

Joint Public Meeting – OPA 142

Wednesday, June 27, 2018 – 1:00 p.m.

A Grey County public meeting was held at the Township of Southgate Council Chambers, Dundalk, Ontario with the following members in attendance:

Township Council Members Present: Councillors Jim Frew, Barbara Dobreen, John Woodbury and Anna-Marie Fosbrooke

Township Staff Present: Clint Stredwick, Joanne Hyde, Dave Milliner, Jim Ellis, and Lindsey Green

County Staff Present: Scott Taylor, Senior Planner; Helen Loghrin, Planning Student and Monica Scribner, Recording Secretary

Also present: Steve Jefferson, K. Smart Associates, Consultant

Proposed County Official Plan Amendment, Local Official Plan Amendment and Zoning By-law Amendment on lands described as Part Lot 15, Concession 1, Divisions 2 to 3 in the Township of Southgate (Geographic Township of Egremont) County file number 42-07-060-OPA-142.

Call to Order

Chair Fosbrooke called the public meeting to order then welcomed everyone on behalf of the County. Introductions then followed.

Scott Taylor read the regulations and made a brief PowerPoint presentation outlining the County Official Plan Amendment application.

The proposed County Official Plan Amendment affect those lands described as Part of Lot 15, Concession 1, Divisions 2 - 3 in the geographic Township of Egremont now in the Township of Southgate. The proposed Amendment would permit a gravel pit on the subject lands.

These lands were also subject to Township Official Plan Amendment # 12, and a Zoning By-law Amendment, which were adopted and approved by the Township

respectively. The County has not yet approved the Township Official Plan Amendment # 12, pending a decision on the proposed County Official Plan Amendment.

The subject lands are designated as 'Agricultural', 'Rural' and 'Hazard Lands' on Schedule A to the County Official Plan. Large portions of the lands are also designated as 'Aggregate Resources Area' on Schedule B to the Plan. The purpose of the proposed County Official Plan Amendment is to allow for a gravel pit on the subject lands, partially outside of the current Aggregate Resources Area portion of the property. A gravel pit is already a permitted use within the Aggregate Resources Area portion of the property. The proposed pit will be approximately 29.8 hectares in size; however the total area for extraction will be approximately 9.9 hectares, in three pockets on the property. If the Official Plan Amendment is passed, the lands will remain designated as Agricultural, Rural and Hazard Lands on Schedule A to the County Plan. The effect of the proposed Official Plan Amendment will be to re-designate the lands to 'Mineral Resource Extraction with Exceptions' on Schedule B to the Plan.

As required by Section 17 of the Planning Act RSO 1990, as amended, Council shall ensure that at least one public meeting is held, notice of which shall be given in the manner and to the persons and public bodies containing the prescribed information.

In accordance with the Planning Act and the implementing Regulations the County of Grey gave notice of this Public Meeting, by individual prepaid first class mail to persons within 120 metres based on the most recent assessment information provided by Municipal Property Assessment Corporation (MPAC), and to an extensive list of agencies as set out in the regulations. A sign was also posted on the property. The public meeting notice is located on the County web site at www.grey.ca.

It is imperative to note that:

If a person or public body would otherwise have an ability to appeal the decision of County of Grey in reference to the official plan amendment, to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to Grey County before the plan amendment is decided upon, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to County of Grey in reference to the official plan amendment, before the plan amendment is decided upon, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

If you wish to be notified of the decision of the proposed Official Plan Amendment you must make a written request to the County of Grey at 595 9th Ave. East, Owen Sound,

Ontario N4K 3E3. This can be mailed to the County or deposited with the Administrative Assistant, Monica Scribner this afternoon. We have business cards here today if you need the contact information.

If there are any comments, questions or concerns for those in attendance this afternoon please address the Chair and give your name and Lot and Concession, or civic address, for the record.

Comments were received from the following:

Historic Saugeen Metis, dated June 4, 2018

“The Historic Saugeen Metis (HSM) Lands, Resources and Consultation Department has received a copy of the Proposed County of Grey Official Plan Amendment for the Orchard Gravel Pit located in the Township of Southgate. HSM has taken the time to review the OPA reports which include the Notification and Consultation Report, Hydrogeological Investigation, Environmental Reports (2011, 2015) and the Archaeological Report. HSM has no objection or opposition to the Proposed Official Plan Amendment as presented.”

Saugeen Valley Conservation Authority (SVCA), dated June 20, 2018

“The above noted Official Plan amendment that will re-designate a portion of the property has been reviewed by the SVCA in accordance with the SVCA’s Planning Services Agreement with the Township of Southgate. The proposed amendment is acceptable to the SVCA.”

Maurits and Robyn Dagelinckx of Southgate, dated June 22, 2018

A summary of the below quoted comments was read at the public meeting.

“This letter is our submission of objection to the County Official Plan Amendment file #42-07-060-OPA-142 regarding the proposed Orchard Pit.

We are Southgate Township residents and neighbouring landowners to the north of the proposed Orchard Pit.

We received the notice of the complete application and public meeting as a letter from Grey County. Southgate Township publishes their upcoming meeting agendas online, which we have subscribed to receive automatically when posted. The agenda for the June 27, 2018 Public Planning Meeting, as published by the Township of Southgate on Thursday June 21, 2018, does NOT have the presentation by the County of Grey Planning Department listed as point 2. As a public meeting, as does the next point on the agenda point #3. It does not state, as do the following 4 items on the agenda that this is a public meeting. It does not make the public aware, unless already notified in

writing by Grey County, that this meeting is supposed to allow any member of the public a chance to comment and ask questions. This does not appear to follow the Township of Southgate's "Goal 1 A: Trusted, Timely, Transparent, Accessible Municipal Decision-Making". We object on this basis.

Second, decisions made by Southgate Council in March 2015 regarding the Zoning By-Law and Official Plan Amendments (with a "Hold") regarding the Orchard Pit were made right before the applicant pulled the original application from the MNR and prior to knowing any of the new information or changes to site plans included in the new license application. This second application has once again passed its two year deadline with unresolved public objections. We object to any amendments based on these facts.

At a Southgate Township meeting on April 18, 2018, Planner Stredwick said the Zoning By-Law has been passed. It was passed with a Hold on March 18, 2015 and the options for a Development Agreement were received for information. Planner Stredwick advised Council this was no longer a Land Use Planning Application process as Council had already passed the Zoning By-Law and this Road Use Upgrade Agreement fell under the Municipal Act. This statement appears to be in conflict with Southgate Official Plan 5.6.2 2. which required the Development Agreement. Southgate Official Plan 5.6.2 2. states: "OP 5.6.2 2. Development Policies An Applicant who wishes to undertake an extractive operation...must enter into a Development Agreement...The Agreement should be entered into prior to implementation of Zoning By-Law Amendment." This Road Use Upgrade Agreement appears to us to be a Development Agreement.

We object to Grey County passing this plan amendment and realize the Zoning and Plan Amendment process is separate from the Aggregate Resource Act licensing process. However, Grey County Council must be made aware that there are still unmitigated objections by the public regarding the proposed Orchard Pit application. One of the main ones remains the proposed west entrance and its extremely close proximity to the residences of the proposed pit. County Council must also be made aware that this ARA license application has passed its 2 year deadline for the second time. We object due to our belief that the social and economic impacts of this proposed pit and its haul routes have not been mitigated in a satisfactory manner as stated in the Provincial Policy Statement 2014 Section 2.5.2.2. Grey County's Official Plan under Section 1.6.1 states the objective set out in the plan is "To minimize land use conflict as a result of aggregate extraction by ensuring adequate separation between existing land uses and new aggregate extractions or expansions to existing operation by ensuring adequate haul routes and through appropriate screening, planting and setbacks." We also believe that any official plan amendments allowing this proposed pit to move forward may put limitations on development on surrounding properties as outlined in Provincial Policy Statement 2014 Section 2.5.2.5.

There are also two other operational pits on this same road, Southgate Road 14, and others within close proximity. We believe Grey County must take into consideration the cumulative effects of noise, dust and other impacts on neighbours and neighbouring lands when deciding to amend their Official Plan. In Section 1.6.3 of Grey County's Official Plan it states: "To consider the cumulative effects of new development on the natural environment and surrounding land uses". There are significant woodlands and valley lands, along with the Beatty Saugeen River, directly adjacent to the south of the subject lands. There are also a number of residences within very close proximity as well. We object to the amendments based on the cumulative effects of having so many other pits operational in the vicinity.

We as landowners in the Township of Southgate have the right to enjoy our properties, as given to us under the Provincial Policy Statement. As Grey County Council must use the PPS to make decisions regarding planning matters, we ask you to please take into account all of our and our neighbours' objections before passing any amendments to the Grey County Official Plan."

Hilja & Hans Viirlaid, dated June 27, 2018

A summary of the below quoted comments was read at the public meeting.

"Our main concern remains with the cost to human health and well-being — a cost which we believe a reasonable person would judge to be far too high, given the current plan to have the proposed Orchard Pit's gravel be transported westward down the hillside of Southgate SR14 to Highway 6 — with five homes within 20 metres of that hillside.

While we are not as directly affected by the heavy gravel truck traffic, we nevertheless are concerned about the negative effects on our close neighbours.

We empathize with their plight and cannot remain indifferent. We don't wish to lose them as neighbours.

What we don't understand is why the East Access Portal cannot be used instead of the Western one since the eastern one is much less disruptive to human health. That stretch of SR14 is already used by the two operating gravel pits on this road.

Using the eastern exit and proceeding eastward to Grey Road 109, then proceeding northward to Grey Road 9, and then going westward to Highway 6 adds very little in time and cost given the health and safety benefits realized, in our opinion.

The applicant's explanation that Grey Road 109 cannot take heavy truck traffic is falsified by the fact that heavy gravel trucks use that road today — both from the pit on

the Don Lewis property (north side of SR14) and also from the ‘Egremont Pit’ (south side of SR14).

This fact (of usage by heavy aggregate-carrying trucks today) falsifies another position taken by the applicant, which suggests that trucks cannot safely turn north after travelling east along SR14 up to the intersection of SR14 with Grey Road 109.

If trucks are doing that safely today from an existing Southgate Township (formerly Egremont Township) pit, then what will change to prevent them from doing so in the future? This is incomprehensible.

We also believe that the map, which was relied on by council and by Grey County during their deliberations, was incorrect. That map showed the apparent town line of Holstein (marked as “residential”) extending north of Southgate SR14 along Grey Road 109.

If the approvals were based on incorrectly demarcated maps, then the approvals would be subject to being revisited and possibly revised.

We believe that the map in question was prepared by the applicant’s transportation consultant.

Our point about homes being far closer to the proposed route down the hill from the proposed western access point (as compared to the eastern alternative) has never been responded to. And, as mentioned above, two existing gravel pits already use that eastern end of SR14.

The homes that will be affected by westbound truck traffic (as proposed by the applicant) are about 20 meters from the road.

Whereas there is only one home that is that close to the road that would be travelled if truck traffic went eastwardly from the pit’s eastern access point.

And none of the farmhouses on Grey Road 109 are within Holstein town limits — as we say, the Holstein town border does not extend north of SR14 as was apparently suggested on the transportation map by use of the term “residential”.

We believe that “Environmental Concerns” are intimately concerned with all health, human and our environment’s health. If human health cannot be factored into the decision-making process for the operational design of the Orchard Pit, then what is the point of an Environmental Review?

Another of our environmental objections which has not been addressed by MNR has to do with Anson Lewis’ future use of the Orchard Pit land for agriculture. This pit is to be extracted to within 4 to 6 feet of the water table.

If, after remediation, agricultural activity takes place, there will be a very thin layer of aggregate and soil left to absorb any manure, fertilizer, pesticides or fungicides which may be applied during farming activities. Rainwater would carry those chemicals into the underground water table. In effect, digging the Orchard Pit has the side effect of creating a direct portal (by removal of the overburden) for various farm chemicals to pour into the groundwater.

(We believe the above-noted groundwater hazard is associated with many Gravel Pit operations, where most of the overburden is removed, and where the land is subsequently returned to agricultural use.).

We understand that Anson Lewis wishes to even farm during the operational life of the pit, as well as after the closure of the Pit.

Given that the layer of aggregate and soil that remains will be too thin to filter out such applied farming chemicals, we asked that MNRF make a ruling as to whether farming can be safely done on such remediated land, so that the groundwater is not compromised.

We have received no reply as of this date, June 27, 2018.

We also asked if it is safe to use such chemicals concurrently with the operations of the Orchard Pit. Having patches of the Pit used for agricultural while adjacent patches are being excavated does not seem like a safe practice.

We have not yet received any safety affirmation, for either the issue of the leftover thin layer of aggregate and soil left after remediation, nor for the idea of farming during the operational life of the proposed Orchard Pit. So we feel our overall concerns have not yet been addressed.”

COMMENTS FROM THE MUNICIPAL STAFF/COUNCIL

Chair Fosbrooke asked for comments from council and staff; at the time there were none.

COMMENTS FROM THE APPLICANTS CONSULTANT

Steve Jefferson from K. Smart Associates explained their firm has a long history with this proposal. The County’s base mapping needs to accurately reflect the aggregate resources on this property. The proposed Amendment would more accurately reflect the aggregate resource on the property.

Documents were accepted by the Ministry of Natural Resources and Forestry (MNRF) who will decide if they can approve the gravel pit application, once decisions have been made on the County and Township planning applications.

