

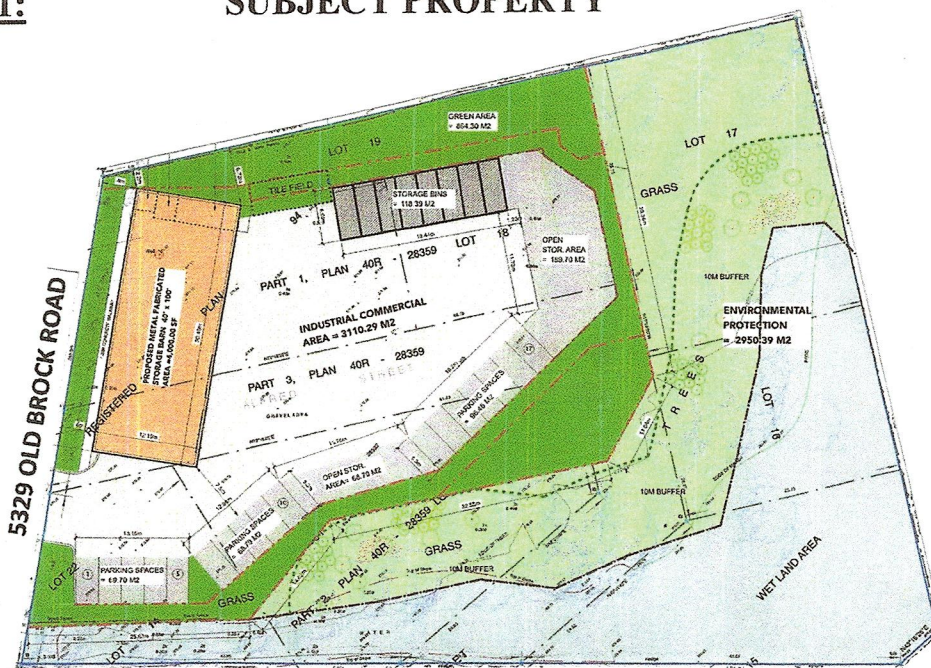
**PDF – A PLANNING JUSTIFICATION AND
SUSTAINABILITY REPORT,
PREPARED BY GRANT MORRIS
ASSOCIATES LTD., FEBRUARY 14, 2024**

2nd SUBMISSION PLANNING REPORT			
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2ND SUBMISSION PLANNING REPORT

Description:	<i>Planning Justification & Sustainability Report prepared by Grant Morris Associates Ltd.</i>
Proposal:	<i>To apply to the City of Pickering for an Amendment to By-law 3037 and to obtain site plan approval to permit the Commercial Development of a Landscape and Pool Installation Business at 5329 Old Brock Road in the Hamlet of Claremont, in the City of Pickering and to respond to Violation Notices issued by TRCA and the City.</i>
Owner:	<i>1972229 Ontario Ltd., with Art Simpatico as President hereinafter Referred to as the Owners.</i>
Neighbourhood:	<i>Hamlet of Claremont</i>

FIGURE 1: SUBJECT PROPERTY



1.0 INTRODUCTION:

The services of Grant Morris of Grant Morris Associates Ltd. have been engaged by the owner to provide a professional Planning Report for the development of a Landscape and Pool Installation Business on the subject property. The owner

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FIGURE 1: SUBJECT PROPERTY

1.0 INTRODUCTION:

The services of Grant Morris of Grant Morris Associates Ltd. have been engaged by the owner to provide a professional Planning Report for the development of a Landscape and Pool Installation Business on the subject property. The owner

proposes to develop the site with a storage barn with an office, storage bins and limited outdoor storage. To achieve this development a site plan, supported by an Amendment to Zoning By-law 3037, to include the subject use in the Oak Ridges Moraine Agricultural ORM-A Zone is required.

2.0 PURPOSE OF REPORT:

This Planning Report is intended to provide Justification and Sustainability for the proposed development in keeping with the Planning Act, the City of Pickering Official Plan, the Region of Durham Official Plan including the Oak Ridges Moraine Policy, City of Pickering Zoning By-law, the Provincial Policy Statement (PPS) and the Growth Plan for the Greater Golden Horseshoe (GPGGH) is required.

In addition, this 2nd submission will provide the basis for the preparation of the required Planning applications through the Planning Process and will address the comments received. *The Justification & Sustainability Report is included as PDF-A.*

3.0 THE PROPERTY:

On February 27, 2017, 197222 Ontario Ltd, carrying on business as Simpatico Property Services Ltd., purchased the property to locate a Landscape and Pool Installation business. The property is municipally known as 5329 Old Brock Road, in the Hamlet of Claremont, Pickering. As part of its due diligence, before purchasing the property, the company was advised by Pickering Staff that a Landscape and Pool Installation Business was a permitted use in the Pickering Official Plan and further, that a rezoning was necessary to permit the use.

The subject property has a frontage of 56.64 metres, an average depth of 91.39 metres and an area of 6,060.680 m² (1.498 acres). The property is divided in to two main sections. The easterly 24.79 metres, containing 2,950.39 m² of the property is located in the Oak Ridges Moraine - Agriculture (ORM-(A) which contains a small wetland area with a drain along the south boundary of the property. The remaining westerly 3,110.29 m² of the property contains the tableland, which is also zoned Oak Ridges Moraine - Agriculture (ORM-A). The owner is also seeking to rezone the tableland as Oak Ridges Moraine – Commercial (ORM-CS) and the remaining lands as Oak Ridges Moraine – Environmental Protection (ORM-EP). Originally the tableland housed an old detached dwelling where the new owner is now proposing to erect its Landscape and Pool Installation Business. The property is surrounded by Agricultural uses to the north and east, Residential immediately to the south, Old

Brock Road to the west, with an environmental; area on the west side of Old Brock Road. Other uses in the immediate vicinity to the south involve a garage with a paint shop and a small commercial plaza with an LCBO, etc, on the south-west.

