

Appendix	"A"
SRPRS	14.047
File(s)	D01-18002



September 19, 2018

CFN: 59048.02

BY EMAIL: jeff.healey@richmondhill.ca

Mr. Jeff Healey
Town of Richmond Hill
225 East Beaver Creek Road
Richmond Hill, ON
L4B 3P4

Dear Mr. Healey:

**Re: D01-18002 (Official Plan Amendment)
83 and 97 King Road
Richmond Hill, ON
Roman Catholic Episcopal Corporation for the Diocese of Toronto, in Canada**

This letter will acknowledge receipt of the above noted application (received June 4, 2018). Toronto and Region Conservation Authority (TRCA) staff have reviewed this application and provide the following comments.

PURPOSE OF THE APPLICATION

It is our understanding that the purpose of this application is to remove the required minimum protection zone (10 metres) from a floodplain in order to facilitate the expansion of an existing place of worship.

APPLICABLE REGULATIONS AND POLICIES

Ontario Regulation 166/06:

Please be advised that the subject property is regulated by the TRCA as it is located partially within the Regional Storm Floodplain. Furthermore, the site is located within the 120 metre Minimum Area of Influence (MAI) of a Provincially Significant Wetland (PSW) and stream corridor as well as multiple unevaluated wetland features. In accordance with Ontario Regulation 166/06, as amended (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), a permit is required from the TRCA prior to any of the following works taking place:

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

Development is defined as:

- i) the construction, reconstruction, erection or placing of a building or structure of any kind;

- ii) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;
- iii) site grading, including the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere.

TRCA's Living City Policies (LCP):

As noted above, the subject property is located immediately adjacent to a stream corridor associated with the Humber River Watershed. Please be advised, to ensure development is appropriately setback from the limit of natural features and their associated hazards, the TRCA typically requires a minimum 10 metre buffer, which is considered part of the stream corridor, be established from the greater of the following constraints:

- The physical top of bank (TOB);
- The Regional Storm Floodplain;
- The limit of the Long Term Stable Top of Bank (LTSTOB); or,
- The limit of contiguous vegetation associated with the valley corridor.

As it specifically relates to the Regional Storm Floodplain, TRCA's 10 metre buffer requirement is considered to be a safeguard of separation from floodwaters.

Oak Ridges Moraine Conservation Plan (ORMCP):

Please note that the subject property is located on the Oak Ridges Moraine (ORM), within the Settlement Area land use designation of the ORMCP. Based on our review, the proposed works are within the 120 metre MAI of a PSW and stream corridor and 30 metre Minimum Vegetation Protection Zone (MVPZ) of multiple unevaluated wetland features. Under the ORMCP, wetland and stream features are identified as a Key Natural Heritage Feature (KNHF)/Hydrologically Sensitive Feature (HSF).

In accordance with the ORMCP, development is generally prohibited within the MVPZ of KNHFs/HSFs. Furthermore, a Natural Heritage Evaluation (NHE) is typically required in support of any development located within the MAI of any KNHFs or HSFs to assess the features on site and potential impacts as a result of development. In certain instances, encroachment within the MVPZ may be permitted if substantive environmental planning documentation can justify that no development alternative is available, the encroachment is minimized and the proposed development will not have an adverse impact on the feature.

The TRCA has objectives related to the maintenance, restoration and enhancement of the ORMCP area. As technical advisors to the Town of Richmond Hill, the TRCA must be satisfied that there will be no negative impacts on the natural features resulting from the approval of the subject application. However, given that municipalities are the designated approval authority under the Oak Ridges Moraine Conservation Act, TRCA staff recommends that the Town of Richmond Hill ensure that this application conforms to the provisions of the ORCMP.

Provincial Policy Statement (PPS) 2014 / Special Policy Areas (SPAs):

A large portion of the property is located within the Lake Wilcox SPA. In accordance with the PPS, an SPA designation allows for continued development within flood-prone areas which are historically highly urbanized provided specific technical criteria are satisfied and adequate flood proofing measures are incorporated into the design and construction of structures. However, SPA areas are not intended to allow for new or intensified development and site alteration if a community has feasible opportunities for development outside of the floodplain.

Notwithstanding the above, please note that a review of the Lake Wilcox SPA boundary is currently underway. In accordance with the revised SPA boundary, it is our understanding that the portion of the subject property currently within the Lake Wilcox SPA is proposed to be removed. Once endorsed by the Province and approved by the Region of York, this portion of the subject property will no longer be afforded benefits of the SPA designation. As such, it will then be subject to TRCA's standard "One Zone" floodplain policies. As such, it is our understanding that this is the reason the applicant has applied for an Official Plan Amendment in this instance.

APPLICATION-SPECIFIC COMMENTS

As noted above, a large portion of the subject lands are within the Lake Wilcox SPA. However, according to TRCA's floodplain modelling and the plotted flood elevation on the Site Plan (prepared by Larkin Architect Limited, dated August 2017), the floodplain is largely contained to the front of the site. As such, the property is subject to a unique condition whereby a portion of the site is within the SPA, however, not within the Regional Storm Floodplain.

Floodplain Management:

Based on our review of the proposal, it appears that the expanded parking area extends into the floodplain. Furthermore, the proposed narthex and nave addition are within the 10 metre buffer from the floodplain. While the majority of the works are within the SPA, portions of the nave addition and parking lot expansion extend outside of the SPA boundary.

