational package or other educational materials demonstrating compliance.	Educational Package can be a Condition of Draft Plan Approval.

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Low-Rise Residential

**Energy & Resilience**

Performance Measures		Performance Criteria			For Submission		
Number	Development Feature	Tier 1 Mandatory	Met	Tier 2 Optional	Met	Documentation	Comments
ER1	<b>Urban Heat Island Reduction</b>	Roof: Install cool roof (high albedo/light coloured materials with a <b>Solar Reflective Index (SRI)</b> of 78 or over (for low-sloped roofs <2:12) or 29 (for steep-sloped roofs >2:12) for 100% of the <b>available roof area</b> .  or Install solar PV for 50% of the <b>available roof area</b> .	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/> Roof plan indicating heat island reduction measures, including the SRI values(s) of roof materials.	As each of the Estate Lots will be custom designed, the Developer will make future buyers aware of the requirement.

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*Planning Justification Report, 3225 5<sup>th</sup> Concession Road, City of Pickering,  
Regional Municipality of Durham*

Low-Rise Residential

Performance Measures		Performance Criteria			For Submission		
Number	Development Feature	Tier 1 Mandatory	Met	Tier 2 Optional	Met	Documentation	Comments
		Non-Roof: Use one or a combination of the following strategies to treat at least 50% of the site's hardscape: <ul style="list-style-type: none"> <li>• High-albedo paving materials with an initial solar reflectance of at least 0.33 or SRI of 29;</li> <li>• Open grid pavement with at least 50% perviousness;</li> <li>• Shade from existing tree canopy or new tree canopy within 10 years of landscape installation;</li> <li>• Shade from architectural structures that are vegetated or have an initial solar reflectance of at least 0.33 at installation or an SRI of 29;</li> <li>• Shade from structures with energy generation.</li> </ul>	<input checked="" type="checkbox"/>	Non-Roof: Use one or a combination of the following strategies to treat at least 75% of the site's hardscape: <ul style="list-style-type: none"> <li>• High-albedo paving materials with an initial solar reflectance of at least 0.33 or SRI of 29;</li> <li>• Open grid pavement with at least 50% perviousness;</li> <li>• Shade from existing tree canopy or new tree canopy within 10 years of landscape installation;</li> <li>• Shade from architectural structures that are vegetated or have an initial solar reflectance of at least 0.33 at installation or an SRI of 29;</li> <li>• Shade from structures with energy generation.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/> Report, Plan(s), or other documentation indicating the heat island reduction measures.	Shade from existing tree canopy expected due to the extensive protection of Natural Heritage Blocks (Woodlands).

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Low-Rise Residential

Performance Measures		Performance Criteria			For Submission		
Number	Development Feature	Tier 1 Mandatory	Met	Tier 2 Optional	Met	Documentation	Comments
ER2	<b>Building Energy Performance and Emissions</b>	Design and construct all buildings to achieve or exceed the <b>Energy Star®</b> for New Homes, latest version, or demonstrated modeled equivalent (e.g., Better Than Code ® using <b>Home Energy Rating System (HERS)</b> ). or Design and construct all buildings to meet or exceed the <b>Energy Performance Emissions' Total Energy Use Intensity (TEUI), Thermal Energy Demand Intensity (TEDI) and GHG Emission Intensity (GHGI)</b> targets.	<input checked="" type="checkbox"/>	Design and construct all buildings to achieve a minimum energy performance level of 25% or better than the <b>Ontario Building Code</b> requirements in force at the time of application. or Design and construct all buildings to meet or exceed the <b>Energy Performance Emissions' Total Energy Use Intensity (TEUI), Thermal Energy Demand Intensity (TEDI) and GHG Emission Intensity (GHGI)</b> targets.	<input type="checkbox"/>	<input type="checkbox"/> Energy Modelling Report or other documentation demonstrating compliance with the target standard.	Energy Star Appliances are expected to be incorporated in all custom dwellings.
ER3	<b>Renewable Energy</b>	Design and construct all buildings to be <b>solar ready</b> . or Incorporate web-based <b>Home Energy Management Systems (HEMS)</b> .	<input checked="" type="checkbox"/>	Incorporate on-site <b>renewable energy</b> sources of power generation to meet 5% or more of the building energy needs. or Incorporate <b>peak shaving</b> devices like battery storage.	<input type="checkbox"/>	<input type="checkbox"/> Drawings, plans, or other documentation demonstrating compliance.	Solar ready roofs and /or Home Energy Management Systems will be offered to future buyers of the Estate Lots, who will customize their home.