The south east corner of the site adjoins the CP Rail's right-of-way, which is an appreciable distance from the table land of the subject site. CP has no objections to the proposed use but wishes the owner to respect their guidelines. It is my position that the guidelines do not impact the development of the subject property.

A copy of the survey of the property, prepared by Ertl Surveyors, is included as PDF-A1. A copy of CP letter is included as PDF-A2.

4.0 BACKGROUND:

At the time of purchasing the property, the site contained the remnants of a partly demolished old house, stacks of wood, in addition to the illegal dumping of household and construction garbage. Also the ice storm of 2017 resulted in the damage of a number of trees on the tableland of the property. This illegal dumping of household and construction garbage continued unchecked. This resulted in the owner clearing the property and placing 2" to 4" of clean gravel to fill in a number of potholes and levelling the property. This clean fill was purchased from a nearby quarry (Vicdom Sand & Gravel Ontario Limited). The owner also erected a wooden fence with a metal gate to halt the illegal dumping which continued to take place. Once this work was completed, my client began to store an office trailer, landscape trailers, small machines and a number of storage bins, all on the tableland portion of the property. At the request of the City, the owner has agreed to remove the 2.4-metre wooden fencing erected along the front lot line of the property and replace same with an 1.8-metre chain link fence with a wood/metal gate at the front entrance set back 4.0 metres to secure the property and prevent further illegal dumping. The office trailer has now been removed.

The easterly part of the property, a considerable distance away from the tableland, contains both a number of scattered non-native lotus trees and a small wetland area with an outlet via a drainage ditch along the southern boundary of the site. This wetland area was created as a result of drainage from the adjoining farm to the east, being blocked by fallen tree branches and leaves. The owner has since removed the blockage, thus allowing much of the standing water in the wetland area to drain, via the roadside ditch at the front of the property, via a culvert under Old Brock Road leading to an environmental area to the west of Old Brock Road. *A copy of the proposed site plan is included as PDF-A3.*

5.0 VIOLATION NOTICES:

At the time of placing the fill, the owner was not aware that his actions to place fill on the property to address the pothole problem and to grade the site was in violation of TRCA Regulation O Reg 166/6 and the City of Pickering's Fill By-law. This resulted in both the TRCA and the City issuing Violation Notices.

TRCA was concerned that the illegal fill on the tableland of the property could negatively impact the integrity of the existing wetland function. Whereas the City was concerned with the illegal activity and use which was taking place on the property. *Copies of the TRCA and City of Pickering Violation Notices are included as PDF-A4.*

The owner and his Consultant have been actively engaged in trying to satisfy TRCA. Because of the delay, mainly as a result of TRCA Staff turnover, the owner and his Consultant convened a meeting with TRCA senior staff via a Zoom meeting to negotiate an acceptable solution. This resulted in TRCA agreeing in principle to establishing a 10-metre buffer of trees in the Open Area around the identified wetland boundary. The owner is also pursuing a rezoning of the tableland of the property to provide for the legal use of the proposed landscape and pool installation business. *A copy of the Minutes of the Zoom Meeting with TRCA is included as PDF-A5.*

6.0 PLANNING JUSTIFICATION FOR THE USE:

6 (1): Regional Official Plan:

Section 40 of the Oak Ridges Moraine Conservation Plan 2017 (ORMCP) designates the subject land as Countryside – Rural Settlement, where small scale commercial and industrial uses maybe permitted. The subject property is also located in the Hamlet of Claremont. The east section of the property contains a Key Natural Heritage Feature which involves a small wetland area and scattered non-native lotus trees. A small drainage ditch along the south boundary of the property drains the wetland. The remainder of the property is the tableland on the west section of the property which originally housed a disused detached dwelling. Policies 9B.1.3 & 9B.2.3 require hamlets to be developed in harmony with the surrounding uses.

Justification:

The subject proposal of a Landscape and Pool Installation Business is a small scale commercial use which Supports employment opportunities serving the needs of the immediate hamlet residents and surrounding areas. It is in harmony with the surrounding uses and conforms with the Regional Official Plan.

6 (2): Natural Heritage Features and Hydrogeological Features, Schedule B Map, B-1d, of the Regional Official Plan, identifies Key National Heritage Features and Hydrogeological Features on the subject site and requires a Natural Heritage Evaluation.

Justification:

The Natural Heritage Evaluation, prepared by Cunningham Environmental Associates, dated March 2021, recommends a 10-metre vegetation buffer to protect the wetland feature. To ensure that the natural heritage features, the proposed 10-metre vegetation buffer and existing trees in this area will be left undisturbed, the owner will install a heavy duty protective fence around the tableland to discourage access to this area.

Also, LID measures are proposed to improve on site retention and suitable planting under a permit from TRCA. TRCA has provided clearance for the rezoning by-law but requires a TRCA permit prior to a building permit being issued. The owner plans to seek the required permit from TRCA. A copy of the Cunningham Natural Heritage Evaluation is included as PDF-6.

6 (3): Private Servicing:

The Region's Policy 9 B.2.13 and policies of the ORMCP require that the subject site be individually serviced with a private drilled well and private sewage disposal system where ground water quantity and quality permits.

Previously, an old detached house, serviced by a well and sewage disposal system, was located on the property. This house was demolished.

Justification:

The owner is proposing to utilize the existing well on the site or drill a new well, if necessary.. Originally, the owner was proposing to install a holding tank. However, since this is not permitted by the Region, the owner plans to install a new sewage disposal system to service the proposed washroom. These facilities will be provided as part of the building permit process. An aerial photo showing the location of the demolished house is included as PDF-7.

