

Liam Murphy

From: Amanda Boland >
Sent: Thursday, July 15, 2021 12:30 p.m.
To: Port Elgin Planning
Cc:
Subject: Consent Application Notice File #B-2021-022

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July 15, 2021

To: County of Bruce Planning and Development Department
Re: Consent Application Notice File #B-2021-022

We are writing to both voice concern over and seek clarification to proposed changes in my neighbourhood. There is currently an application with Bruce County (file number: B-2021-022) to sever a parcel of land approximately 50ha currently zoned as agricultural and being used as farmland. In the notice received it is stated that "both the severed and retained parcels will continue to be used for agricultural purposes". Through 'word of mouth' new information has been obtained that the supposed intent is to sever said land, and afterwards apply to rezone this severed parcel to residential in order to build residential units on said land.

There are several concerns we would have if this severance were to be followed with a zoning change application and move forward, and we are prepared to contest. I will note some of the largest concerns here:

1. There is currently a watercourse that runs through the parcel of land that has been applied for severance, this watercourse drains into a large roadside ditch that flows directly through the rear and side of our property. Please note, this is a large watercourse/ditch and there are substantial amounts of water that flows through here during several "wet" times of the year. This ditch has overflowed and breached the road at the side of our property before due to the amount of water that flows here. Should the land be disturbed on the severed parcel this will most definitely affect the flow of, amount of, and distribution of this watercourse. Our concern is that this will in turn most definitely effect our property, in that it would likely induce above ground water flooding of our property and may negatively affect the water table levels in both our property and neighboring properties.
2. This land is zoned as agricultural currently, with a wayside pit at the southwestern most corner. We have ongoing concerns about the use of this pit, please see below.
3. The flow of traffic on an already busy stretch of Bruce County rd. 23 (the B-line) would be of great concern.
4. The preservation of agricultural land is important and pertinent both to residents and the county as noted: Through this Official Plan it is County Council's intent to: achieve an orderly pattern of settlement; **protect and conserve good agricultural land ...** "
(<https://brucecounty.on.ca/services/planning-development/bruce-county-official-plan>).

Also noted, is the current use of this land. The land is currently zoned as agricultural land and noted to be used as farmland. While this is correct for the majority of the land, there is an exception on the southwestern most corner, which is currently being used as a wayside pit for miscellaneous debris from various construction/works companies. Having lived here for only four years, we can only speak to the last four years; that this pit has been used daily for dumping various materials, mainly what appears to be fill soils/rocks/ debris but on several occasions other more questionable appearing debris has been seen dumped here. Previous to the last four years, although we had not lived across from this area to see for ourselves, we have heard from neighbours who have resided here longer that this area has been used as a wayside pit for many years (15+) and the natural landscape features of this area has changed greatly due to this. Said area is also noted to be in a water protection zone, and the environmental impacts on both the agricultural land adjacent to, the residential land adjacent to, and the quality of water and/or ability to efficiently “protect” drinking water in this area is concerning.

As noted in the Bruce County Official Plan: “4.3.2.2 Drinking Water Source Protection

.1 The Province of Ontario has established the Drinking Water Source Protection (DWSP) program that is guided by the Clean Water Act, 2006. **The purpose of this Act is to protect existing and future sources of drinking water...**”

(https://www.brucecounty.on.ca/sites/default/files/county_plan_consolidated_september_2017_2.pdf)

As noted above, we continue to be concerned with the watercourse located on the parcel of land to be severed. Whatever the intended use ultimately concludes to, should the land on this parcel be disturbed effecting the current watercourse we are gravely concerned of the negative impact this would most definitely have on our and neighbouring property(ies). To reiterate from above; there is currently a watercourse that runs through the parcel of land that has been applied for severance, this watercourse drains into a large roadside ditch that flows directly through the rear and side of our property. Please note, this is a large watercourse/ditch and there are substantial amounts of water that flows through here during several “wet” times of the year. This ditch has overflowed and breached the road at the side of our property before due to the amount of water that flows here. Should the land be disturbed on the severed parcel this will most definitely affect the flow of, amount of, and distribution of this watercourse. Our concern is that this will in turn most definitely effect our property, in that it would likely induce above ground water flooding of our property and may negatively affect the water table levels in both our property and neighboring properties. This watercourse ultimately drains directly into Lake Huron, and the disturbance of, use of, addition of other uses on this land could potentially have negative environmental impacts on our greatest natural resource need, water.