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Low-Rise Residential

Performance Measures		Performance Criteria			For Submission		
Number	Development Feature	Tier 1 Mandatory	Met	Tier 2 Optional	Met	Documentation	Comments
ER4	<b>Building Resilience</b>	Implement at least two of the primary measures from the <b>Durham Region Climate Resilience Standard for New Houses</b> additional to those required by this Standard.	<input checked="" type="checkbox"/>	Implement at least two of the secondary measures from the <b>Durham Region Climate Resilience Standard for New Houses</b> .	<input type="checkbox"/>	<input type="checkbox"/> Drawings, plans, or other documentation demonstrating that the project incorporates resilient measures.	LIDs are proposed to capture pre-development infiltration in post-development scenario. See summary in Planning Justification Report. Dwellings are located outside food areas.

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Low-Rise Residential

**Neighbourhood**

Performance Measures		Performance Criteria			For Submission		
Number	Development Feature	Tier 1 Mandatory	Met	Tier 2 Optional	Met	Documentation	Comments
N1	<b>Private Pedestrian Walkways</b>	Provide on-site private pedestrian walkways from buildings to features outside of the development site, such as public sidewalks, multi-use trails, transit stops and adjacent buildings.  All connections must be AODA compliant.	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/> Site plan(s) highlighting on-site walkways.	Roads are private and include connections to adjacent Open Space Blocks
N2	<b>Private Play Areas &amp; Structures</b>	All private play areas and play structures must be AODA compliant.	<input checked="" type="checkbox"/>			<input type="checkbox"/> Site plan(s) highlighting play areas with accessibility features.	Each Estate Lot will be comprised of a large backyard, permitting area for play structures which would be customized by each homeowner.
N3	<b>Community Safety</b>	Design the project using CPTED principles to create a safe space.	<input checked="" type="checkbox"/>			<input type="checkbox"/> or Report demonstrating community safety strategies.	The proposed Estate Subdivision layout is safe and considers CPTED principles with each Lot fronting onto a road and visible.

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*Planning Justification Report, 3225 5<sup>th</sup> Concession Road, City of Pickering,  
Regional Municipality of Durham*

Low-Rise Residential

**Land & Nature**

Performance Measures		Performance Criteria			For Submission		
Number	Development Feature	Tier 1 Mandatory	Met	Tier 2 Optional	Met	Documentation	Comments
LN1	<b>Topsoil</b>	The topsoil layer should have a minimum depth of 30 cm for all turf areas, and a minimum depth of 45 cm of high-quality topsoil for all planting beds and scarify hard packed subsoil in all soft landscape areas prior to placement of topsoil.	<input checked="" type="checkbox"/>	Meet Tier 1 and install a minimum depth of 60 cm of high-quality topsoil for all planting beds.	<input type="checkbox"/>	<input checked="" type="checkbox"/> Landscape Plan(s) and/or other documentation indicating applicable soil characteristics (depth, pH, organic matter content) and planting depth.	Additional Top Soil depth is recommended to increase storm water infiltration.
LN2	<b>Light Pollution Reduction</b>	All exterior lighting to be <b>Dark Sky Compliant</b> with the exemption of street lighting, which is governed by the <b>City's Street Lighting Requirements</b> . If a Dark Sky Fixture Seal of Approval is not available, fixtures must be full cut-off and with a colour temperature rating of 3000K or less.	<input checked="" type="checkbox"/>	Meet Tier 1 and install motion sensors or timers for outdoor lights to maintain security without excessively lighting the building's exterior.	<input type="checkbox"/>	<input checked="" type="checkbox"/> Exterior Lighting Plan, Schedule, or other documentation indicating lighting type, orientation and location.	Lighting is anticipated to be Dark Sky Compliant. To be confirmed at the Detailed Design Stage.
LN3	<b>Native and Non-Invasive Species</b>	Plant 50% <b>native plant species</b> , including trees, shrubs and herbaceous plants preferably drought-tolerant and pollinator-friendly outside of the buffer area and within the development limit. Remaining non-native species must be non-invasive.	<input checked="" type="checkbox"/>	Plant 75% or greater with <b>native plant species</b> .	<input type="checkbox"/>	<input checked="" type="checkbox"/> Landscape Plan(s), drawings or other documentation demonstrating the percentage of plant species, preferably are drought-tolerant and pollinator-friendly.	Significant Woodlands, on site, are protected.