6 (4): Archaeological Site Assessment:

The Region's Composite Archaeological Resources Tool identified the subject site as an area of archaeological potential.

Justification:

The Region notes that the owner has submitted a Stage 1 and 2, Archaeological Assessment, prepared by ASI, dated May 21, 2019. This study did not identify any archaeological resources on the property. A copy of the clearance letter from the Ministry of Heritage, Sport, Tourism and Culture Industries, dated June 27, 2019, has been entered in the Public Register of Archaeological Reports. The Region acknowledges that no further provincial review responsibilities are applicable at this time. A copy of the Archaeological Assessment, prepared by ASI, is included as PDF-8 and a copy of the Ministry's response on the Archaeological Report is included as PDF-A9.

6 (5) Provincial Plan Review Responsibilities:

Soil and Ground Water Assessment Protocol:

The owner has submitted a Site Screen Questionnaire, although all the answers on the Questionnaire were "NO". Notwithstanding that clean fill from a nearby quarry, (Vicdom Sand & Gravel Ontario Limited), was used at the site, the Regional Staff have insisted that a Phase 1 and possibly a Phase 2 Environmental Site Assessment (ESA) be prepared in accordance with O.Reg. 153/04, accompanied by a Regional Reliance Letter and Certificate of Insurance, if no soil, ground water and sediment exceedances exists on the site.

Justification:

The services of Cambium Inc. were engaged to address the concerns of the Region, notwithstanding that clean fill was placed on the site. The Phase 1 Study, prepared by Cambium Inc., opined that no soil, ground water and sediment exceedances exist on the site. Hence, no Phase 2 ESA is required. A copy of the Phase 1 ESA, the Reliance Letter and Cambium Inc. Certificate of Insurance are included as PDF-A10.

6 (6) Landform Conservation Area:

Schedule B – Map B4 identifies that the the subject site is located in a Landform Conservation Area – Moderately Complex (Category 2), Policies 30 (6), 30 (10), 30 (12) and 30 (13) of the ORMCP, details the requirements for development or site alteration in the subject area.

Justification:

The Landform Conservation Assessment undertaken by Cunningham Environmental Associates in December 2023, states that from the Topographical Survey, prepared by Ertl Surveyors 2017, the site is relatively flat. The study opines that the proposed development will not affect the ecological integrity of the ORMCP Category 2 Landform which exists off site and not on site.

Given that the site is relatively flat, the landform feature within the property is not considered a Category Landform or a Category 1 Landform as defined in Policy 10 B 2.15 of the ROP and policies of the ORMCP. Additionally, none of the proposed development areas lie within an ORMCP and neither does the other wood and wetland features on and abutting the property. A copy of Cunningham Environmental Associates' Landform Conservation Report is included as PDF-A11.

6 (7) Sections 9B.1.3 and 9B.2.3 require Hamlets to be development in harmony with the surrounding uses with the pre-dominant location for residential, social, commercial and employment development serving the immediate needs of the residents of the surrounding rural area.

Justification of Uses:

Given the existing uses in the vicinity, i.e. residential, garage with a paint shop and other commercial uses including an LCBO, the proposed Landscape and Pool Installation Business is a small scale commercial use which provides employment in the area, (about seven people), is in keeping with the other commercial uses in the vicinity and will serve the needs of the growing residential area as well as the surrounding rural areas. In addition, the proposed use is in keeping with the Regional Official Plan. A plan of the site and surrounding properties are included as PDF-A12.

- 6 (7) 1:** The Official Plan identifies existing environmental features on the property and identifies a significant woodlot on the property, while the immediate lands to the east of the property contains some significant woodlands.

Justification:

The existing scattered vegetation on the property consists mainly of locus (non-native trees). The Arborist Report, opined that these trees on the property do not qualify as a Woodlot. The Arborist findings are contained in the Arborist Report and Letter of Opinion, included as PDF-13.

6 (8) Provincial Policy Statements:

- 6 (8) 1:** The Provincial Policy Statement 2020 encourages Urban Development in the form of Commercial Development which provides employment opportunities which serve the local and rural communities. Hence, the subject Landscape and Pool Installation Business which will employ 7 people in the area will be in keeping with this Policy Statement.

- 6 (8) 2:** Growth Plan for the Greater Golden Horseshoe 2017 includes the Hamlet of Claremont in the City of Pickering. The City is an integral part of the Region of Durham which is designated as a Growth Area. Given the rapid expansion of the GTA, the City of Pickering is expected to double its population in approximately 20 years. The subject Pool and Landscape Business will play an important role in the future growth of the area and therefore complies with the Growth Plan.

7.0 Pickering Official Plan:

7 (1) Natural Heritage Evaluation:

Given the Natural Heritage Nature of the eastern section of the property, the Pickering Official Plan requires an Evaluation to be undertaken to justify the development or alteration of the site. In addition, given the location of the site in the Oak Ridges Moraine Designation, it is necessary to demonstrate how the proposed Landscape and Pool Installation Business conforms with this designation.

Justification:

The Heritage Evaluation, undertaken by Cunningham Environmental Associates, identifies the wetland area on the eastern section of the property and proposes that a 10-metre planted buffer to augment the existing trees, in the buffer area, be located adjacent to the identified wetland boundary to protect the integrity of the wetland feature. A Landscape Plan showing the 10-m buffer was prepared by MSLA Landscape Architects for the buffer area and the site as a whole.

MSLA has updated its Planting Plan to include the quality of each species, together with an acceptable seed mix. This seed mix is also included in Cunningham Environmental Associates Heritage Evaluation. The Landscape Plan and these additional features were accepted in principle by TRCA.