SPA Related Comments:

1. As indicated above, the PPS notes that SPA areas are not intended to allow for new or intensified development and site alteration if there are feasible opportunities for development outside of the floodplain. Based on our review, it is TRCA's opinion that there is ample opportunity for development of the property outside of the floodplain and buffer. As such, the applicant should provide appropriate justification that demonstrates how the current proposal conforms to applicable PPS (and SPA) definitions and policies.
2. In accordance with Section 3.1.4 of the PPS, it is noted that any change or modification to official plan policies applying to SPA lands must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources prior to the approval authority supporting such changes or modifications. As the site is partially within the Lake Wilcox SPA, the applicant is advised that Provincial approval may be necessary before the TRCA can support any Official Plan Amendment for the site. The applicant should provide confirmation from the Province regarding the matter.

One Zone Related Comments:

3. Notwithstanding comment 1 and 2, should the SPA designation no longer apply to the site (pending applicable approvals); the proposed works must meet TRCA's standard "One Zone" floodplain policies. This requires that the proposed narthex and nave additions as well as expanded parking area must be located a minimum of 10 metres from the Regional Storm Floodplain. Furthermore, the additions may need to be flood proofed in accordance with TRCA requirements (if applicable).

General Comments:

4. Please note that TRCA staff also have ingress/egress related issues with the proposed place of worship expansion given the entrance of the site and a portion of the parking lot is within the floodplain. Per section 8.4.13 of TRCA's LCP, all development (including new parking facilities) must meet the minimum requirements for safe access for the

nature of the development in accordance with both TRCA (Section 8 of the LCP) and Provincial Standards (Appendix 6 of the Ministry of Natural Resources and Forestry's Technical Guide for River and Stream Systems: Flooding Hazard Limit). As such, if the existing place of worship is to be expanded, the applicant must show how the above noted safe access requirements are being met.

5. Further to the above, TRCA staff have a potential concern regarding sensitive uses on a property subject to flooding. It is TRCA's understanding that in many cases, places of worship may contain supplementary uses such as pre-schools, school nurseries and day care centres. However, in accordance with Section 3.1.5 of the PPS, sensitive uses associated with vulnerable members of the population such as those listed above should not be located in hazardous lands. As such, the applicant should provide additional information on any supplementary uses the place of worship may have proposed as part of the expansion.

Additional Comments:

Further to the above, TRCA staff also offer the following additional comments for the applicant to consider. Please note that the Planning Ecology and Hydrogeology related comments should be addressed as part of any detailed design for the site. The Water Resources Engineering related comment is advisory in nature.

Planning Ecology:

6. TRCA staff reviewed the Natural Heritage Evaluation (prepared by Beacon Environmental, dated May 2018) submitted in support of this application. On page 10, it is noted that the wetland pockets north of the site "appear to be connected although it was not possible to confirm the existence of a culvert at the time of field investigations due to the ice cover." It is TRCA opinion that the applicant should conduct a more detailed investigation of the wetland features during a more suitable time of year to determine how they are maintained (etc. road runoff, groundwater) as well as their function in relation to the adjacent PSW feature across the street. Depending on results of this investigation, additional comments may arise.

Hydrogeology:

7. Please note that the subject property is in an area known to have high groundwater conditions. Should this application proceed to detailed design, it is strongly recommended that data from at least one borehole is provided to confirm the water table elevation and stratigraphy. Depending on results of this investigation, additional comments may arise.

Water Resources Engineering:

8. The applicant is advised that the TRCA has updated hydrology information for the portion of the Humber River Watershed containing the subject property. However, at this time, modelling has not yet been developed to characterize the position of the revised floodplain. Based on an initial assessment of the revised hydrology data, it is our understanding that the floodplain elevation for the site has the potential to be reduced. As such, it may be in the best interest of the applicant to complete a flood study utilizing the updated hydrology information. Should the applicant wish to further explore this option, please contact the undersigned to obtain updated hydrology data for the area.

PERMITTING

As noted above, the subject property is located within TRCA's Regulated Area. On this basis, a TRCA permit is required from this Authority prior to the proposed works commencing on the subject site, pursuant to Ontario Regulation 166/06, as amended. Details with respect to permit submission requirements are available at our website (<https://trca.ca/planning-permits/apply-for-a-permit/>).

APPLICATION REVIEW FEE

In addition to regulatory responsibilities, TRCA has a role as a commenting agency for Planning Act applications circulated by member municipalities to assess whether a proposed development may be impacted by the TRCA.

By copy of this letter, the applicant is advised that the TRCA has a fee schedule for our planning application review services. This application is subject to a \$2,950 Minor Official Plan Amendment review fee. The applicant is responsible for fee payment and should forward the fee to this office within 60 days of this letter. Please note that should a greater level of review be required as part of future submissions of this application, TRCA reserves the right to request additional review fees.

RECOMMENDATION

On the basis of the comments noted above, TRCA staff have no fundamental objection to the notion of expanding the existing place of worship. However, the TRCA recommends that the applicant explores alternative opportunities to reconfigure the proposed parking area and additions outside of the floodplain and buffer. Furthermore, the applicant must also ensure safe ingress/egress can be achieved and that there will be no sensitive uses within the flood hazard. As such, it is our opinion that this application is **premature** at this time.

TRCA staff would be happy to meet with the applicant and Town of Richmond Hill to facilitate further discussion on how to best address the comments provided within this correspondence, if requested. Should you have any questions, please do not hesitate to contact me at the undersigned.

Sincerely,



Nick Cascone, M.Sc.PI
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NC/dc

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