

The Municipality of Grey Highlands
Public Meeting Minutes
NEC Comments RE: Clearview Sideroad 26/27
Thursday, May 9, 2019

Council Present:

Mayor Paul McQueen, Deputy Mayor Aakash Desai, Councillor Paul Allen, Councillor Cathy Little, and Councillor Dane Nielsen

Council Absent:

Councillor Tom Allwood and Councillor Danielle Valiquette

Staff:

Director of Council and Legislative Services/Municipal Clerk Raylene Martell and Director of Transportation Herb Lemon

Page

1 Topic:

NEC Notice RE: Sideroad 26/27 Reconstruction

- 1.1 To receive public input and gather comments to be sent to the NEC regarding the reconstruction of Side Road 26/27 in Clearview Township.

****Agenda Item updated on May 10 2019 to include attachments of documents presented by the public at the meeting**

Mayor McQueen welcomed everyone in attendance and provided a brief overview of the NEC application amendment and opened the floor to comments from the public.

Doug Dingeldein provided a powerpoint presentation on the history of the Development Application related to Clearview Sideroad 26/27 and its relation to a potential closure of CR91. He noted that if the current proposal is approved, it would provide a stepping stone in favour of closing CR91 although Sideroad 26/27 would not prove to be an adequate substitute for CR 91 should it close.

George Powell, a retired engineer and Vice President of Blue Mountain Watershed Trust spoke on the implications of the removal of a major arterial roadway without a proper replacement. He also spoke about the environmental issues that are currently in the area related to water coming out of the road.

Heather Huffman requested clarification on a comment made by Mr. Powell at the meeting held in Clearview the evening prior.

George Powell provided a brief overview if the proposed amendment application before the NEC currently indicating that additional wetlands were found which is what triggered the amendment.

Klaus Rodenkirchen inquired whether calcium chloride would be used if the road remained in a gravel state and whether there would be less impacts if it were paved. Mr. Powell indicated that he had questioned that, as well as the impacts of road sand and salt in his correspondence, but was unable to obtain a reply.

Don Kerr indicated that he would be providing a submission and read his comments.

Gary Forn, the President of Brewster's Lake Homeowners Association provided his concerns related to EMS response times to Brewster's Lake should CR 91 close.

Amelia Franks read a submission from her daughter Wendy who also owns property on Sideroad 26/27 indicating her concerns with the closure of 91 and the lack of truck traffic counts provided. The letter also noted that the only reason for the closure to occur would be for the benefit of Walker's Aggregate operations.

Bill Huggett noted that the County Road was transferred to the Municipality as there is reduced standards for Municipal Roads. He also noted that the NEC is focused on the environment and that comments should try to focus around that. Gary Forn commented that all concerns should be forwarded.

Bill Huggett provided that emergency medical response would not travel up Sideroad 26/27 in the winter even if the application is approved due to the steepness of the slope.

Nina Mulak provided her agreement with the information supplied by Ms. Franks.

Lorrie Gillis commented that the County needs to revisit the agreement and comments provided to the application in the past.

Jeff Brydges noted that neither Collingwood nor the Town of the Blue Mountains were included on the NEC circulation list. He also noted that CR 91 should not close and should be brought up to County standards.

Alar Soever, Mayor of the Town of the Blue Mountains, indicated that CR 91 was an integral alternate route to Hwy 26 that must be maintained. He also noted the need for updated traffic studies and the need for a review of the County of Grey agreement.

Peggy Hutchinson noted information contained in the Provincial Policy Statement section 1.2.1 that she feels was not being met with the application. She also inquired who was responsible for oversight to ensure traffic corridors exist between neighbouring counties.

George Powell indicated that County Road 91 should be a class C road.

Don Kerr inquired on next steps for the proposal. Mayor McQueen advised that the NEC would be meeting in June and then again in September. He also noted that the Municipality would be formulating comments to submit and recommended that all in attendance should also submit comments and copy all agencies noted in the circulation.

Gary Forn commented on the class of road for Clearview.

Jeff Brydges noted that the NEC would be making a decision regardless of the class of assessment.

Peggy Hutchinson inquired whether anyone had applied for a class C road through the online application. Mr. Powell indicated that the Blue Mountain Watershed Trust had asked for it, but that they would not receive a reply

until the NEC decision came through on the amendment application.

Mayor McQueen provided clarification that the amendment application was for the road to go through the sensitive wetland.

Doug Dingeldein cautioned those present that the EBR listing provides false and misleading information related to the closure of CR 91.

Gary Forn inquired on the status of the previous hearing. Amelia Franks commented that there were delays while awaiting Clearview to conduct research. Mayor McQueen commented that the requirement for this amendment started the process over.