- (i) The Cunningham Environmental Associates Heritage Evaluation (EIS) is included as PDF-A6.*
- (ii) The MSLA Landscape Plan is included as PDF-A14.*
- (ii) TRCA's Acceptance Letter to clear the rezoning application A14/21, is included as PDF-A15*

7 (2): Hydrogeological Study:

Schedule 111D of the City of Pickering Official Plan identifies the property as within a Ground Water Recharge Area and requires a Hydrogeological Study be undertaken to protect the Ground Water Recharge Area and the Water Balance of the site.

Justification:

The Hydrogeological Study was undertaken by Cambium Inc. The study found that the site is overlain by sandy silt and silty sand till overburden soils. Ground water was encountered about 1 MBGS, shallow ground water flow was to the southeast and east at the site. Regionally, the inferred ground water flow is to the south, towards Lake Ontario.

The study also noted that since the development will not involve deep excavations, ground water de-watering is not anticipated. Further, that impacts to the surrounding water resources are not anticipated, hence, there are no High Aquifer Vulnerability Area Concerns. The study further suggests that to improve water balance, low impact development measures should be considered.

Given the results of the Hydrogeological Study, Valdor Engineering Inc., proposed grass planting around the perimeter of the gravel tableland area with a drainage swale to maintain the water balance and recharge the ground water. At the request of TRCA, Valdor Engineering updated its plans to include best efforts to provide Low Impact Development (LID) measures on the site to improve on site retention of water quality to the Natural Heritage Feature. These measures have been accepted by TRCA.

- (iii) Copy of the Hydrogeological Study is included as PDF-17*
- (iv) Copy of the Valdor Engineering Water Balance Plans are included as PDF-7*
- (ii) Copy of TRCA's Letter to the City clearing the Rezoning Application, A14/21, is included as PDF-A15.*

7 (3) Geotechnical Study:

Although a Geotechnical Report was not identified in the pre-consultation minutes, nonetheless, one was prepared given the proposed activity on the property. Additionally, it proved to be a useful tool in informing the preparation of the Hydrogeological Study.

Justification:

The study served as a useful tool in informing the Hydrogeological Study and determining the measure to be taken for the installation of the barn foundation and the parking lot construction. The Geological Study is included as PDF-A18.

7 (4) Revised Site Plan with Outdoor Storage:

The owner proposes a revised site plan which removes the use of the previous office trailer and is amending the site plan to show the storage barn to include a small office, washroom facilities and landscape machinery, such as small backhoes. Outdoor to include eight (8) storage bins, six (6) landscape trailers, an outdoor storage area of landscape material and a 10-unit parking lot for seven (7) staff who will use the property to park their cars while working at sites in the area. As noted, in section 6(3), the design of the sewage system and the location of the well will be provided at building permit stage. Bulk storage of salt, pesticides and fertilizers shall be prohibited on the property and a prohibition clause shall be included in the amending by-law, A 14/21.

The owner does not own or use large excavation vehicles and does not intend to store such equipment at the site.

The attached site plan shows the removal of the wood fence along the front property line and replaced same with a partial chain link fence, setback 4.0 metres with a wood/metal gate at the entrance to the site. It also shows how the development will be accommodated on the tableland and the juxtaposition of the heavy duty barrier fenced tableland and the Natural Heritage Area. The heavy duty barrier fencing will ensure against disturbance of the Natural Heritage Feature. Both the tableland and the Natural Heritage Area will be appropriately zoned in the amending Zoning By-law, A 14/21.

The Site Plan also shows:

- The installation of the grassed area around the tableland portion of the site which is intended to serve as a filter to prevent contaminants from entering the environmental area of the site;
- To maintain the integrity of the ground water recharge area, the owner proposes to construct the storage barn without a basement while maintaining the tableland in gravel;

- To maintain the water balance of the site, the owner proposes to maintain a gravelled surface with no asphalt installation, while directing the roof water from the storage barn into the ditch in front of the property. The engineered drainage swales around the outskirts of the tableland will also serve to assist with maintaining the water balance of the site;
- The drainage plan prepared by Valdor Engineering, directs the drainage from the first part of the site towards the front of the property with the remaining being directed into the grassed areas and drainage swales leading into the drainage ditch on the south side of the property.

The Site Plan, included as PDF-A3, indicates how the site will be developed including adequate protection for the Natural Heritage Features on the eastern section of the property.

Policy 10.3 encourages public and private policies to protect the Key Natural Heritage Features and landscapes in their natural state.

Justification:

The owner intends to retain ownership of the Natural Heritage Area and proposes to erect a heavy duty barrier fence during construction to protect the Key Natural Heritage Features of the site including the wetland area. Also, a 10-metre planted buffer will augment the existing vegetation on the east and south side of the heavy duty barrier fence and further, is prepared to zone the Natural Heritage Area as Oak Ridges Moraine – Environmental Protection (ORM-EP) in the amending By-law A 14/21, referred to in Section 7(8) on page 14.

7 (5) Arborist Report:

The Arborist Report, as prepared by D.A. White Arborist, September 18, 2023, was also not a requirement of the pre-consultation minutes. However, given the number of trees on the property, the wetland area and the loss of trees due to a previous ice storm. The information gathered was helpful in assisting the Natural Heritage value of the property and addressing the TRCA requirements of protecting the wetland functions.

Justification:

The Arborist report notes that the vegetation found on the site consists of scattered trees, the majority of which are Locusts (invasive species). The study also indicates that six (6) privately owned trees should be removed or have been removed, with all other trees on the site remaining, particularly all the trees down slope of the 10-m buffer. The Arborist opined that the vegetation found on the site does not constitute a wood lot. The owner has agreed to these recommendations and will plant nine (9) replacement trees in the 10-metre buffer. A copy of the Arborist Report is included as PDF-A13.

