

Regional Municipality of York
Chair Fisch and Council Members
c/o Denis Kelly
17250 Yonge Street
Newmarket, Ontario
L3Y 6Z1

via email denis.kelly@york.ca

May 18, 2011

Dear Chairman Fisch & Council Members:

**Regarding Town of Richmond Hill Official Plan
Regional Council Meeting May19, 2011**

The Richmond Hill Naturalists were unable to attend the committee meeting held early, so would like the opportunity to address council regarding the Town of Richmond Hill's Official Plan.

Sincerely,

Marianne Yake
President
Richmond Hill Naturalists
president@rhnaturalists.ca



Richmond Hill Naturalists

April 20, 2011

Mr. Augustine Ko MCIP, RPP
Senior Planner
Community Planning
Planning and Development Services Dept.
C/O The Clerk
The Regional Municipality of York
17250 Yonge Street
Newmarket, ON L3Y 6Z1

VIA EMAIL TO:
augustine.ko@york.ca

Dear Mr. Ko:

For consideration by York Region Council
July 2010 Richmond Hill Official Plan

Once again thank you and your colleagues for discussions regarding the Town of Richmond Hill Official Plan and your role as representatives of the Region in its approval.

As you requested at the conclusion of our March meeting, I have attached at copy of our comments on the Town's May 2010 draft OP for consideration by York Region Council in their review.

As you can see the Richmond Hill Naturalists touched on many aspects of the plan — without receipt of comments upon this work from the Town. In this respect we were not treated differently than any other individuals or groups who chose to be of assistance to the Town.

After conducting planning for 28 years without an Official Plan, the Town needed to be more responsive and accommodating to public comment. In this regard two long-serving members of Council – one a Regional Councillor – shared our view. More public discussion was needed.

This is why we were particularly appreciative to have had the opportunity to speak with you and your colleagues. We were able to discuss with you some of the following points:

- the need to maintain and increase the tree canopy throughout the Town;
- the appearance of inappropriate encouragement of development on the Dunlap Observatory before MTRCA and York Region studies were undertaken and comments received;
- inconsistent nature of planning definitions;
- significant woodlands are not protected within the plan; and
- watershed and natural heritage protections.

And to this list, we also appreciate being able to raise our concerns about hydrological results originally used to secure zoning of the Bethesda Road and Leslie Street Cemetery lands.

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Until these above issues are resolved, the Richmond Hill Naturalists do not agree with passage of the Town of Richmond Hill's July 2010 Official Plan in its current form.

Sincerely,

Marianne Yake
President
Richmond Hill Naturalists
P. O. Box 32217
Harding Postal Outlet
Richmond Hill, ON L4C 9S3

attachments: June 18, 2010 letter regarding draft OP for Richmond Hill

cc: Clerk York Region
Barbara Jefferies
Bryan Tuckey

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Richmond Hill Naturalists

June 18, 2010

Mayor David Barrow and Councillors
c/o Donna McLarty, Town Clerk
Town of Richmond Hill
255 East Beaver Creek Road
Richmond Hill, ON L4C 4Y5

Hand Delivered

Re: Response To May 6, 2010 Draft Official Plan

The Richmond Hill Naturalists are pleased the Town of Richmond Hill has undertaken the production of a new draft Official Plan (OP), the first in 28 years, and that the priority focus of the plan is protection of *the environment first*. In this regard, the RHN welcomes the Town to a position, which our organization has long advocated is a necessity for all Ontario municipal authorities, as well as people of this province.

However, we do have substantial concerns about the inconsistency of policy concepts, terms of reference and some contents contained or omitted in this draft document. Further, the draft OP also does not appear to match requests and/or suggestions made during public consultation.

Before briefly dealing these concerns, we feel the socio-economic, urban planning, infrastructure changes and other changes proposed in this new OP are so considerable that the public should be given more time to review, absorb and comment on them. In this regard, we ask Town Council to set this draft Official Plan aside for further consideration until September 2010.

This period would be respectful of both residents and business owners, especially those 74 who have already provided written comment and those 41 who commented on the draft OP in Chambers on June 9, 2010. As well, this period of time would prudently provide staff with an opportunity to fairly respond to this volume of public comment.