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Low-Rise Residential

Performance Measures		Performance Criteria			For Submission		
Number	Development Feature	Tier 1 Mandatory	Met	Tier 2 Optional	Met	Documentation	Comments
LN4	<b>Vegetated Buffers</b>	The disturbed buffer area between the development limit and a <b>key natural heritage feature</b> shall be restored with 100% <b>native plant species</b> , including trees, shrubs and herbaceous plants, preferably drought-tolerant.	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/> Landscape Plan(s), drawings or other documentation demonstrating that plant species are 100% native, preferably drought-tolerant.	Open Space Blocks are buffered as required.
LN5	<b>Tree Preservation and Removal Compensation</b>	Plant 60 mm <b>caliper</b> deciduous trees and 1.8 m high coniferous trees in accordance with the <b>tree compensation requirements</b> . This applies to the removal of any existing trees that are 15 cm or more in diameter at breast height.	<input checked="" type="checkbox"/>	Provide a site design solution that includes the preservation and protection of existing mature trees and a net gain of tree canopy through additional tree plantings in accordance with the <b>tree compensation requirements</b> .	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> A <b>Tree Inventory Report and Preservation Plan</b> that includes all trees on the development site and those on adjoining lands that may be affected by the proposed construction activities.	The Natural Heritage Blocks are being preserved and Tree Compensation, as required will be undertaken within the noted Blocks.
LN6	<b>Healthy Street Trees</b>	Plant 60 mm <b>caliper</b> deciduous trees on both sides of private streets and in public boulevards at an interval rate of 1 tree per 8 m of street frontage or spaced appropriately having regard to site conditions; <b>and</b> Design, implement, and pay for a watering and fertilizing program for at least the first 2 years of planting.	<input checked="" type="checkbox"/>	Meet Tier 1 and provide 30 m <sup>3</sup> high quality soil for street trees with a minimum topsoil depth of 75 cm.	<input checked="" type="checkbox"/>	<input type="checkbox"/> Tree Planting Plan(s), drawings or other documentation demonstrating species, and quantity for each planting area.  <input type="checkbox"/> Watering program methods and watering schedule.	A Landscape Plan will be provided as part of the Detailed Design process. Restoration Planting Plans will also be provided.

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Low-Rise Residential

Performance Measures		Performance Criteria			For Submission		
Number	Development Feature	Tier 1 Mandatory	Met	Tier 2 Optional	Met	Documentation	Comments
LN7	<b>Natural Heritage Features and Open Space Enhancement</b>	Protect <b>key natural heritage features</b> and <b>key hydrologic features</b> on site, including associated setbacks/buffers; <b>or</b> Where all alternatives to protect and enhance <b>key natural heritage features</b> and open spaces on site have been evaluated and determined to not be feasible, provide compensation for the loss of ecosystem functions due to development impacts.	<input checked="" type="checkbox"/>	Protect and enhance <b>key natural heritage features</b> and <b>key hydrologic features</b> on site and <ul style="list-style-type: none"> <li>• Create new natural heritage features on or off-site;</li> <li><b>or</b></li> <li>• Restore and enhance connectivity among natural heritage features on or off-site.</li> </ul>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Landscape Plan(s), drawing(s) or other documentation highlighting implemented features(s) and/or an Ecosystem Compensation Report where required.	See Environmental Impact Study.