7 (6) Conceptual Architectural Plans & Elevations:

The Conceptual Architectural Plans for the storage barn will be detailed more fully at the building permit application stage to satisfy the requirements of the Ontario Building Code.

Copy of the Conceptual Architectural Plans for the storage barn is included as PDF-A19.

7 (7) Lighting Plans:

The City requested the owner to prepare a Lighting Plan given the commercial nature of the proposed use. This was prepared by Rice Kong Engineers, dated November 12, 2023.

Justification:

The Lighting Plan will serve as a security tool to aid the proposed use, given the illegal dumping, vandalism and theft of equipment, which the property has experienced over the years, particularly given the relative seclusion of the site. Also, the Lighting Plan and choice of light equipment has been designed to minimize any adverse impact on the adjoining residential property to the south. A copy of the Lighting Plan is included as PDF-A20.

**7 (8) DRAFT ZONING BY-LAW AMENDMENT
CORPORATION OF THE CITY OF PICKERING
BY-LAW NUMBER A 14/21 TO AMEND BY-LAWS 3037 & 6640/06**

Legal Description:

This property, municipally known as 5329 Old Brock Road, is legally described as being Lots 16, 17, 18 & 20, and parts of Lots 15, 19, 21 & 23 and part of Alfred Street and Tracey Street, Registered Plan 94, in the Geographic Township of Pickering now in the City of Pickering.

NOW THEREFORE the City of Pickering **ENACTS** as follows:

- 1) **WHEREAS** authority is granted under Section 34 of the Planning Act, R.S.O. 1990, C.P. 13, for the City of Pickering to pass this by-law;
- 2) **AND WHEREAS** the owner wishes to establish a Landscape and Pool Installation Business on the property;
- 3) **AND WHEREAS** the City of Pickering Official Plan designates 5329 Old Brock Road as Oak Ridges Moraine Rural Hamlet and Schedule IV – Settlement 10 Claremont and Hamlet employment, which permits a Landscape and Pool Installation Business on the property;
- 4) **AND WHEREAS** the owner is seeking to re-zone the property from Oak Ridges Moraine (ORM-A) to Oak Ridges Moraine Commercial Special (ORM-CS)
- 5) **AND WHEREAS** authority is granted under Section 34 of the Planning Act, R.S.O. 1990, C.P. 13, for the City of Pickering to re-zone 5329 Old Brock Road from Oak Ridges Moraine Agriculture (ORM-A) to Oak Ridges Commercial Special (ORM-CS) to permit the installation of a Landscape and Pool Installation Business on the property by amending By-law 3037 as amended by By-law 6640/06 and further amended by this By-law A 14/21.

NOW THEREFORE the City of Pickering **ENACTS** as follows:

THAT the zoning specifically Map N19 attached to and forming part of By-law 3037 and as amended by By-law 6640/06 is hereby amended by By-law A 14/21 to zone on the lands located on the east side of Old Brock Road, municipally known as 5329

Old Brock Road, in the City of Pickering (shown attached herewith as Schedule '1') containing 6100.00 m², and to amend from Oak Ridges Moraine Agriculture (ORM-A) to Oak Ridges Moraine Commercial Special (ORM-CS) containing approximately 3,110.29 m² of table land to permit *a Landscape Pool and Installation Business*. Also, to amend from the Oak Ridges Moraine Agriculture (ORM-A) zone to Oak Ridges Moraine Environmental Protection (ORM-EP) to limit the permitted uses in the ORM-EP zone on the property containing approximately 2,950.39 m², shown *on Schedule '1' attached*.

Permitted used in the Oak Ridges Moraine Commercial Special Zone ORM-CS):

- 1) Landscape, Pool and Installation business
- 2) Outdoor storage of landscape material equipment and parking
- 3) A storage barn for landscape equipment, material and office.

Regulations for the Permitted Uses:

Lot area	6066.68 m ²
Tableland area	3110.29 m ²
Ground floor of barn/office area	372.0 m ²
Barn/office coverage of lot	7%
Barn/office coverage of tableland	12%
Coverage of tableland area	51.32 %
Environment Protection Area	2950.39 m ²
Coverage of environmental land	48.68 %
Lot frontage	56.64 m
Minimum front yard setback	4.0 m
Minimum side yard setback	2.2 m
Minimum rear yard setback	66.8 m
Maximum height of storage barn	12.0 m

Note: The uses permitted in the ORM-C2 zone, save and except an automobile service station, shall also be permitted in the ORM-SC zone.

Specific Regulations:

- a) A front yard chain linked fence with metal and wooden gate, set back 4.0 metres, erected to secure the property having a maximum height of 1.8 metres shall be permitted.

b) The bulk storage of salt, pesticides and fertilizers on this property shall not be permitted.

Oak Ridges Moraine – Environmental Protection Zone (ORM-EP)

No person shall use the lands in this zone, *as shown on Schedule 1*, except in accordance with the following:

Natural Heritage uses including:

- A wetland
- A 10-metre planted buffer outside the identified wetland boundary
- Conservation projects and flood and erosion control projects.

Effective Date:

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

By-law passed this _____ day of _____, 2024.

Signed: _____

Kevin Ashe
Mayor of the City of Pickering

Signed: _____

Clerk of the City of Pickering

Amending Zoning By-law included as PDF-A21.

Schedule 1

ORM-EP
ORM-SC

8.0 Sustainable Development Report:

In addition to the Planning Justification Report, the City requires the owner through a Sustainability Development Report to demonstrate that the proposed Landscape and Pool Installation Business will not adversely affect the neighbourhood and further to demonstrate that the use will be of benefit to the municipality without adding meaningful cost to the municipality.