Also in conjunction with this request of Council, we ask when appropriately finalized, this new Official Plan be submitted to the Minister of Urban Affairs and Housing for review and comment, as our community perhaps more than others, has been greatly impacted by many recent provincial acts, including but not limited to the Oak Ridges Moraine, Greenbelt, Places to Grow Acts and the Provincial Policy Statement of 2005. This submission to the Minister would also be appropriate and prudent to consider given the Town has not had a new Official Plan in more than a generation.

Returning to the draft Official Plan itself, some of our key concerns regarding this document follow briefly outlined on the following pages.

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Consistency Within The Proposed Plan

The strength and usability of an Official Plan is drawn from the overarching consistency of its policy concepts, terms of reference and general contents.

Regarding its terms of reference, the draft OP needs to better define the terminology it uses in order to be more concise, clearly understood and to make the OP stand up over time.

Definitions Within The Proposed Plan

Definitions remain needed for ORM, Greenbelt, Greenway, Natural Core, Natural Linkage, Medium Density, Neighbourhood, significant views, landmark, associated buffers, associated attributes, and urban open space.

Also notably absent from the definitions in the draft OP are permanent and intermittent streams, seepage areas and springs.

And inconsistencies in the terms throughout the document should be reviewed, particularly as used between *Sections 3, New King of Urban* (pages 3-29 and 3-36) and *Section 7, Interpretation* (page 7-11).

In addition to inconsistencies in terms, application of terms used in provincial policies such as the Provincial Policy Statement, 2005, the Oak Ridges Moraine and Greenbelt Acts should be equally applied and used on both sides of the Oak Ridges Moraine. Currently, different technical terms are used which may cause confusion. The definition which is more protective to the environment or heritage is required to be used.

Content Within The Proposed Plan

Regarding content pertaining to environmental or natural heritage missing from the draft OP, provincially significant areas and species at risk, must be included in order to protect them. As examples, both the Jefferson Salamanders and the Leslie Street Heron Rookery, have not been mentioned.

Significant woodlands are not protected in this draft plan. If a site plan is approved, all the trees within the planned area therefore can be removed. These areas should be protected now through the OP, so we maintain our existing cover of mature trees and areas of natural linkage.

Building design set out under *Section 3*, pages 3-54 and 3-55, merely encourages the use of sustainable design rather than directing it through language of 'shall build'.

Semi-permeable surfaces should be used in all areas of infill, but are not mentioned in this draft plan.

Proposed active transportation should include above or below grade integrated pedestrian and/or wildlife corridors for public safety. Such as the Yonge Street/Bayview Avenue Moraine Corridor Park and the Jefferson Salamander (wildlife) tunnels on Bayview, which have yet to be recognized in this draft OP.

Also missing from the plan is a policy statement regarding the treatment of storm water management issues which should be confined to sites of development and not allowed onto Town or adjoining properties. Infill areas identified as needing infrastructure improvements outside a new development, should be assigned to the land owner, and not become a cost burden to the Town or local area residents.

Mapping Within The Proposed Plan

Draft OP, Part 1

Section 1, Introduction

Pages 1-2 and 1-3

The legends in these three maps are incorrect, inconsistent and need to be proof read. For example, if the maps are intended to be snapshots in time, then trains, employment lands, etc., were not relevant issues to the urban structure of the Town in 1793, and therefore should be removed from the legend.

Draft OP, Part 1

Section 7, Interpretation

Schedules A -A11 and Appendix 1-8

There is a critical disconnect between a core theme intended for the OP and the mapping in the Interpretation of Section 7. As stated on page 1-1, the *"key directions for developing (both) the Town's Strategic Plan as well as core long-term planning directions for the Official Plan"* including *"protection of what is valued from the past, truly blending the old and the new"*.

This draft OP contains examples where policy and future implementation are connected by suggested example, however, this document has failed to offer little concrete connection to the Town's past.

This has occurred because *Section 7* contains no mapping whatsoever of cultural heritage resources – known or identified cultural heritage landscapes, built structures or associated natural heritage resources.

