

September 9, 2015

Sent via e-mail and hand-delivered

Mayor and Council
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON N1G 5L3

c. 2
Communication
CW: Sep 9/15
Item: 23

Dear Mayor Bevilacqua and Council,

Re: Protection of Upper Cold Creek Farm, Vaughan
September 9, 2015 Committee of the Whole Agenda Item #23
Zoning By-law Amendment File Z.06.064 (Country Wide Homes)
Draft Plan of Subdivision File 19T-06V12 (Phase 1) (Country Wide Homes)
OMB Appeal of OPA 744, Position of the City of Vaughan

In October 2014, we appealed the Region of York's approval of Official Plan Amendment 744 ("OPA 744") to ensure our heritage farm, Upper Cold Creek Farm ("UCCF"), is protected from adjacent residential development. The Ontario Municipal Board ("OMB") hearing will begin September 28, 2015. Our issue is that OPA 744 does not provide sufficient protection for our long-standing agricultural operation.

We learned late last week (Friday, September 4, 2015) that the Agenda for the September 9, 2015 Vaughan Committee of the Whole ("COW") meeting may include consideration of the Commissioner of Planning's recommendation that the COW endorse the above zoning by-law amendment ("ZBLA") and draft plan of subdivision of Country Wide Homes. The Country Wide development is adjacent to UCCF.

The ZBLA and draft plan of subdivision propose a 4.5 metre buffer and 1.8 metre high fence - the total extent of the buffering of our farm from new development. This buffering is the substantial component of the proposed Compatibility Policy of OPA 744. A 4.5 metre buffer, tossed into proceedings three weeks before the hearing is to commence, seems at best to be a token gesture.

The COW Report for Country Wide's applications states the developer submitted an Agrologist Report (July 7, 2015), which Vaughan had peer-reviewed in correspondence dated August 6, 2015. This Agrologist Report and peer review were prepared in response to UCCF's concerns with OPA 744, but we were never advised of their creation or provided with a copy of the reports. May we be provided with copies of this report and subsequent peer review?

We write to express our disappointment with Vaughan's position at the hearing, and in the processing of the two above-referenced planning applications.

Background

We believe that the proposed housing development threatens the vitality and viability of UCCF. The safety of our livestock and that of the future residents of these homes is not being adequately considered in the development plans. No study e.g. Agricultural Impact Assessment ("AIA") or serious effort has been made by either the developers or the City to understand the impact of this 1,400 unit development on UCCF.

At considerable personal expense, UCCF has hired an expert agrologist, engineer and land use planner to complete an AIA. The AIA details the impacts to the farm and offers three possible mitigation measures.

We believe the City should have, at the very least, directed its own agrologist to peer review the UCCF AIA, or asked OMAFRA or MMAH to do so. Instead, the City, Country Wide Homes, and the Block Plan Group all reject our reasonable request for an AIA, while the Ontario Federation of Agriculture, and staff from the Ministry of Municipal Affairs and Housing (“MMAH”) and Ontario Ministry of Agriculture, Food and Rural Affairs (“OMAFRA”) all believe an AIA is necessary or beneficial to the process of establishing a buffer for UCCF. Now, we learn the City did indeed retain an agrologist to peer review an Agrologist Report from Country Wide. Why was UCCF, and its AIA, cut out of the process?

We note in the Planning Staff Report dated September 9, 2015, Mr. Dave Hodgson (DBH Soil Services Inc.) was hired by the City to peer review Mr. Hoffman’s AgPlan agrology study. We request a copy of Mr. Hodgson’s letter, dated August 6, 2015, that advises the proposed mitigation measures are “reasonable and sufficient”. We have the following questions regarding his opinion and retainer:

- What date was Mr. Hodgson retained?
- Did Mr. Hodgson visit Upper Cold Creek Farm, as we have no record of his attendance on site, or the Block 40/47 lands?
- Did Mr. Hodgson attempt to contact UCCF representatives, but was refused?

We note for the record the outright refusal of the City of Vaughan to honour its agreement to hire an agrologist to peer review Mr. Clark’s AIA is a total betrayal of our long-standing Vaughan farm operation and the entire agricultural community. We intend to make an issue of the late retainer of Mr. Hodgson, and reserve the right to respond to the thoroughness of his assessment leading to staff’s conclusion the mitigation is sufficient.

Positions of the Parties at the OMB Hearing

Both the MMAH and OMAFRA have weighed in on the debate of whether an AIA should be required prior to approval of OPA 744.

OMAFRA agrees an AIA in this case is good policy. In the opinion of Mr. Arthur Churchyard (Rural Planner, Central-East Region, OMAFRA):

“AIA should be done when development is proposed that threatens to impact considers adjacent agricultural operations, or is in close proximity.”

Mr. Churchyard believes the Clark AIA “greatly informs the discussion” on protection of UCCF. Both MMAH and OMAFRA are willing to review the AIA, if asked by the municipality.

Why wouldn’t Vaughan avail itself of this opportunity, or have its own expert review the AIA?

The Ontario Federation of Agriculture (“OFA”) has added their voice to the strong support of making AIA’s fundamental policy for all municipality planning. In fact, the OFA sought and obtained “Participant” status at the OMB, which it has rarely done in the past. OFA’s Participant Statement, submitted by Senior Farm Policy Research, Mr. Peter Jeffery, expressly supports the creation of a “substantial buffer to protect [UCCF]” and endorsed Mr. Clark’s AIA:

“Applying these principles, OFA is of the opinion the Ontario Municipal Board should order mitigation on the Block Plan lands to protect UCCF consistent with Mr. Clark’s recommendations. Using infrastructure to transition the residential land use e.g. stormwater management pond, seems like an excellent solution.”

Even after circulation of the Clark AIA, Vaughan appeared to have decided against retaining an agrologist to peer review. To the best of our knowledge, Vaughan has not asked MMAH or OMAFRA to review the AIA. Without the benefit of an agrologist opinion, Vaughan’s planner

assigned to this file stated her opinion in her witness statement for the September 28, 2015 hearing as:

“No, I do not believe that it is necessary to modify OPA 744 to require an assessment of impact i.e. an Agricultural Impact Assessment (AIA).”

This witness statement is dated August 1, 2015 - prior to receiving Vaughan receiving a letter from its agrologist. Please direct us to the basis for such an opinion, which we see as a complete betrayal of our interests.

Proposal from the Developer

You have before you a staff report describing a proposal for a 4.5-metre vegetated buffer with a 1.8-metre wooden fence. We have reviewed the proposed “buffer” and believe it is a conceptual design to protect future homeowners, not UCCF. As discussed above, we were never advised of the Agricultural Report submitted by Country Wide, or of Vaughan’s retainer of Mr. Hodgson to peer review this Report.

We urge Vaughan Council to address our concerns by taking concrete steps to ensure UCCF is protected in perpetuity. This means taking the same steps to protect the farm as offered to Skandatut, the Redside dace, the inter-fluvial ridge (peninsula), and other sensitive features. We note Vaughan participated fully in these processes, leading to outright development prohibition on some lands e.g. the peninsula.

We have directed Mr. Clark to analyze the planning and agrology justification for the proposed 4.5 metre buffer. At present, we don’t see the work to support it. To our eye, this is business as usual with the farmer as the afterthought.

Sincerely,

Handwritten signatures of Gill Evans and David Toyne. The signature on the left is for Gill Evans and the signature on the right is for David Toyne.

Gill Evans and David Toyne

cc. Minister Jeff Leal (OMAFRA)
Minister Ted McMeekin (MMAH)