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Low-Rise Residential

**Transportation**

Performance Measures		Performance Criteria			For Submission		
Number	Development Feature	Tier 1 Mandatory	Met	Tier 2 Optional	Met	Documentation	Comments
T1	<b>Electric Vehicles including plug-in hybrid vehicles</b>	Require 40% <b>EV Rough-in</b> & 10% <b>EV Ready</b> charging infrastructure or equivalent <b>electric vehicle energy management systems</b> (load sharing/circuit sharing) capable of providing Level 2 or higher charging for the resident parking spaces; <b>or</b> Require <b>EV Ready</b> charging infrastructure capable of providing Level 2 charging or higher for 50% of the resident parking spaces.	<input checked="" type="checkbox"/>	Require <b>EV Ready</b> charging infrastructure capable of providing Level 2 charging or higher for 100% of the resident parking spaces.	<input type="checkbox"/>	<input type="checkbox"/> <b>Electric Vehicle (EV) Charging Infrastructure Plan</b> , drawings or other documentation.	Documentation will be provided as part of the Detailed Design process.

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Low-Rise Residential

**Waste Management**

Performance Measures		Performance Criteria			For Submission		
Number	Development Feature	Tier 1 Mandatory	Met	Tier 2 Optional	Met	Documentation	Comments
WM1	<b>Construction Waste Reduction</b>	Divert 50% or more of all non-hazardous construction, demolition, and land clearing waste from landfill.	<input checked="" type="checkbox"/>	Divert 75% or more of all non-hazardous construction, demolition, and land clearing waste from landfill.	<input type="checkbox"/>	<input type="checkbox"/> Commitment Letter to divert waste through a third-party hauler.	Commitment Letter can be a Condition of Draft Plan Approval.
WM2	<b>On-Site Storage</b>	For low rise multi-storey residential buildings, design the site so that all individual units can be served by curbside collection; and allocate space for separate recyclables, organics and garbage containers inside each dwelling unit.	<input checked="" type="checkbox"/>			<input type="checkbox"/> Drawing(s) demonstrating compliance.	Waste to be collected by Private Hauler as development is a Common Element Condo.

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Low-Rise Residential

**Water**

Performance Measures		Performance Criteria			For Submission		
Number	Development Feature	Tier 1 Mandatory	Met	Tier 2 Optional	Met	Documentation	Comments
W1	<b>Stormwater Management</b>	Achieve a level one/enhanced stormwater treatment for all stormwater, and achieve runoff reduction of a minimum 5 mm of rainfall depth; <b>and</b> Demonstrate that the applicable groundwater recharge targets are met based on site-specific water balance/budget studies, in accordance with the <b>CTC Source Protection Plan</b> ; <b>and</b> Provide an enhanced level of protection for water quality through the long-term average removal of 80% of Total Suspended Solids (TSS) on an annual loading basis from all runoff leaving the site, in accordance with the <b>City of Pickering Stormwater Management Design Guidelines</b> .	<input checked="" type="checkbox"/>	In a manner best replicating natural site hydrology processes, manage on-site runoff using at least two of the following low-impact development (LID) and green infrastructure techniques: <ul style="list-style-type: none"><li>• permeable pavement</li><li>• bioswales</li><li>• soakaways</li><li>• rain gardens</li><li>• filtered strips</li><li>• infiltration trenches</li></ul> <b>or</b> Achieve post-development runoff reductions to no more than 50% of annual precipitation (approx. 10 mm of rainfall event retention from all site surfaces) through infiltration, evapotranspiration, water harvesting and reuse.	<input checked="" type="checkbox"/>	<input type="checkbox"/> Stormwater Management Report, Plan(s), and drawing(s) demonstrating compliance.	See Functional Servicing Report for LIDs and Water Balance Report.