Therefore, this is a major structural flaw in an Official Plan that promotes themes and policies of heritage retention when no such mapping of resources has yet taken place. This approach has occurred because the Strategic Plan only calls for the Town's cultural resources to be mapped in 2011, far too late to be included or have effect in this document.

Speaking before Council on January 18, 2010, we asked that complete heritage mapping be undertaken within the Town and should include, plotting theatres, libraries, arenas, parks, open areas, aboriginal trails, pioneer roads, archaeological sites, streets named after noted citizens, views capes, cultural landscapes, built-heritage and cemeteries.

It appears our public request has not been responded to by being incorporated in this draft OP, which is reasonable in view of its goal of providing a policy framework for heritage protection.

Many smaller municipalities in Ontario and those less endowed with heritage resources than Richmond Hill, have undertaken cultural heritage mapping, accessing long available program funding and facilitation expertise from the Ministry of Tourism and Culture.

The lack of cultural heritage resource mapping most certainly needs to be addressed before this OP can be considered final, else wise through its' absence, this OP is undermined.

Regarding the existing maps now contained within Section 7:

No matter where High Aquifer Vulnerability occurs within the Town, it needs to be mapped, included as part of Schedule A5 and re-titled. Currently in the draft OP, the only lands with this map overlay are those falling under the influence of the Oak Ridges Moraine Act.

All these lands need to be identified if another tenant of this OP – protection of *the environment first* – is to be adhered to, and because future intensification may occur within areas of High Aquifer Vulnerability causing potential damage to aquifers.

In May of 2010, the Town of Richmond Hill received recognition from the Federation of Canadian Municipalities for leadership in rehabilitation of the East Don River. This draft OP should continue to promote this tone of achievement by fully illustrating the Town's entire watershed resources both those above and belowground.

A map of Brownfield areas should be incorporated perhaps as part of *Appendix 4*, to identify industrial and commercial sites. This may help to improve opportunities for environmental re mediation within the town.

Unsuitable Content Within The Proposed Plan

We believe there are two issues of content in the OP, which have erroneously made their way into the draft and should be removed.

David Dunlap Observatory Lands

Draft OP, Part I

Section 4, Land Use Policies

Pages 4-3:4-38

It is our belief inclusion of any comments regarding development on the David Dunlap Observatory & Parkland (DDO&P) is not only premature but also inappropriate.

Policy statements supportive of development, which fall outside the norms of the Planning Act, should not appear in any draft OP, because doing so may confer unintended and preferential privileges to a land owner. This is particularly so, when Council is still giving consideration to the appropriateness of Corsica Development's site plan application on the Dunlap Observatory.

Development on the DDO&P is inappropriate given the 17 items asserted as being the endorsed policy of Council. These 17 items were never endorsed by Council on January 18, 2010 – because the wording is completely and extensively different to that tabled before Council (see attached Appendix C, SRPD.10.009).

It should be further noted of these 17 items, asserted to endorse development on the Dunlap by Town Council, never received public input, review, comment or consultation. We remain surprised by this approach.

If statements appearing in this draft OP are not actual endorsements of documents passed by Council, then they should be removed or, the preamble of Council's endorsement removed. Doing so however, does not alleviate our concerns for lack of public process.

More briefly, we also have concerns about :

- Items # 1 through 17 regarding the David Dunlap Observatory Lands appear to contradict the recommendations of the Conservation Review Board, the Ontario Heritage Act and Section 2.6.1 of the Provincial Policy Statement, 2005, where ***Significant built heritage resources and significant cultural heritage landscapes shall be conserved.***

- Items # 8 and 9 both errantly use the term Cultural Heritage Conservation Area (CHCA). This is a made-up term, not a term used by the community of heritage professionals or the Ontario Heritage Act. The correct term should be cultural heritage attribute(s). Continued reliance upon a made-up term undermines both the intended preservation of David Dunlap Observatory Lands Planning and Conservation Management Study in addition to the Town's Designating Heritage By-Law.