Bill Huggett asked whether the Town of the Blue Mountains and Grey Highlands were going to submit comments. Both Mayors indicated in the affirmative.

The meeting closed at 5:54 pm.

[Doug Dingeldein - May 9 update for Grey Highalnds](#)

[Wendy Franks May 9 letter](#)

[Don Kerr Submission](#)

Concerns with closing Simcoe Rd 91 and upgrading SR 26/27

Community Update
May 9, 2019
Osprey Community Centre
Feversham

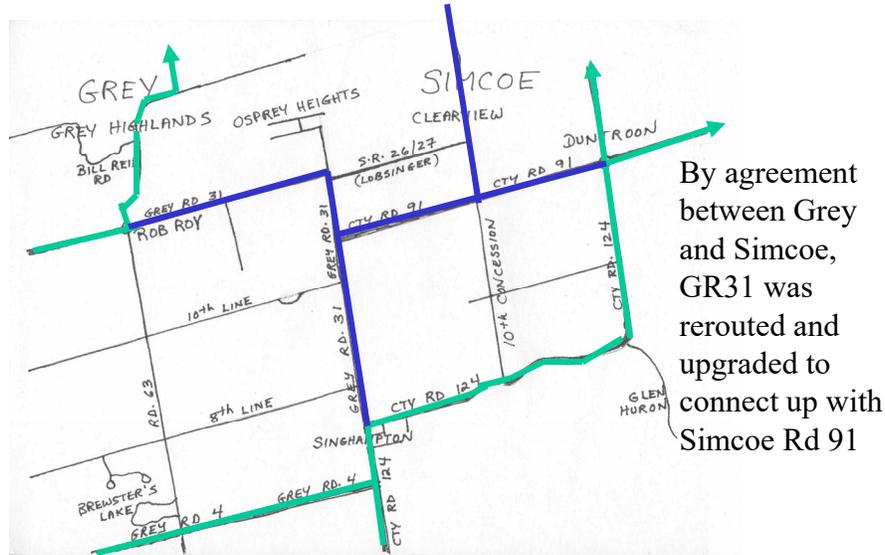
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Location of Rd. 91 closure and SR 26/27 upgrade



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How Rd 91 became an arterial route for us



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Why the focus on SR 26/27

- If an upgrade to SR 26/27 is approved, then a major barrier against the closing of Rd 91 will be removed.
- The proposed upgrade of SR 26/27 will not be an adequate substitute for Rd 91.
- If SR 26/27 were upgraded to the equivalent quality of Rd 91, that would severely damage the escarpment.
- Closing Rd 91 is not in the best interests of our residents – Rd 91 is a main arterial road down the escarpment that has been used for commerce, employment access, EMS services, tourism, farm access, aggregate hauling, and personal purposes for decades.

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What brought us to this debacle

- Simcoe Cty, Clearview and Walker cooked up an 11th hour deal in January 2010 to close Rd 91 to public use
- The deal was done behind closed doors and was presented to the public as a done deal
- The deal was dropped on the public in the late stages of the Joint Board hearing (started in October 2008) regarding Walker's application to expand its quarry operations to the north side of Rd 91
- At such a late stage in the hearing, no expert testimony could be organized by the community to comment on the deal – the panel only heard from Clearview's witnesses
- While the general framework of the deal was presented, no details of how the deal would be implemented, or even if the deal could be implemented, were given
- Hopefully, **this cannot be a done deal**

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Closing Rd 91 is not essential to the operation of the expanded Walker Quarry

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Context of the Clearview/Walker deal

- In the final decision by the Joint Board hearing the Walker expansion application in May 2010, the Hearing Officers said (page 71):
 - “The issue of whether subsequent NEC Development Permits are required for the potential road works is not a matter that needs to be determined by the Joint Board. It can be dealt with at the time the Municipality announces and presents its documents, and engineering plans with respect to the proposed works for former County Road 91 and Sideroad 26/27.”
- The Joint Board made it clear that it was not examining or rendering a decision on the work necessary to implement the deal and that it was up to Clearview to obtain the necessary NEC approvals
- In the Walker Rd 91 deal with Clearview, there is a clause that says Rd 91 cannot be closed until SR 26/27 is upgraded
- Already, one attempt by Clearview to gain approval for the SR 26/27 upgrade, which is key to fulfilling the terms of the deal, has failed
- Now, Clearview is trying to get approval a second time

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The Provincial Policy Statement (2014) guides land use planning in Ontario

- Policy 1.2.1 says:
 - “A co-ordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies and boards...”
- **There was no meaningful co-ordination with Grey Highlands, the municipality most affected by the proposed closure of Simcoe Rd 91**

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The deal grew out of a stalemate

- Walker applied to expand its quarry operations to the north side of Rd 91 across the road from its present operation
- Walker's original and preferred plan to link operations on both sides of the road was via a tunnel under Rd 91 – they have done this
- Simcoe Cty said Walker quarry expansion would require a significant upgrade to Rd 91 and, in exchange for its support of Walker's application, wanted Walker to pay 100% of the cost of the improvements – an amount said to be \$13 million
- Walker balked at this as the company took the position it shared the road with regular and other quarry traffic and that Simcoe should also pay part of the cost of the upgrade
- **Simcoe went back to Walker with the deal...**

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The deal to close the road

- Simcoe paid Clearview \$2 million to take over Rd 91 from 100 m west of Hwy 124 to Grey 31/Simcoe 95, converting this section of road from a county standard to a municipal standard
- Clearview is to contribute \$1 million towards the upgrade of the 10th Line from SR 30/31 to Rd 91 (the section that is still graveled)
- Walker will pay Clearview up to \$7.5 million (but not less than \$5 million) to:
 - buy the section of Rd 91 to be closed from Clearview
 - pay for improvements to SR 26/27, and
 - help pay for improvements to Rd 91 and to the 10th Line
 - Walker can pay in cash or road work in kind

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Road improvement costs and sources of funds

Estimated costs

Upgrade of 26/27 sideroad	\$500,000
10 th Line improvements	\$4,000,000
Improvements to Simcoe 91	\$6,000,000

Total **\$10,500,000**

Sources of funds

Simcoe County	\$2,000,000
Clearview Twp	\$1,000,000
Walker Industries	\$7,500,000 (up to)

Total **\$10,500,000 (up to)**

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As an aside it should be noted that...

- Even though Rd 91 is an inter-county arterial road that has been used for decades, the road, as it existed until recently and with current traffic volume, never met Simcoe standards for a county road
- Both Simcoe County and Clearview have benefited from royalty revenues from gravel and business taxes for decades from various operators of the quarry
- Taxpayers might have expected much of this revenue would have been directed at ensuring Rd 91 met county standards

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Current status

- Simcoe has transferred ownership of the section of Rd 91 to Clearview
- Rd 91 from Duntroon to the 10th Line has been upgraded at a cost of \$6 million, presumably paid for out of the money from Simcoe and significant contributions from Walker
 - The upgrade was a condition for Walker's new quarry license which permits up to 500 trucks a day to use this designated haul route
- Clearview submitted an application to the NEC for a Development Permit to upgrade SR 26/27 which was turned down on November 27, 2015 by a vote of 12 to 1 by NEC commissioners
- Clearview appealed the NEC decision 11 days later

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- Following further environmental assessment in the spring of 2016, Clearview was required to seek an amendment to the Niagara Escarpment Plan and withdrew its Development Permit application
- Clearview has now submitted an application for that amendment and this is the application that is presently under review by the NEC
- This is the reason for this meeting as public comments are required to be filed with the NEC by May 24 this month
- When this public process is complete, it likely will lead to an ERT appeal
- **This has been going on for more than a decade and through three different Clearview Councils**

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Grey Highlands Council position

- Council passed a resolution on April 12, 2010, objecting to the Rd 91 closure and the resolution is still active
- On July 19, 2010, Council passed an additional resolution to reinforce its objections in a letter to Clearview, Walker and Grey County
- On March 4, 2010, Gary Shaw wrote to Grey County TAPS Committee chair with an update on Rd 91:
“The part I find disturbing and I presume Grey Highlands does as well, is that we will be losing a very important east/west route from one county to the other.”

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What's at stake

- **If Rd 91 is closed, there is a risk to the local economy**
 - The proposed upgrade of SR 26/27 will **NOT** be equal to the quality of the present Rd 91
 - It will be steeper, narrower and may never be paved
 - cutting this arterial link will harm commerce, farming, tourism and especially those going to work every day as they travel between Grey, Simcoe and points beyond
 - Some 505 residents of Grey Highlands travel to and from work in Simcoe County every day. Many use Rd 91 – especially in the winter as Rd 91 is considered a relatively safe route down the mountain
 - Tourists, a corner stone of our economy, access the west side of Collingwood and its Intrawest and related all-season facilities via the Rd 91/10th Line corridor

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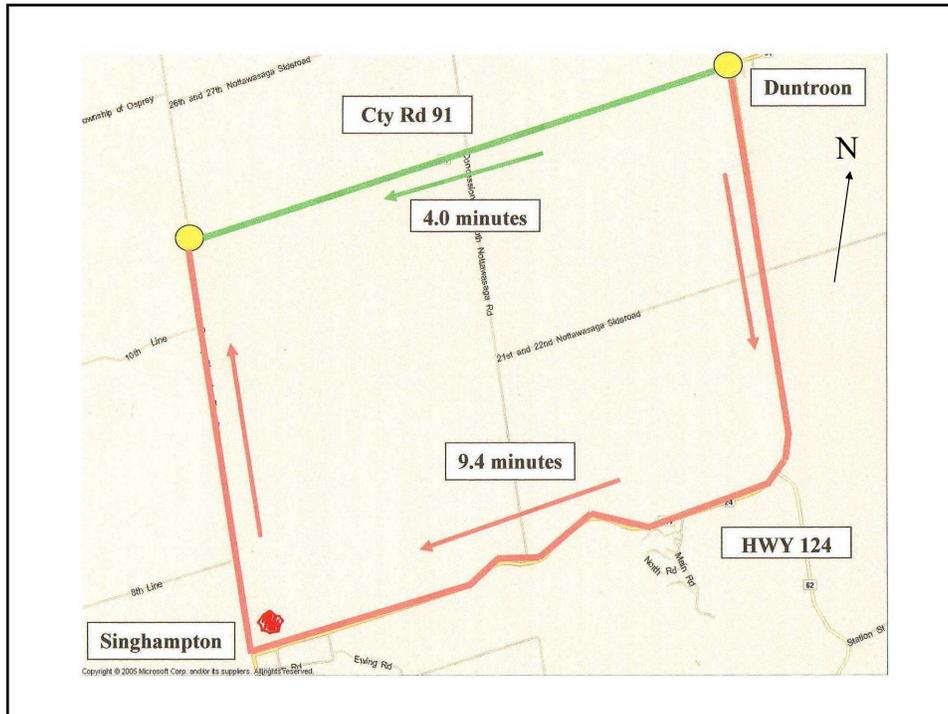
- **If Rd 91 is closed, there is a risk to residents' health**
 - Response times for EMS services from Stayner will put critically ill people at increased risk
 - Some 300 households in northeast Grey Highlands depend upon timely response from Stayner EMS via Rd 91

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EMS response times

- Grey County has an agreement with Simcoe County for the provision of EMS services from Stayner to the northeast area of Grey Highlands
- The area falling under this agreement contains more than **300 households** including the Osprey Bluffs and Brewsters Lake communities
- With emergencies, minutes matter and Rd 91 is the main route to these Grey Highlands households
- When upgraded, initially SR 26/27 will be a narrow, gravel road with a very steep section (11.8% grade)
- EMS has not confirmed it will be able to use SR 26/27 even with this proposed upgrade

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- **If Rd 91 is closed, road safety will be compromised**
 - Closing Rd 91 will result in increased risk at several local intersections because traffic now using Rd 91, including large trucks and farm equipment, will have to find a way to by-pass the closure
 - As many as 1,000 or more vehicles a day use the section of Rd 91 proposed to be closed
 - in 10 hours over one long weekend, almost 2,000 flyers were handed out to individual drivers using the section of Rd 91 to be closed
 - in one one-hour period, 200 vehicles went down this section of Rd 91

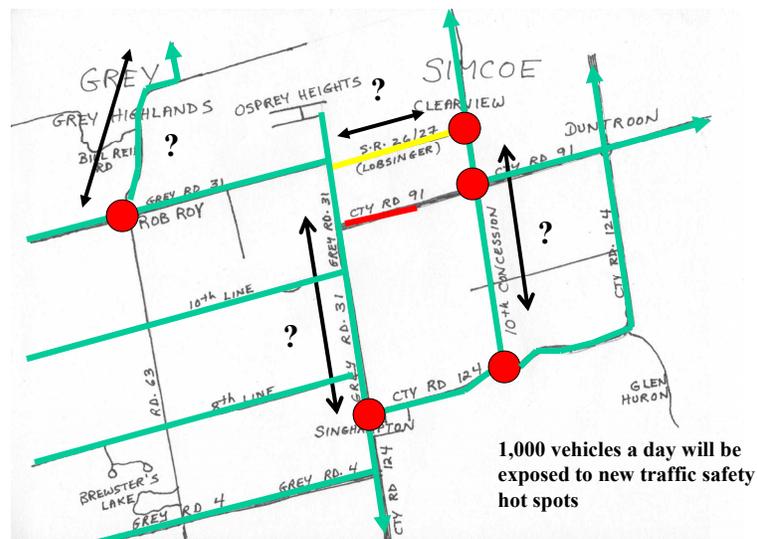
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Examples of intersections where there will be increased safety risks

- heavier traffic on the Pretty River Valley Road, not built to handle higher levels of traffic including large trucks and farm equipment
- SR 26/27 and its dangerous blind T intersection with Clearview's 10th Line
- exiting the 10th Line onto Hwy 124 where there is limited visibility of oncoming north and south traffic
- crossing south or turning left at Rd 91 from the 10th Line across the path of downhill loaded gravel truck traffic
- increased traffic in Singhampton at the four-way stop especially with the added truck traffic from the new St. Mary's quarry

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New traffic safety situations are created



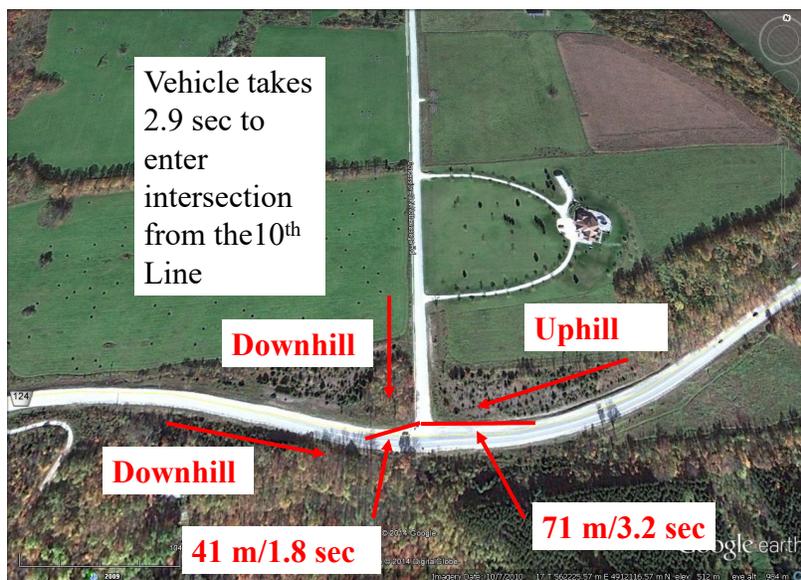
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A detailed example:

Hwy 124 and 10th Line intersection

- If Rd 91 is closed, many more south-bound vehicles on the 10th Line will pass through its intersection with Hwy 124
- 10th Line is downhill to Hwy 124 to a T intersection – on weekends many cars are parked on this section of the road
- Exit from the 10th Line onto Hwy 124 is at an uphill/downhill curve on Hwy 124
- Sight lines for vehicles turning from 10th Line onto Hwy 124 are limited – both north and south bound
- Reaction time to oncoming traffic on Hwy 124 for vehicles exiting from 10th Line is extremely short – especially for large vehicles
- More vehicles using this intersection will make it much more hazardous

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A note about movement of large farm machinery

- Spring and fall work in Clearview is typically 2 to 3 weeks ahead of similar work in Grey Highlands
- Working land in Grey Highlands enables Clearview farmers to make efficient use of their equipment and time at critical times of the year
- Machinery moved from Clearview to work Grey Highlands fields can be very large – often using most of 2 lanes – and slow moving
- Frequently, it is moved to our municipality up Rd 91 – a route that keeps this equipment off Hwy 124
- If Rd 91 is closed, slow-moving equipment would have to be moved to our area on Hwy 124 – up a winding heavily traveled road
- Risk of accidents on Hwy 124 will increase substantially

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- **If Rd 91 is closed, there is a risk to public safety.**
 - If Hwy 124 had to be closed between the 10th Line and Singhampton because of an emergency – weather, fire, accident – Rd 91 is the **only** viable alternative in the area up and down the escarpment
 - The proposed upgrade of SR 26/27 could not handle the volume and mix of traffic on Hwy 124 that would be redirected there as a result of an emergency closure of Hwy 124

It is proposed that the upgrade of SR 26/27 be limited to a narrow, steep, gravel standard until some future date when it might be paved.

