



David R. Donnelly, MES LLB
david@donnellylaw.ca

August 7, 2014

Via E-mail to regional.chair@york.ca

Bill Fisch, Chairman and CEO
Regional Municipality of York
17250 Yonge St., P.O. Box 147
Newmarket, ON L3Y 6Z1

Dear Chairman Fisch,

**Re: City of Vaughan Official Plan Amendment No. 744
Development of Block 40/47**

Donnelly Law represents Ms. Gillian Evans and Mr. David Toyne, residents of Upper Cold Creek Farm, located at 10240 Pine Valley Dr., Woodbridge, directly adjacent to the proposed new large-scale sub-division development located at Part of Lots 8 and 9, Concession 8, City of Vaughan ("Block 40/47"). Block 40/47 comprises 1,392 units of single and semi-detached houses, townhouses and commercial development. The Plan has been revised several times, with increased density at each new iteration and has become non-conforming to the original OPA 600 which called for estate lots

Until very recently, my client was never consulted about the compatibility of locating such intense urban development adjacent to a working farm. Agricultural land and farm operations are a priority of the Government of Ontario.

Upper Cold Creek Farm was originally owned and operated by Mr. Grant Glassco, Ms. Evans' grandfather, as a thriving beef cattle farm until his death in the late 1960's.

At that time Mr. Glassco gave almost 500 acres of the land to the Ontario Heritage Trust, to be protected as a natural landscape in perpetuity. Upper Cold Creek Farm is also located within southern Ontario's Greenbelt.

On June 24, 2014, the City of Vaughan (the "City") Council approved City staff's recommendations to adopt Official Plan Amendment No. 744 ("OPA 744"), along with revisions, in relation to Block 40/47.

My client is concerned that if OPA 744 is approved as recommended by City Council, the vagueness of Section 5 a iii) will lead to a lack of protection and potential conflict between the current agricultural land use and the proposed adjacent urban land use, forcing the family to appeal OPA 744 to the Ontario Municipal Board.

OPA 744 does not provide sufficient protection for Upper Cold Creek Farm and other adjacent agricultural lands. The dramatically different urban environment will create near certain conflicts, as the noise, dust, odours, etc. of the farm operation smack up against new homeowners expecting perfect tranquility as they sit out on their back decks.

In our client's opinion, at present there is a lack of sufficient transition measures proposed between the agricultural and urban landscapes that are of specific concern. The City's proposed amendment to Section 5a iii) of OPA 744 states:

xv. Compatibility with Adjacent Rural Uses

Residential Uses, as provided for in this Plan, shall be developed in a manner that is compatible with adjacent Rural/Agricultural Uses. Measures to ensure compatibility will be considered and implemented through the draft plan of subdivision/zoning approval processes. Such measures may include: the provision of buffer areas, landscaping and screening, setbacks, building massing and grading measures that minimize the use of retaining structures;

This provision is not sufficient to protect our client's existing land uses and rights. The farm was there first and has a right to continue its present operations of beef cattle ranching as well as contemplate other farm activities including possible chicken/egg farming and wind farming. The need to buffer the adjacent farm properties from the proposed development is paramount to protect individuals and livestock from each other. The safety of future residents and their families as well as the livestock that graze the fields abutting the development must be a priority. Fencing and aggressive buffering must be included on the

development lands to clearly place responsibility for these measures on the developer or the City, not the existing land owners.

Common sense would also seem to dictate that where the Greenbelt has been established and encouraged uses are flourishing e.g. agriculture, the City, York Region and the Ministry of Municipal Affairs and Housing, not to mention the Ontario Ministry of Agriculture, Food and Rural Affairs, would ensure Greenbelt values are protected in the same manner existing industrial operations are pro-actively buffered in new land use plans against residential encroachment. We can think of numerous examples where this has been the case.

Please accept this letter as notice that our client seeks notice of any upcoming Regional consideration of Block Plan 40/47, with an intention to appeal, if approved as is.

Please feel free to contact me at david@donnellylaw.ca, copying daniela@donnellylaw.ca or 416-572-0464 to discuss this matter.

Yours Truly,

A handwritten signature in black ink, appearing to read 'D. R. Donnelly', with a long horizontal flourish extending to the right.

David R. Donnelly