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*Planning Justification Report, 3225 5<sup>th</sup> Concession Road, City of Pickering,  
Regional Municipality of Durham*

Low-Rise Residential

Performance Measures		Performance Criteria			For Submission		
Number	Development Feature	Tier 1 Mandatory	Met	Tier 2 Optional	Met	Documentation	Comments
<b>W2</b>	<b>Water Efficiency</b>	Implement two of the following: <ul style="list-style-type: none"> <li>• Use <b>WaterSense®</b> labeled water fixtures.</li> <li>• Use a non-potable watering system for irrigation purposes.</li> <li>• Install a drain water heater recovery unit.</li> <li>• Install a hot water recirculation pump with an integrated adjustable timer or auto-adaptive controls to shut off during periods of low/no hot water use.</li> <li>• Use <b>Energy Recovery Ventilation</b> in lieu of conventional humidifier.</li> </ul>	<input checked="" type="checkbox"/>	Implement three of the following: <ul style="list-style-type: none"> <li>• Use <b>WaterSense®</b> water fixtures that obtain a minimum 30% better than the <b>Ontario Building Code</b> baseline.</li> <li>• Use a non-potable watering system for irrigation purposes.</li> <li>• Design 25% of the dwelling units/buildings to be "<b>greywater ready</b>" (i.e., plumbing and infrastructure roughed in, adequate utility room space).</li> <li>• Install a hot water recirculation pump with an integrated adjustable timer or auto-adaptive controls to shut off during periods of low/no hot water use.</li> <li>• Use <b>Energy Recovery Ventilation</b> in lieu of conventional humidifier.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/> Plan(s), drawing(s), or other documentation demonstrating implementation of target elements(s).  <input type="checkbox"/> Plumbing fixtures specifications or other documentation demonstrating <b>WaterSense®</b> labelling and flush/flow rates.  or  <input type="checkbox"/> Third party verification of water reductions with systems e.g., <b>Home Energy Rating System H2O</b> or <b>WaterSense®</b> labeling.	Documentation to be provided at Permit Stage with commitment as a Condition of Draft Plan Approval.

**APPENDIX II**  
**ZONING BY-LAW AMENDMENT**

1

THE CORPORATION OF THE CITY OF PICKERING

BY-LAW NO. XXXX/23

Being a By-law to amend Restricted Area (Zoning) By-law 3037, amended, to implement the Official Plan of the City of Pickering, Region of Durham in Part of Lots 3 and 4, Concession 5 (Part 1 40R-25092) in the City of Pickering (PIN 26405-0375)

WHEREAS the Council of the Corporation of the City of Pickering deems it desirable to permit the development of 13 Estate Residential Lots together with Common Elements including Private Roads, Water Pumping Station Blocks and to protect and maintain various environmentally significant lands as open space on the subject lands, being Part of Lots 3 and 4, Concession 5 (Part 1 40R-25092) in the City of Pickering (PIN 26405-0375);

ANDWHEREAS an amendment to By-law 3037, as amended, is therefore deemed necessary;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF PICKERING HEREBY ENACTS AS FOLLOWS:

1. SCHEDULE 1

Schedule 1 attached hereto with notations and references shown thereon is hereby declared to be part of this By-law.

2. AREA RESTRICTED

The provisions of this By-law shall apply to those lands in Part of Lots 3 and 4, Concession 5 (Part 1 40R-25092) in the City of Pickering (PIN 26405-0375), designated "ER-2", "OS-EP" on Schedule 1 attached hereto.

3. GENERAL PROVISIONS

No building, land or part thereof shall hereafter be used, occupied, erected, moved, or structurally altered except in conformity with the provisions of this By-law.