Based on arguments noted above, we question the long-term intent for the use of this land and the impact it would have on water protection, environment, watercourse flow, preservation of agriculture among many other concerns; and object to the severance and sale of this parcel as well as continue to have concerns as to the ongoing current use of the permanent wayside pit located on this parcel. Thank you for taking into consideration our concerns.

Respectfully,

Andrew and Amanda Boland, RN., BScN.

16 Stoney Island Cres.

Liam Murphy

From: Larry E Walton <[REDACTED]>
Sent: Thursday, July 15, 2021 8:03 AM
To: Port Elgin Planning
Cc: [REDACTED]
Subject: RE: Consent Application Notice B-2021-022
Attachments: Parcel Report across PD.pdf; Parcel Report borrow pit.pdf; 2005_07.JPG; 2012_05.JPG; 2009_08.JPG; 2006_06.JPG; 2014_05.JPG; 2018_08.JPG; 2021_06.JPG; 2019_07.JPG

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With respect to the request for public comments regarding the application for severance:

We object to this change on the basis of the anticipated intent which will be the next application; namely, rezoning of the southern severed portion for non-agricultural use.

The portion under consideration for severance currently contains a borrow/wayside pit which is used for many years by local contractors as both a stockpile area for excavated soil and for infilling the property. A review of Google maps over the past 15 years (earliest satellite photos available) at least clearly demonstrates our contention to be accurate. While a wayside pit is consistent with the definition of appropriate land use for designated A1 zoning, it is noteworthy that the definition of Wayside Pit per the Ontario Ministry of Municipal Affairs and Housing website (July 2021) is:

.... a temporary pit opened and used by or for a public authority solely for the purpose of a particular project or contract of road construction and not located on the road right of way.

First, not all of these projects being served by the pit are municipal in nature; some are private and the vast majority is clearly unrelated to road construction. Reviewing the attached Google Map extracts in question, and having lived across from this land for over fifteen years, we can categorically state that the use of the land is not consistent with the zoning in that it is clearly a permanent feature. The briefest review of the photos indicates a progression of work and continuous infill of the land from east to west as clearly evident over the years. Furthermore, this area is supposed to be within a designated source water protection area - County Road 23 is laughably signed as such just opposite of the property, which is subject to infill with soils and excavated material of unknown quality or contamination levels. We have previously lodged complaints with both the Municipality (Michelle Barr - 2018) and the Ministry of Environment and Climate Change (Owen Sound office - same year) with no results. We take this opportunity to reiterate this complaint and restate our objection to the permanent disposal and infill of materials of unknown quality and cleanliness at this site. The permanent designation of this wayside pit should be reversed and the site restored to its original use consistent with the agricultural designation. Clearly, the soil infilling (to an estimated depth of 15-20+ feet in places) has rendered the plot of land ineffective for founding structures such as houses; accordingly, we strongly object to the sale of the land if the intent is ultimately to change the zoning. We anticipate a future application notice in this regard and are prepared to fight any redesignation of this property.


Bruce County agricultural lands are very important and a key principle and mandate of the Official Plan states, in part,

"Through this Official Plan it is County Council's intent to: achieve an orderly pattern of settlement; **protect and conserve good agricultural land ...** "

- Bruce County Official Planning home page <https://brucecounty.on.ca/services/planning-development/bruce-county-official-plan> July 2021

On the basis of the arguments stated above, we object to both the sale of the land and the current inconsistent and illegal use of the property as a permanent wayside pit/infill.

Please confirm receipt of this correspondence.

Respectfully Submitted,
Nell and Larry Walton, P.Eng
20 Stoney Island Crescent
Kincardine, ON


cc: Andrew and Amanda Bowland - Stoney Island Crescent Kincardine