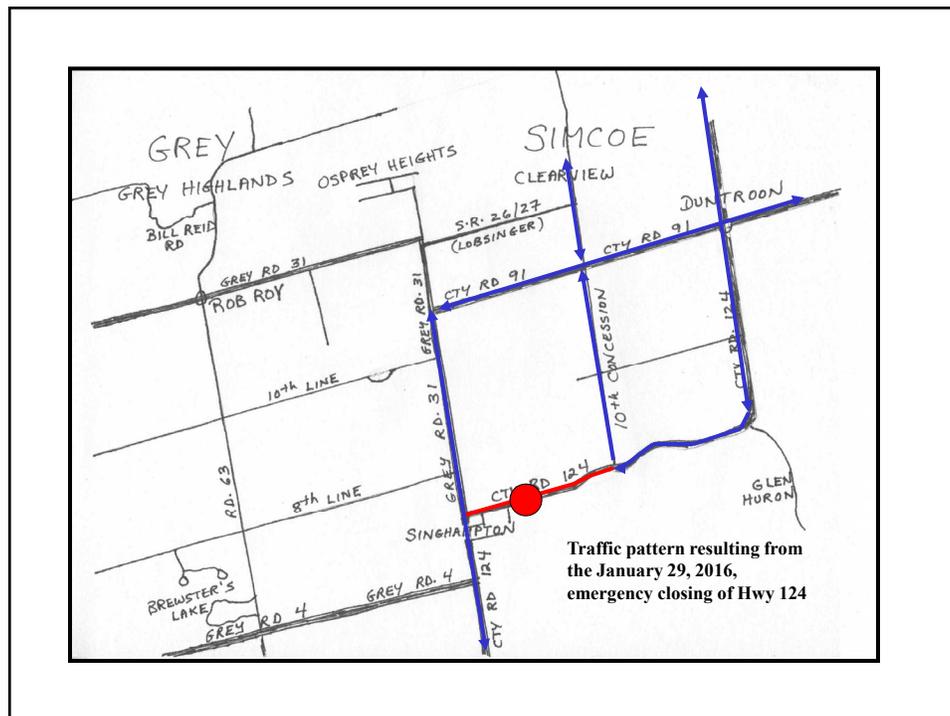
With such a minimal upgrade it is uncertain that the road will be paved and we risk losing an essential arterial access road.

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Recently, we had just such an emergency

- To contain a house fire on January 29, 2016, the Clearview Fire Chief requested the OPP to close Hwy 124 at Singhampton and at the 10th Line on Hwy 124.
- The highway was closed from 2:03 PM to 5:01 PM.
- All north- and south-bound Hwy 124 traffic was re-routed via Rd 91, including tanker trucks, 18 wheelers, cars and other vehicles.
- The mix of traffic on Rd 91 in the section proposed to be closed was bumper to bumper during the fire-related closure of Hwy 124.

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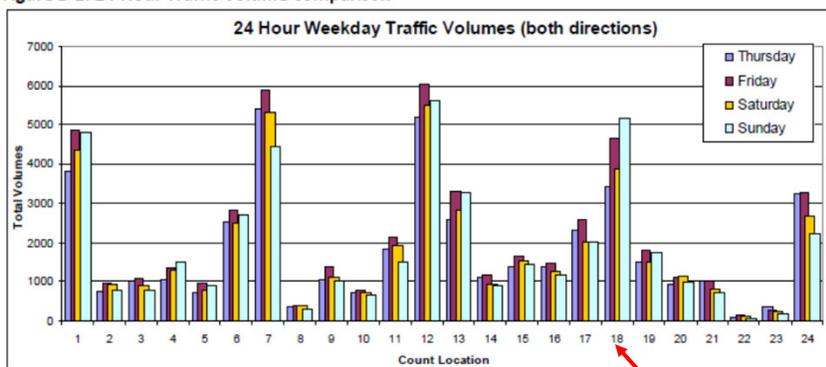
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Think for a moment of sending Hwy 124 traffic down and up a narrow, steep, gravel SR 26/27

- **Two-way average daily weekday traffic** volume in 2012 on Hwy 124 between Maple Valley and Singhampton was **4,670 units**
- It is surely much higher in 2019
- In the hours from 2:03 to 5:01 PM (when Hwy 124 was closed for the fire) 2012 **average weekday hourly volume peaked at 5:00 PM at about 425 units**
- Had the closure happened on a weekend, traffic volume would have been much higher

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Figure B-2: 24-Hour Traffic Volume Comparison

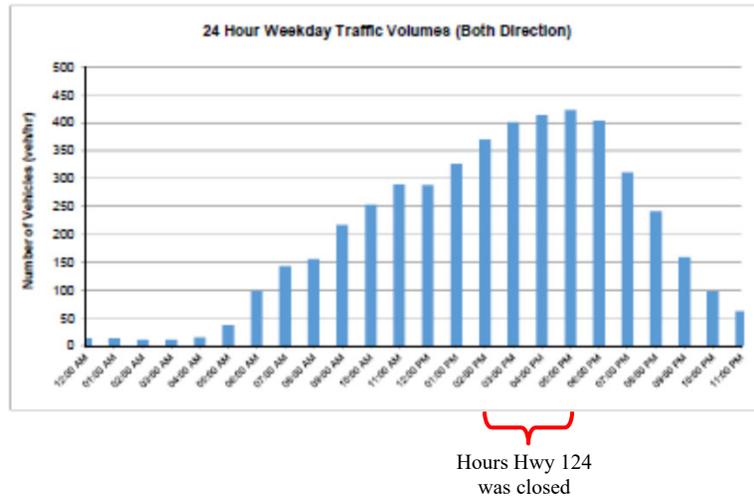


These data are for the section of Hwy 124 between Maple Valley and Singhampton – Appendix B – page B-4