The proposed use is a planned use recognized in the Regional Official Plan and the City of Pickering Official Plan and will be implemented by way of an amendment to the Oakridges Moraine Agricultural ORM-A-Zone, at a cost of \$18,645.00 to the owner.

Guideline 2 Points

- 1.1 (3)** Consultation for this development builds support for Sustainable Community Development and will enhance the potential for long term implementation of strategies. The pre-consultation process requirements exceed the Planning Act or the approval requirements.

The owner was directed through the pre-consultation process of the proper procedures to follow and has followed the recommendations of the City to provide for the development which will provide added employment opportunities which will be of future benefit to the community in the long term.

- 2.1 (R) 0** Water shed and sub-water shed planning provides the foundation for Environmental Planning in Southern Ontario. Sustainability Strategies for this particular development builds on the objectives and targets of the bio-regional scale analysis.

The proposed development through the Hydrogeological actions taken will provide for increased water balance and will support the ground water and will be an asset in protecting the integrity of the Natural Heritage Features of the site.

2.2 (R) 0 The proposal is in keeping with MESP which is a comprehensive analysis that integrates information on the Natural Heritage System with hard infrastructure requirements. The proposal ensures both protection of the function of the natural system and a cost effective and efficiency of the infrastructure plan.

The Environmental Impact Study prepared for the site directs the integration of the Natural Heritage System with the proposed Pool and Landscape Business while protecting the environmental aspects of the site in a cost effective and efficient manner.

2.3 (R) 0 The development adheres to the Generic Regulations of the TRCA as a requirement of approval.

The owner will be required to seek a permit from TRCA to ensure that the proper conservation procedures are followed to protect the environment.

2.4 (R) 0 The development implements the objectives and targets of the ORM Plan as a requirement of approval.

The ORMCP designates the property as Countryside – Rural Settlements which permit the proposed Landscape and Pool Installation Business and will protect the heritage value of the property in keeping with the ORMCP.

2.6 (R) 0 The development supports the building of strong communities and conforms to the PPS as a requirement of approval.

The property is located in the Hamlet of Claremont which provides for a variety of uses including uses which will provide employment opportunities such as the proposed use and conforms with the PPS.

Guideline 2 Points

2.7 (R) 0 The development conforms to the PPS with respect to the intent of the Wise Management of Resources as a requirement of approval.

The proposed Landscape and Pool Installation Business will provide a valuable service to the community.

- 2.8 (R) 0 The development confirms to the PPS with respect to protecting Public Health and Safety.

The proposed use will follow the Public Health and Safety protocols and will provide proper facilities for its employees in the form of a washroom with water facilities..

- 2.9 (R) 0 Storm Water Quality is managed and maintained and meet the run off quality based upon the established targets in the Neighbouring Plan as established by the TRCA.

The Hydrogeological Study and the implementing engineering plans will meet the water balance targets of the area through the proposed LID implementation measures.

- 2.10 (R) 0 The post development flows of the storm water is being maintained at pre-development levels in keeping with the TRCA requirements.

The engineering plans prepared for the site will ensure that the post development levels are kept to the pre-development levels.

- 2.11 (R) 0 The proposed development maintains the water balance and source water protection of the site and meets the goals of the City, TRCA and the Province.

The engineering plans provided for the site ensures that the water balance targets of the site are being met.

- 2.12 (R) 0 The proposed development meets the ground water targets as shown in the Hydrogeology Study and the implementation by Valdor Engineering.

The proposed development will maintain the ground water targets of the site through the engineering procedure implemented through the Valdor engineering plans.

- 2.13 (3) The proposed development contains innovative elements which integrates various environmental objectives of the City and TRCA.

The Grading Plan for the site and the introduction of a grassed area around the tableland and the heavy duty barrier fence to protect the Natural Heritage Features of the site proposes innovative measures to maintain the water balance of the site in keeping with the environmental objectives of the City and TRCA.

- 2.14 (3) The development introduces measures which go beyond the requirements of the Province or TRCA and MESP requirements in a deliberate attempt to protect the wetland feature and the natural heritage system of the site.

- 2.15 (3) *The development also goes beyond the requirements of the Province, TRCA and MESP in a deliberate attempt to minimize the impacts of storm water and increased permeability. The site grading plan and the storm drainage plan for the site provide for increased permeability, while controlling the impacts of storm water on the site through a grassed border, swales and a gravelled surface.*

- 2.16 (3) The development goes beyond the requirements of the TRCA legislation and requirements in an attempt to enhance bio-diversity through an aquatic and terrestrial natural heritage strategy.

This includes the planting of a 10-metre buffer and protection, fencing, swales, and the planting of grass surrounding the tableland to filter run off from the gravelled area which are of benefit to the bio-diversity and aquatic life.

Guideline 2 Points

- 2.19 (R) 0 The design of the site ensures that more than 25% of the site area not occupied by buildings is in an unpaved area.

No buildings are provided in the unpaved area of the site and less than 12% of buildings are on the tableland area of the site.

2.20 (R) (4) The development proposes that 100% of the landscape area of the site consists of native species and planting.

All new planting will consist of native species as per the landscape plan, prepared by MSLA Landscape Architects.

2.22 (R) 0 The design of the site provides for some re-grading of the natural topography while conforming to the municipality's requirements for drainage and grading.

Some regrading of the site will take place in keeping with the engineered grading plan which will direct the drainage from the gravelled driveway via grassed areas to the designed swales.

2.24 (2) The proposed development does not intend to store pesticides and fertilizers on the property.

