

June 10, 2014

Chair John Taylor and Members of the Committee
Committee of the Whole
Regional Municipality of York
17250 Yonge Street
Newmarket, Ontario
L3Y 6Z1

Attention: Mr. Denis Kelly, Regional Clerk
regional.clerk@york.ca

Chair Taylor and Members of the Committee:

Re: Committee of the Whole Meeting June 12, 2014
Re: F.2.3 Amendment No. 2 to the Vaughan Official Plan (2010) -
The Vaughan Mills Centre Secondary Plan

Please be advised that we are the solicitors for Canadian National Railway ("CN"). Our client owns and operates the MacMillan Classification Yard (the "Yard") located east of Jane Street nearby the eastern edge of the proposed Plan. The Yard comprises about 1000 acres and is about three times the size of the total proposed Vaughan Mills Center Secondary Plan Planning Area.

CNR employs 1500 people at this location and has, over the last fifty years, attracted numerous other industries to the employment lands that have developed around the Yard in the heart of Vaughan. The Yard is one of the most important transportation terminals in Canada and North America

CN is opposed to the Vaughan Mills Centre Secondary Plan as it applies to the lands south of Rutherford Road and east of Jane Street and requests that the Amendment Area be amended by York Region to exclude all of the lands east of Jane Street and south of Rutherford Road.

CN is of the view these lands should remain as employment lands.

Our client's specific objections to the Amendment are as follows:

1. AMENDMENT AREA IS INAPPROPRIATE

CN states that the inclusion of the lands east of Jane Street, south of Rutherford Road and north of Riverock Gate in the Study Area and the proposed Secondary Plan Planning Area has been done with no planning rationale or analysis to support the inclusion of these lands in the Amendment Area.

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It is our belief that Vaughan Planning Staff did not support this decision as Staff's original recommendation did not include any lands east of Jane Street within the original Study Area.

2. PROPOSED DESIGNATION OF LANDS EAST OF JANE STREET AS HIGH-RISE MIXED USE IS BAD PLANNING

The proposed Secondary Plan calls for mixed use high-rise, with a substantial portion being contemplated as residential condominium towers for the lands east of Jane Street and south of Rutherford Road. This area is within the noise influence area of the Yard and within the original setback zone established by the Township of Vaughan established to protect residential areas from excessive noise.

These lands were originally designated as "Commercial Mixed Use" but are now proposed to be redesignated as "High-Rise Mixed Use". There has not been any analysis as to the land use compatibility between the new proposed high-density residential uses and the existing uses of the employment area abutting to the south and east, including the Yard. It is our belief that Vaughan Planning Staff does not support this decision to designate these lands as High-Rise Mixed Use.

Our client believes that, should high rise residential developments be permitted in the area east of Jane Street and south of Rutherford Road many of the new residents will be exposed to noise levels from the Yard and the adjoining industrial area that are not consistent with the standards for industrial noise levels established by the Ontario Ministry of the Environment Guidelines and the City of Vaughan Noise Bylaw.

CN as a railway is exempt from the provisions of the Vaughan Noise Bylaw and the Ontario Environmental Protection Act.

Additionally, CN believes that traffic infiltration from this proposed residential area into the employment lands may lead to conflicts with industrial traffic and in particular tractor trailers.

In the event the Region approves the Amendment as it applies to lands east of Jane Street, it is our client's submission that Caldari Road should **not** be extended north of Riverrock Gate so as to prevent the infiltration of industrial traffic north of Riverrock into the proposed residential community.

3. LANDS IN THE AMENDMENT AREA WEST OF JANE STREET ARE NOT ACOUSTICALLY FEASIBLE FOR RESIDENTIAL DEVELOPMENT

It is CN's belief that residential development east of Jane Street is not acoustically feasible due the industrial stationary noise sources to the east.

It is further CN's position that the proposed residential designations east of Jane Street are not an appropriate location to utilise the Class 4 Area designation of the new NPC 300 guidelines of the Ministry of the Environment.

CN objects to the designation of the Amendment Area east of Jane Street as a Class 4 Area under the NPC 300 Guideline.