Grey County Transportation Master Plan
Final Draft Copy
September, 2014

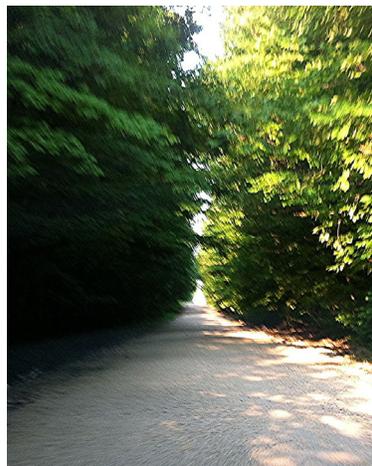
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January 29, 2016, the date of the fire was a Friday



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What about Rd 26/27 itself



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SR 26/27 is only 1,225 m north of the present Rd 91, which for decades has been serving the community as an essential, perfectly good, well established arterial road.

By contrast, SR 26/27 has never been an essential route for anyone, is a seasonal road at best and over its history has received little or no maintenance from Clearview.

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Blue Mountain Watershed Trust has taken the lead in public examination of Clearview's proposals for SR 26/27

At this point, the Trust has found almost 200 technical and other deficiencies in the documents filed by Clearview to support its NE plan amendment application and George Powell is here to talk about some of them

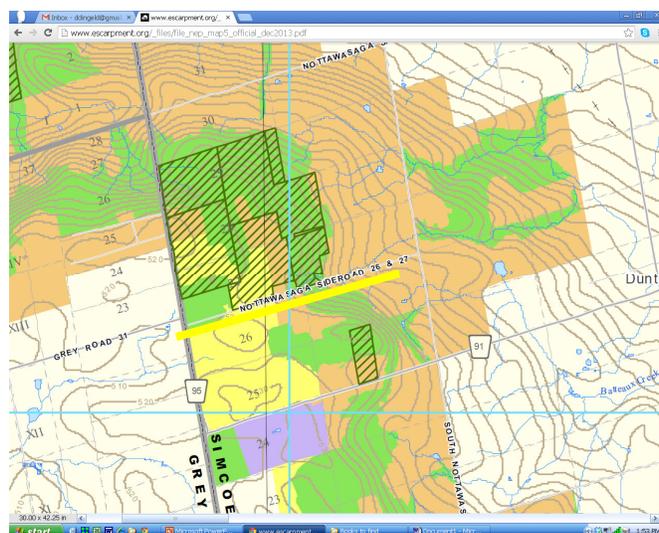
But to set the stage for him, following are some key issues:

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- **Upgrading 26/27 will seriously compromise the Escarpment in the area**
- The present steep grade (14%) in certain sections will require **significant cut-and- fill construction** in the escarpment face near the brow (final proposed grade will still be a steep 11.8%)
- More than half the length of the **road runs through Escarpment Natural and Protection Areas**
- **Multiple springs and seeps** touch or cross the road between the escarpment brow and the 10th Line – **washout management will be difficult**
- MNRF fish biologists have confirmed the **presence of a high quality cold water trout stream** – a tributary of the Bateaux River

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Niagara Escarpment Development Control Areas for Rd 26/27



Yellow line is Rd 26/27

Orange is Protection Area

Green is Natural Area

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- The Bruce Trail crosses Rd 26/27 part way down the slope of the escarpment and if **hikers park along the narrow road** as they do elsewhere, they will interfere with other road users
 - No off road parking areas are planned along SR 26/27
- Experience shows that **Clearview is challenged to keep the unpaved section of the 10th Line passable** in the spring and following heavy rain events never mind dealing with much more extreme problems on SR 26/27
- **It is uncertain whether an upgraded SR 26/27 will be a feasible route for moving large farm machinery**
- **A narrow, steep, gravel SR 26/27 will likely not be passable for EMS vehicles** up to Grey Highlands – especially in winter or following heavy rain, snow or ice events – **EMS has not declared it will be able to use SR 26/27**

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Conclusion

- Clearview and Simcoe need to rethink their plans to close Rd 91 and to mess with the escarpment with SR 26/27
- Grey Highlands and Grey County need to press upon Simcoe and Clearview the serious implications of a closure of Rd 91 on its citizens
- Walker has approval for its expanded quarry and to use Rd 91 as a haul route – this is not part of this issue
- If Rd 91 remains open, it will not interfere with Walker’s operations
- Our issue is with Clearview – if SR 26/27 is allowed as an alternate route to Rd 91, then we may be faced with very unhappy consequences – a damaged escarpment and a community at risk