The zoning by-law prohibits the bulk storage of salt, pesticides and fertilizers on the property.

2.27 (R) 0 The plan proposes the installation of an erosion and sediment control fence during construction to minimize any negative impacts on the wetland area of the site. Soil stripping of the site is not anticipated. Some topsoil is expected to be brought into the site to assist with grass cover. The Plan complies with the recommendation of the Erosion and Sediment Control Guidelines of TRCA.

The owner plans to install an erosion and sediment control fence during construction to protect the wetland function and the Natural Heritage features of the site.

3.1 (3) The development is located on a vacant site.

Total Points
=24

The old disused dwelling has been removed leaving the site vacant for the proposed development which makes efficient use of the property. Efficient and responsible use will be made of the property as demonstrated by the site plan, included as PDF-A3.

9.0 Comments Received from Circulation:

9 (1) Engineering Services Comments:

Development Services notes that the applicant is prepared to pay cash in lieu for the construction of Old Brock Road across the frontage of the subject property to bring the road to a standard required for development.

There is no justification for this. The owner has concerns about this, since only small equipment and cars will be used at the site and no deterioration of the road should result from the use of the property, particularly since the amount of cost was not stated. The owner notes that heavy equipment was used for the construction of the new house being constructed on the adjoining property to the south.

9 (2) No comments for the following:

Site Plan, Grading Plan, Hydrogeological Report, Geotechnical Report, Natural Heritage Evaluation, Traffic Requirements, Capital Projects and Landscape and Parks Development.

9(3) Future Site Plan Requirements:

- 1) TRCA has given its approval for the rezoning application but requires a TRCA permit prior to building permit approval
- 2) A Construction Management Plan, Erosion Sediment Control Plan and a Grading Plan have been prepared by Valdor Engineering and is included as **PDF-A17**.
- 3) Lighting Plans have been prepared by Rice Kong Engineering and included as **PDF-20**
- 4) Key Plan is shown on all drawings – Site Plan, Landscape Plans, Valdor Engineering Plans, Re-zoning By-law
- 5) The text has been revised to show overlapping on all plans
- 6) All drawings are signed, dated and sealed by a Professional Engineer and Landscape Architect
- 7) A legend is shown on the Site Plan
- 8) The Valentin Designer's stamp, BEIN 20917, signature and date are shown on the Site Plan.
- 9) The Landscape Plan provides for a minimum of 450 mm top soil in all grassed areas

- 10) The finished floor barn elevation of 271.40 is shown on the site plan and the Site Grading Plan.
- 11) The Hydro Pole is the only utility shown on the Survey Plan and the Site Plan
- 12) The applicable site dimensions entrance width curb radii centre line distance of Old Brock Road are shown on the Site Plan.

9 (4) Grading Plan:

All grades shown on the Site Plan are between 2% and 5%.

9 (5) Landscape & Parks Development Comments:

- 1) Remove or lower the existing board fence. The existing 2.4 board fence has been removed and replaced by a partial 1.8” chain link fence and gate at the front entrance setback 4.0 metres.
- 2) The proposed planting in front of the board fence has been removed and replaced with new planting behind the front lot line as suggested by the Planning Department. *See the revised Landscape Plan included as PDF-A14.*
- 3) The nine (9) compensation trees required are planted in the 10-metre buffer area.
- 4) The Landscape Plan has been revised to show the location of the fence and compensation plantings and add the quantity of proposed trees, shrubs and perennial plants on the plant list.
- 5) The revised Landscape Plan included as *PDF-A14*, addresses 1 to 4 above.

9 (6) Comments from Planning and Development Committee:

Question 1: Was fill placed on portions of the site where the buffer is located?

Answer: *No fill was placed in the buffer area but the owner removed garbage placed by others before he purchased the property. Further, the owner was not aware that there was a designated wetland on the property.*

Question 2: Has the applicant made any considerations to convey the portions on the site where the wetland and buffer are located into public authority?

Answer: *No, but he is prepared to fence off and protect the environmental area.*

Question 3: What is the name of the company that will be operating the property?

Answer: *Simpatico Property Services Ltd.*

Question 4: Did the owner do any due diligence to understand the zoning on the property prior to purchasing the site?

Answer: *Yes, the owner met with Staff and understood that the use was permitted in both the Regional and local Official Plan and further, that a rezoning was necessary. Unfortunately, they did not realize that they could not clean up, fill, level and store material on the property in the interim.*

Question 5: Was the applicant aware that the site is within the Oak Ridges Moraine Conservation Area prior to purchasing the land?

Answer: *No, and they were not aware that the TRCA had jurisdiction over the development of the property.*

Question 6: Will pool chemicals and/or heavy equipment be stored on the site?

Answer: *No pool chemicals will be stored on the site. The owner is now aware that the site is located in a Ground Water Recharge Area and has a wetland on part of the property. They will continue to store their bulk chemicals (salt, pesticides and fertilizers) at another location in Markham. Further, they do not use heavy equipment but use small backhoes and small excavation machines. Heavy machinery was used to excavate for the new house located immediately to the south by another owner.*

Question 7: The property is located within a High Aquifer Vulnerability Area. Has the applicant prepared a plan to manage the hazardous materials stored on the site?

Answer: *No, hazardous material. Will be stored on the site, hence, no need to prepare a plan for hazardous material*

Question 8: There is a lot of heavy machinery currently stored on the site. Will this be stored in the proposed storage barn or parked in the six proposed parking spaces?

Answer: *No heavy equipment will be stored on the site. The photo you provided does not show heavy machinery on the site. The company owns small backhoes and small excavating machines which will be parked in the storage barns. The company also owns six (6) trailers which will be parked outside.*

Question 9: How many employees will be working at the site and how many of these employees will be operating the heavy machinery?