COMMENTS FROM THE PUBLIC

The following individuals spoke in opposition at the public meeting:

Lorri Grein and Hans Viirlaid, both of Southgate.

Lorri Grein, Southgate:

- The Greins live directly across the road from the proposed pit and object to a new pit at this location. Mrs. Grein was concerned that her husband received two letters and she did not receive one in her name.
- She made reference to:
 - the Provincial Policy Statement (PPS)
 - the Environmental Protection Act (EPA)
 - the Ministry of Natural Resources and Forestry (MNR)
- Their main comments and concerns are:
 - loss of enjoyment and possible adverse effects from vehicle smog, etc.
 - health concerns
 - sensitive land uses
 - the close location of the entrance and exit to their home
 - would like to see the entrance/exit be at the easterly end of the property and for the haul route to head east on Southgate Road 14, like the other existing gravel pits use, rather than heading west to Highway 6
 - disagrees with the concerns that Grey Road 109 may not be constructed to handle large truck loads, and notes that large trucks already use that road
 - landowners in that area have not received a response back from Reeves Construction to their concerns

Hans Viirlaid, Southgate

Their main comments and concerns are:

- wanting to make sure Southgate Council and everyone involved hears their objections
- environment is a big concern
- worry for human health and well-being of those living in the area
- would like the haul route to proceed east (as is already used by two operational gravel pits) rather than the west haul route
- may lose good neighbours who may move elsewhere
- feels the water table can shift, and that by farming these lands with such little resource left, it could cause pesticides and ground chemicals to affect the drinking water

- nervous it will be unsafe for farming after the pit is closed
- feels there are too many gravel pits in Southgate

COMMENTS FROM COUNCIL MEMBERS

Council noted that some people encountered difficulties in obtaining the information prior to the meeting. Mr. Taylor stated we try to make it as easy as possible for people to access the information. If you go to www.grey.ca and click on Planning, then Active Planning Applications you will find current applications. If you have any future difficulties, please call Scott Taylor directly or send an email so any issues can be addressed. We can also provide paper copies.

To submit further comments, please send them directly to Scott Taylor at Grey County and copy the Township if you choose.

Council asked if public comments are available on the County website. Mr. Taylor explained that the County does not typically post public comments received on an application on the County website, and has only recently done so for Recolour Grey. The County may look at adding some verbiage to our website and notices, to note that public comments related to an application will be posted on the County's website. In doing so, it would be clear to those who comment that their comments will be posted in a public forum. In light of not yet having this wording, the County has chosen not to post public comments.

Council asked if Southgate is copied on future comments, would they be posted online to the Southgate website. The Clerk clarified that since it is a County file, they would not be posted on the Southgate website.

Council asked if there are any further opportunities to send future comments to the MNRF. Mr. Taylor stated the MNRF are operating under the Aggregate Resources Act (ARA), which is similar to the Planning Act, but even more regulated so it has specific deadlines. Anyone could send an email to MNRF at any time but with the timeframes under the Act, the deadline has already passed. Mr. Jefferson stated he will send any submitted comments to the Ministry staff involved, as part of the wrap-up of this process.

Council asked for clarity on how engine noise will be eliminated and was concerned about the traffic impact on Highway 6. Mr. Jefferson replied that the traffic study was conducted by Paradigm Transportation Solutions Ltd. They located two 2 access points onto Southgate Road 14, an east and west access. It's expected most truck traffic will go through the west access. Grey County Transportation Services staff recommended using the western access, and haul route directly to Highway 6. Having traffic use this western access and haul route means that trucks will not be moving quickly when

approaching the hill and Highway 6, which will mean less braking and noise. Part of the reconstruction of the municipal road will upgrade the asphalt and steepness of the current road which will be completed by Reeves Construction.

Mr. Taylor reminded the attendees that now is the chance to make your voice heard. Within the next week or two, comments will be collected, summarized and will go into the Council Report. Grey County Committee of the Whole meetings are in Owen Sound during the day on specific Thursdays. The agendas and reports are made available approximately one week before the meeting. Meetings are open to the public but the public is not given the opportunity to speak unless they request a deputation ahead of time. Requests for deputation must be received at least 10 days prior to meeting date. With the time restrictions, anyone interested could contact Mr. Taylor and he would have knowledge as to which date the report would be going to Council.

Following the question and comment period, Chair Fosbrooke thanked everyone for coming and adjourned the public meeting at 2:11 p.m.

Planning Chair Anna-Marie Fosbrooke