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What you can do

- Urge Grey Highlands Council and Grey County to strongly oppose the closure of Rd 91
- Write to Clearview Twp and Simcoe County with your objections
- Write to the NEC and object to the Clearview Niagara Escarpment Plan amendment application – ask to speak to the Commission on the issue
- Be ready to help an appeal to the ERT if one materializes
- Write to the Minister of Municipal Affairs and Housing objecting to the road closure
- Write to the Minister of Transportation about the road safety issues caused by the road closure
- Write to the Minister of Agriculture, Food & Rural Affairs about the challenges the road closure will cause for farmers

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- Write to the Minister of Tourism Culture and Sport that the closure will harm the South Georgian Bay tourism industry
- Write to the Ministry of Natural Resources and Forestry about your concerns that work on SR 26/27 will damage the Escarpment and the cold water stream
- Write to the Minister of Environment, Conservation and Parks that a Class C environmental assessment is a more appropriate process for evaluating Clearview's NEP amendment application for SR 26/27

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Thank you.

Wendy Franks ·

5/9/2019, 10:21 AM

Comments for Grey Highlands meeting

To efranks efranks

My name is Emelia Franks, I'm reading this on behalf of my daughter, Wendy Franks. Wendy has property at the corner of 10th concession and 26/27 and I own property on 26/27.

I'm sorry to miss today's meeting. I had a prior commitment. For those of you who attended yesterday's meeting held by Clearview, thank you for your attendance and good questions. Reflecting on Clearview's presentation and comments, I reached the following conclusion: I found their presentation to be disgraceful. They made incorrect comments, purposefully misleading the public.

A few points of clarifications:

- We are only in this situation because Walker wants to quarry the Niagara Escarpment for their own financial gains. Full stop – there is no other reason.
- With respect to the haul route, Walker's license includes a haul route going east along County Road 91 AND going south on County Road 31. They could elect to send some, or all, of their gravel trucks south on 31 but they elect not to.
- Instead, they elect to send their heavy gravel trucks down a very steep hill into Duntroon. There have already been serious incidents with their trucks. In one case, the driver lost control driving down the steep hill, the truck rolled over and the driver lost his leg. In a second case, the truck's breaks failed in Duntroon and the truck narrowly missed colliding with traffic.
- Despite numerous requests made by the Grey Highlands community group and ourselves, Clearview refuses to conduct a proper traffic analysis. The last analysis was conducted over ten years ago. Since then, traffic flows have increased and gravel trucks been involved in serious accidents – as mentioned. This is irresponsible and indeed negligent behaviour. My husband and I have engaged a lawyer to explore our options for litigation against Clearview to the fullest extent permitted under the laws that govern the municipality, our province and our country.

Clearview Council is clearly only working for Walker. I wonder if they are better referred to as 'Walker Council'.

STATEMENT TO PUBLIC MEETING RE UPGRADING OF SR 26/27 ON MAY 8, 2019

BY DON KERR, COLLINGWOOD, ONT.

BACKGROUND

I attended the Walker tribunal hearing and made a statement as a Participant on behalf of the Blue Mountain Watershed Trust on February 15, 2011. The Watershed Trust has been following the issues arising from the hearing since then.

STATEMENT

I wish to comment on the proposed upgrading of Side Road 26/27.

With respect to the transfer of part of County Rd 91 out of public hands and the associated proposal to upgrade Side Road 26/27, these decisions were made without appropriate public consultation and were not part of the tribunal report on the Walker quarry (note 1). They were made by the politicians and the bureaucracy (note 2).

Therefore, these decisions lack legitimacy (if not legality) and, therefore the upgrading of SR 26/27 is not needed.

If proper public consultation had been done, it is highly likely that the environmental consequences of upgrading SR 26/27 would have been revealed (or at least questioned) and that the sale of part of CR 91 would have been prevented or at least have initiated an investigation of alternatives.

Therefore, the sale of CR 91 should be seen as incomplete - it should be reversed and SR 26/27 should remain as a seasonal road OR seriously consider whether it should be a through road in any season – which would solve all of the problems of maintaining a road which is currently open only part of the year and allow it to become truly Escarpment Natural. It is possible to correct previous errors.

Note 1: To clarify, there was discussion of CR91 and SR26/27 in the tribunal report; however, the tribunal report contained conditions which, if not satisfied, would invalidate the tentative tribunal direction on this issue and demand a search for alternatives.

Note 2: The closing of a public road without consultation with stakeholders is a serious omission. The tribunal hearing was not a consultation process.