Answer: *The company does not have heavy machinery and the only machinery operating at the site will be to maintain the site and to load pool and landscape material into the trailers. It should be understood that the property will be used as a depot to provide the material and machinery to the job sites in the area. The staff will park their cars at the site in the morning and drive the trailers to the job sites. Parking spaces for the six trailers and the outdoor parking spaces are shown on the attached preliminary site plan.*

Question 10: Is the applicant compliant with the Occupational Health & Safety Act and the Workplace Hazardous Materials Information System (WHMIS), as it relates to the operation of heavy equipment and the handling of hazardous materials on the site?

Answer: *Yes, the applicant is fully aware of the Occupational Health and Safety Act and the Workplace Hazardous Materials Information Systems relative to the handling of hazardous material and the operation of small size machinery and heavy equipment. But as stated earlier, no heavy equipment or hazardous materials will be operated or stored on the site.*

9 (7) Comments from the Public:

The following is a summary of comments/questions received from area residents through written submissions:

Comment 1: This property is a perfect example of someone who is already using the property with the proposed intended use, which goes against the current zoning. If we allow people to set presidency that can go against the zonings, and then apply years later for the usage, where does this end?

Response: *The property is designated in the Regional and local Official Plans to permit the use of a Landscape and Pool Installation Business and the owner is seeking the necessary rezoning to implement that use.*

When the owner bought the property, it contained a considerable amount of household garbage, construction materials, fallen trees and parts of a disused house, all of which required clearing. My client had expected to be in operation some 3 years ago but did not anticipate the length of TRCA and the zoning process. They are now following the proper procedures to legalize the use.

Comment 2: The number of large trucks in and out of the noted property rips up the roads, which are already in a state that our children can't even ride their bikes to school. The mom walking groups have to walk 4 wide down the middle of the road with their prams just to find enough clear road to proceed.

Response: *No large trucks use the property for ingress and egress. Brock Road is a busy municipal road with a considerable amount of truck and other traffic. There is evidence of the road crumbling in sections and is in a constant state of repairs by the City. The owner takes the position that the only heavy truck entering the site was to provide gravel back in 2019. He does not believe that any of the activity at his site has caused road damage. Having said this, the construction of the new house immediately to the south has involved heavy machinery and trucks with heavy material using the road. Whether this has contributed to road damage is difficult to say.*

Given the above, the owner questions why the City is requesting his company to pay cash-in-lieu for possible road damage that he did not cause.

Comment 3: There are loads of proper commercial areas with vacancies in Pickering. We do not need to turn a residential area into a commercial area amongst a clear affordable housing shortage. The town should be considering that given the push for residential development in the area and in the hamlet. Why allow precedence setting abuse, to further derail what is clearly such a high demand topic?

Response: *Claremont is a hamlet which is designed to accommodate different types of uses. Both the Regional and local Official Plans provide for the subject Landscape and Pool Installation Business. Hence, parties have a right to choose where they wish to locate whether for residential, commercial, industrial, etc., and the Official Plan provides direction for such an opportunity.*

Comment 4: There is a new home being developed right next door to this property, something that was properly done with approvals and permits. This rezoning would hinder those whom have gone about the proper paths with the City to develop further housings, which again has been something the City has been supportive of.

Response: *The owner is currently seeking the proper channels for the change in use which allows the Landscape Pool and Installation Business in the hamlet of Claremont and is provided for in the City of Pickering Official Plan and the Regional Official Plan.*

10.0 CONCLUSION;

- 1) This Planning Justification and Sustainability Report demonstrates that the proposed Landscape and Pool Installation business conforms to the intent of the Regional Official Plan and the City of Pickering Official Plan.
- 2) That the eastern part of the site does not constitute a wood lot.
- 3) That the ecological integrity of the wetland function will not be compromised by the proposed development;
- 4) That the proposal is in keeping with the intent of the Provincial Policy Statement 2020 which encourages commercial development and the Growth Plan for the Greater Golden Horseshoe Area 2020 recognizes the City of

Pickering as a growth area in the Region of Durham and Urban Development is encouraged within the Hamlet of Claremont.

- 5) Additionally the proposed use will assist in revitalizing the immediate area of the Hamlet through economic activity.
- 6) The proposed Landscape and Pool Installation Business will encourage employment opportunities in the City. The site will be used as a base for its employees to provide landscaping and pool installation services in the immediate and surrounding area. The owner anticipates that their seven (7) employees will use the site on a part time basis.
- 7) The proposal will convert the previous residential use to a commercial use and will substantially increase the amount of taxes paid to the City.
- 8) TRCA has cleared the amending by-law for approval but requires a TRCA permit prior to a building permit being issued.

11.0 REQUEST OF THE CITY:

In keeping with the Planning Justification and Sustainability Development Report, we respectfully ask the City to amend Zoning By-law 3037 in keeping with the draft by-law prepared for A 14/21 to recognize the subject Landscape and Pool Installation Business as a permitted use and approve the Site Plan, so that the required building permit can be issued for the development of the property. This report also addresses the concerns of the Violation Notices issued by the City and TRCA.

12.0 TRCA SUBMISSION:

To resolve the Violation Notice concerns of TRCA, the owner has submitted an application for approval, which includes the Site Plan, EIS, the 10-metre buffer, Landscaping Planting together with the recommendation of the Hydrogeological Report and Grading Plan to show how the concerns of the TRCA have been addressed. TRCA has recommended approval of the amending zoning by-law A 14/21 but requests the owner to submit an application for a TRCA permit at building permit stage.

**Second Site Plan & Rezoning Submission
April 21, 2024**

Prepared by:

A handwritten signature in black ink, appearing to read "G. Morris".

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