4. PROVISIONS

(1) (a) Uses Permitted ("ER-2" Zone):

No person shall within the lands designated "ER-2" on Schedule 1 attached hereto, use any lot or erect, alter or use any building or structure for any purpose except the following:

- (i) single detached dwelling residential use
- (ii) water pumping station

(b) Zone Requirements ("ER-2" Zone):

No person shall within the lands designated "ER-2" on Schedule 1 attached hereto, use any lot or erect, alter, or use any building except in accordance with the following provisions:

- (i) LOT AREA (minimum): 0.35 of a hectare
- (ii) LOT FRONTAGE (minimum): 30 metres

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- (iii) FRONT YARD DEPTH (minimum): 15 metres
- (iv) SIDE YARD WIDTH (minimum): 7.5 metres
- (v) FLANKAGE SIDE YARD WITH (minimum): 7.5 metres
- (vi) REAR YARD DEPTH (minimum): 7.5 metres
- (vii) LOT COVERAGE (maximum): 40 percent
- (viii) BUILDING HEIGHT (maximum): 12 metres
- (ix) DWELLING UNIT REQUIREMENT: minimum gross floor area residential of 140 Square metres.
- (x) PARKING REQUIREMENTS:
  - A minimum two parking spaces
  - B a private detached garage may be erected in a side yard or a front yard provided that such garage is located not less than 3 metres from any side lot line and not less than 10 metres from any front lot line.
- (xi) ACCESSORY STRUCTURE REQUIREMENTS: all accessory structures, except a detached private garage, which is not part of the main building, shall be erected in the rear yard and shall not be less than one metre from any side or rear lot line.

(c) Special Regulations ("ER-2" Zone):

- A Despite Subsection 5.18 (c) of By-law 3037, as amended, accessory buildings shall be permitted on lands designated "ER-2" on Schedule 1 attached hereto, at a height not to exceed 6.0 metres.
- B Lots may front onto a Private Common Element Road.

(2) (a) Uses Permitted ("OS-EP" Zone):

No person shall within the lands designated "OS-EP" Zone on Schedule 1 attached hereto, use any lot or erect, alter, or use any building or structure for any purpose except the following:

- (i) conservation of the natural environment, soil and wildlife; and
- (ii) resource management

(b) Zone Requirements ("OS-EP" Zone):

No buildings or structures shall be permitted to be erected, nor shall the placing or removal of fill be permitted, except where buildings or structures are used for purposes of flood and erosion control, or resource management.

5. BY-LAW

By-law 3037, as amended, is hereby further amended only to the extent necessary to give effect to the provisions of his By-law as it applies to the area set out in Schedule 1 attached hereto. Subject matters not specifically deal with in this By-law shall be governed by the relevant provisions of By-law 3037, as amended.

6. EFFECTIVE DATE

This By-law shall come into force in accordance with the provisions of the Planning Act.

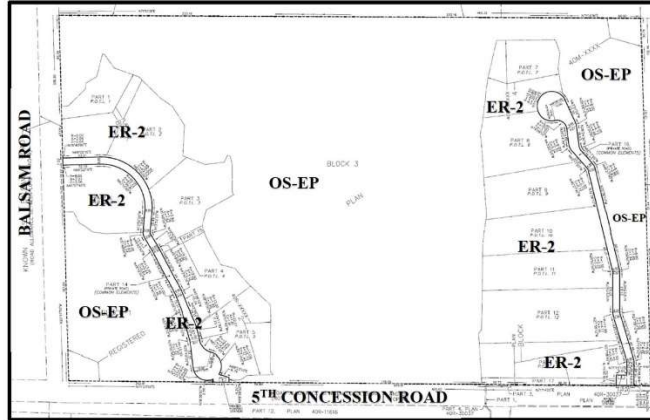
BY-LAW read a first, second, and third time and finally passed this \_\_\_\_ day of \_\_, 2023.

\_\_\_\_\_  
Kevin Ashe, Mayor

\_\_\_\_\_  
Susan Cassel

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SCHEDULE 1



SCHEDULE 1 TO BY-LAW \_\_\_\_\_

PASSED THIS \_\_\_\_\_

DAY OF \_\_\_\_\_, 2023

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK