



February 19, 2020

City Clerk
The Corporation of the City of Richmond Hill
225 East Beaver Creek Road
Richmond Hill, ON
L4B 3P4

**RE: PROPOSED ZONING BY-LAW AMENDMENT & DRAFT PLAN OF SUBDIVISION
CITY FILES: D02-19022 & D03-19006**

Lafarge Canada Inc. is the owners of the lands at 50 Newkirk Road and our tenant, Innocon Inc., operates a ready-mix concrete plant at the above noted address. Our lands are identified in the City of Richmond Hill's Official Plan as Employment Lands, and are located within the Newkirk Business Park.

This operation is a key location for the supply of concrete, and supports growth and development in the City of Richmond Hill and York Region. Activities on-site include the loading and unloading of aggregate and related materials, outdoor storage, truck traffic and a ready-mix concrete plant. As part of the operation there are industrial sounds, backup alarms, dust, air emissions and light emanating from the facility.

Lafarge and Innocon have received notice from the City of Richmond Hill of a proposed Zoning By-Law amendment and a Draft Plan of Subdivision on neighbouring lands (City Files: D02-19022 & D03-19006). Our main concern with the proposed change in zoning from Industrial - Class 1(I-C1) to Residential Multiple First Density - Special (RM1-S) is introducing new sensitive receptors, up to 3 stories in height in close proximity to lands identified by the City of Richmond Hill as Employment Lands.

As required by applicable planning policy and the Ministry of Environment, Conservation and Parks Environmental Noise Guideline (NPC 300), the proposed sensitive uses should be planned to ensure they are appropriately designed, buffered and / or separated from each other to prevent or mitigate adverse effects from odour, noise, and other contaminants to minimize risk to public health and safety and to ensure the long-term viability of our ready-mix plant.

As part of the background studies completed for the proposed development there should be full consideration of our existing and permitted uses on-site. Based on these studies any required mitigation to ensure compliance with noise, air, and odour limits, including visual impacts should be included in the design of the proposed subdivision to ensure the existing ready-mix plant is not impacted.

The requirement for the subdivision to incorporate the required mitigation measures to protect the on-going and long-term use of the ready mix plant is supported by the following:

- Section 1.2.6.1 of the Provincial Policy Statement requires that sensitive uses should be planned to ensure they are appropriately designed, buffered and / or separated from each other to prevent or mitigate adverse effects from odour, noise, and other contaminants to minimize risk to public health and safety and to ensure the long-term viability of industrial uses.
- Section 3.3.1 of the Official Plan (Employment Land Protection) is clear on the protection of existing employment land due to the limited availability of employment lands, and that the long-term supply of employment lands is maintained to meet the future needs of Richmond Hill. Changing the zoning to permit residential uses in close proximity to employment and industrial lands introduce additional sensitive receptors that may impact existing industrial operations.
- Section 4.8.1.1 of the Official Plan provides further protection of Employment Area lands, and states that sensitive land uses shall not be permitted to locate near significant air emissions sources. It goes on to state that development of sensitive land uses shall not inhibit the development of Employment Area lands.

In addition to these policy requirements the Ministry of Environment, Conservation and Parks Environmental Noise Guideline- Stationary and Transportation Sources- Approval and Planning (NPC 300) includes the following requirements:

Part A: Background

(A6.3 Planning Act)

Planning policies in Official Plans; zoning, site plan control and development permit system by-laws; and other instruments issued under the Planning Act may require the provision of information in order to assess the effects of noise emissions from potential sources and the impacts on noise sensitive land uses. The NPC guidelines may be used to assess the land use compatibility of sources or facilities and sensitive land uses and implement the objectives of the Planning Act and provincial plans and policies.

Part B: Stationary Sources (B.11: Development on Adjacent Lands)

Where a site in proximity to a stationary source is in the process of being developed or redeveloped for noise sensitive land uses (such as residential), it is considered the responsibility of the proponent/developer of the noise sensitive land use to ensure compliance with the applicable sound level limits and for this responsibility to be reflected in the land use planning decisions.

Part C: Land Use Planning (C1.1 Scope)

The objectives of noise assessments conducted as part of the land use planning approval process for the development or introduction of noise sensitive land uses, are as follows:

1. *to create a suitable acoustical environment for the protection of users/occupants/residents of the proposed noise sensitive land uses;*
2. *to protect the lawful operations of any stationary source(s) located close to a proposed noise sensitive land use (stationary sources need to be able to maintain compliance with the legal requirements of their MOE approval, when the development of new noise sensitive land uses are introduced in their proximity);*
3. *to protect existing and/or formally approved transportation corridors and transportation sources of noise when the development of new noise sensitive land uses are introduced in their proximity; and*
4. *to create compatible land uses and avoid potential adverse effects due to noise.*

C1.2.1 Implementation by the Land Use Planning Authority

This guideline is intended for use by land use planning authorities that exercise decision-making authority under the Planning Act in the preparation of local noise policies/guidelines, Official Plans, Official Plan Amendments, comprehensive zoning by-laws, zoning by-law amendments, plans of subdivisions, plans of condominiums, and other applications under the Planning Act, as well as other legislation which involves elements of land use planning (e.g., Aggregate Resources Act and Niagara Escarpment and Development Act).

C1.3.1 Responsibility: General

It is considered the responsibility of the proponent of a new noise sensitive land use to ensure compliance with the applicable sound level limits and for these responsibilities to be reflected in land use planning decisions. The proponent's responsibilities include, but are not limited to:

1. *determining the feasibility of the project;*
2. *assessing outdoor and indoor acoustical environments, as appropriate;*
3. *investigation of feasible means of noise impact mitigation;*
4. *ensuring that the required noise control measures are incorporated in the development; and*
5. *describing the technical details, and clarifying the responsibility for the implementation and maintenance, of the required noise control measures.*

We trust the City of Richmond Hill will take these comments into consideration as the proposed development, if not designed properly will have a negative impact on our business. The proposed Zoning By-Law change and Draft Plan of Subdivision must be consistent with the Provincial Policy Statement and conform to the existing policies of Richmond Hill in order not to impact existing and long standing industries.

Lafarge requests that we continue on-going discussions with the City of Richmond Hill on the issues and concerns we have outlined above and request that we be added to the notification list on all notices and correspondence related to this application.

We look forward to the opportunity to meet with the City of Richmond Hill to discuss our comments.

Sincerely,

Chris Galway
Sr. Land Manager, EGTA
Lafarge Canada Inc.