It is doubtful as claimed in the preamble of this Section, that Council is in support of policies, terms or definitions, which undermine its own authority by supporting misleading heritage studies or by-laws.

- Item # 8 contains the term Cultural Heritage Conservation Area, (CHCA) which is not defined in *Section 7, Interpretation* of the draft OP.

- Item # 9 interestingly does not list a park as being a potential land use for the DDO&P.

Additionally, this draft OP never considers the future land use of the David Dunlap Observatory Park, now leased by the Town as hockey arena (Elvis Stocky Arena) and as a park, from Corsica Development.

This 12.1 acre park remains legally part of the Dunlap Observatory Lands, is currently used as a public asset. Its omission from the plan and its future land use is a significant oversight.

- Item # 10 promotes only views in one direction, that of views to 'cultural heritage resources'. Dual views should be supported – both to and from cultural heritage attributes. Again, like other terms, specificity of language counts and the correct term to be used here is 'attributes' not the generalized term 'resources'.

- Item # 11 supports limiting the impacts of light pollution. Here, the most important building is the Great Telescope Dome, not just the Administration Building that also contains two telescopes. Additionally, any policy which evolves on the merits of 'mere effort' of trying to limit the effects of light pollution, rather than achieving substantive results which guarantee the night-time operation of the telescope without infringements of pollution, will be ineffective.

There is need to implicitly state the night-time operation of the telescope in this item, else wise the telescope remains that of being an amateur's toy. Making solar (sun) observations is an underwhelming use of the telescope as a cultural and scientific asset in our community.

- Item # 14 is a highly unrealistic policy goal given full consideration of public safety and the potential number of people in the area.

- Item # 15 fails to state the DDO&P's uniqueness in its heritage attributes and the dominant 1930's form and architectural style of the built heritage.

The West Gormley Secondary Plan

Draft OP, Part II
Section 8, Secondary Plans
Pages 8-1:8-21

We question the appropriateness of the inclusion of West Gormley Secondary Plan (WGSP) here, the text of which was approved by the Ontario Municipal Board (OMB) June of 2006, and thus has a legal context, which should be adhered to and remain unaltered. The WGSP has been substantially re-written with the interjection of new terminology not set out within the definitions (*Section 7*) of the draft OP.

We hope the re-writing of the WGSP does not mistakenly cause Council and the Town to loose ground in this and other secondary planning areas, which are known to contain areas of environmental sensitivity. In such cases, development must be held to a higher standard when considering whether built forms are appropriate.

Expanded settlement within the built boundary of Richmond Hill should first occur in centres and along corridors where infrastructure servicing already exists and is more suitable to intensification. And in regard to the WGSP, both the Town and the OMB have properly recognized it is necessary for the YRDSS to be completed. Development of our greenfields should be set aside and enjoyed as long a possible.

A final point regarding the WGSP needs to be made regarding draft OP materials presented to Council June 9. The WGSP (Part II) was never presented or discussed. We are quite concerned about this, especially since much has now been changed in a plan agreed to by all parties attending the OMB, including the Town.

In closing, we hope that Council considers aforementioned concerns, in aid of incorporating this information into the draft Town Official Plan, to complete and strengthen it.

We must also remind Council these above concerns do not capture all of the issues we feel are relevant or important to this draft OP. We felt it appropriate to briefly highlight these issues and reserve rights to raise these and others at a later time.

And finally, we would like Council to know members of the Richmond Hill Naturalists did appreciate receiving timely notification of the availability of the draft OP and subsequent electronic reminders from Town staff regarding the June 9th Special Council Meeting on the matter of the new Official Plan.

Sincerely,

Marianne Yake
President
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L4C 9S3
(905) 883-3047

Attachment: Appendix C, SRPD.10.009

cc: Mr. Paul Freeman, Town of Richmond Hill, Manager of Policy
Hon. Jim Bradley, Minister of Urban Affairs & Housing
Hon. Bryon Wilfert, MP Richmond Hill
Hon. Paul Callandra, MP Oak Ridges-Markham
Hon. Reza Moridi, MPP Richmond Hill
Hon. Helena Jaczek, MPP Oak Ridges-Markham