4. HISTORY OF RESIDENTIAL ENCROACHMENTS ON THE MACMILLAN YARD

As a result of the constraints on expansion of CN's facilities in the City of Toronto, political pressure to relocate a majority of those freight operations outside of Toronto and the movement of new industries to suburban locations, CN commenced planning in the late 1950's for the ultimate relocation of its rail classification freight yard activities from central Toronto locations to a northern location outside of urban development in what was then a rural area.

The MacMillan Yard was ultimately constructed and opened in the 1960's. The amount of land acquired and the facilities that it can accommodate were designed to ensure sufficient capacities for CN's freight operations into the distant future.

When the MacMillan Rail Yard was designed, the pull back track which runs north of the yard beyond Rutherford Road was designed so that it went directly northbound in the direction of the then rural community of Maple.

As a result of objections by Maple residents, CN redesigned the yard and its pull back track to a less efficient configuration such that the pull back track went north of Rutherford Road and then curved west toward Jane Street where it terminates.

Over the last twenty-three years, there have been considerable residential encroachments permitted adjacent to the MacMillan Yard. Initially in the 1980's residential development was allowed to the north of the yard's pull back track at a distance of 150 metres. This community generated a number of complaints for CN and Vaughan given the twenty-four hour noise generated by the MacMillan Yard.

Subsequent to that the Villa Giardino residential condominium development was approved by Vaughan in 1999 and then for the first time, south of the yard's pull back track north of Rutherford Road high rise residential development was permitted by the OMB in 2004 after a lengthy hearing over the objections of the City of Vaughan and CN Rail.

CN is very concerned by the possible introduction of residential and other sensitive land uses to the northwest of its yard, south of Rutherford Road and east of Jane Street.

5. CONVERSION OF THE EMPLOYMENT LANDS EAST OF JANE STREET

CN is of the view that the Amendment as it applies east of Jane Street is a conversion of employment lands and is contrary to the tests in the Planning Act, the Places to Grow Act and the Provincial Policy Statement 2014.

6. THE 2014 PROVINCIAL POLICY STATEMENT

CN would refer Regional Council in making its decision to the 2014 Provincial Policy Statement issued under the Planning Act and in particular section 1.6.8-9 of that policy.

“1.6.8 Transportation and Infrastructure Corridors.

1.6.8.1 Planning authorities shall plan for and protect corridors and rights-of-way for infrastructure, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs.

1.6.8.2 Major goods movement facilities and corridors shall be protected for the long term.

1.6.8.3 Planning authorities shall not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.

New development proposed on adjacent lands to existing or planned corridors and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities.

1.6.8.4 The preservation and reuse of abandoned corridors for purposes that maintain the corridor's integrity and continuous linear characteristics should be encouraged, wherever feasible.

1.6.8.5 When planning for corridors and rights-of-way for significant transportation, electricity transmission, and infrastructure facilities, consideration will be given to the significant resources in Section 2: Wise Use and Management of Resources.

Rail facilities are defined to mean the following under the PPS 2014:

Rail facilities: means rail corridors, rail sidings, train stations, inter-modal facilities, rail yards and associated uses, including designated lands for future rail facilities.”

The Macmillan Classification Yard is one of the most important transportation terminals in Canada and together with its appurtenant rail corridors constitutes Rail Facilities protected by the PPS 2014.

The proposal to put residential development east of Jane Street south of Rutherford Road could lead to the ultimate destabilisation of the industrial area to the west of the Yard.

The MacMillan Classification Yard's continued successful and efficient operation is important to the local economy of Vaughan and the North American economy including York Region in making rail an affordable transportation option for local employers.

Kindly provide the author with written notice of any further meetings and/or decisions by Council of York Region or its Committees in respect of this matter and provide the author with Notice of Adoption of any Official Plan Amendment.

We would request copies of the Minutes of the Committee of the Whole and Regional Council meetings addressing this matter.

Kindly acknowledge receipt of this letter in writing.

Yours very truly,



A. Milliken Heisey
AMH/cmb

cc: Clerk Region of York, regional.clerk@york.ca

Canadian National Railway

Steve Zakem, solicitor for Granite Real Estate

Michael Melling, Solicitor for Tesmar

Barry Horosko, Solicitor for Delisle