

Reply to: **Gregory F. Stewart**

18 Courthouse Square
Goderich, ON N7A 3Y7
Tel: 519-524-2154 x209
Fax: 519-524-8550
Email: gstewart@dmlaw.ca
Assistant: Victoria (x206)

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VIA EMAIL bcplwa@brucecounty.on.ca

Bruce County Planning and Development Department
30 Park Street
Walkerton, ON N0G 2V0

Attention: Candace Hamm, Applications Technician

Dear Ms. Hamm:

**RE: Proposed Official Plan Amendment; File BCOPA 237-18.06;
1604 Concession 10, Part of Lot 29, Concession 11, Geographic Township
of Culross
Owner: Paul and Susan Campbell
Our File #20871**

We have been retained by Nick and Sarah Filsinger with respect to the above-noted application for an Official Plan Amendment. Mr. and Mrs. Filsinger are the owners of lands located at 1576 Concession 10 and thereby stand to be impacted by the application. I am writing to confirm my clients' opposition to this Official Plan Amendment.

The lands in question are currently designated General Agriculture (AG1) under the Municipality's Official Plan. The proposed amendment would re-designate a portion of the subject lands from General Agriculture (AG1) to Extractive Industrial (M2) to permit licensing for Aggregate Extraction. The existing designation of these lands is characteristic of the use of surrounding lands which are predominately wetlands, cropped fields and detached dwellings. As such, the amendment which is being sought is totally out of character for this primarily agricultural and wetland area.

The creating of an aggregate extraction facility on these subject lands will have an adverse effect upon the surrounding lands thereby being contrary to the requirements of Provincial Policy Statement. "Adverse Effect" is defined by the *Environment Protection Act* and outlined in Section 6 of the Provincial Policy Statement to have the following impacts:

- (a) impairment of the quality of the natural environment for any use that can be made of it,
- (b) injury or damage to property to plant or animal life,
- (c) harm or material discomfort to any person,
- (d) an adverse effect on the health of any person,
- (e) impairment of the safety of any person,
- (f) rendering any property or plant or animal life unfit for human use,
- (g) loss of enjoyment or normal use of property, and
- (h) interference with the normal conduct of business.

It is the position of my clients that introduction of the proposed aggregate operation into this agricultural, wetland and residential area will very likely have one or more of these adverse effects.

In addition to the above adverse effects, Mr. and Mrs. Filsinger have the following specific concerns:

1. My clients indicate that their quality of life is inherently a function of enjoyment of their lands as they have historically been used and enjoyed. They want to ensure the continued use of the lands as in the past so that their family can continue to enjoy that use in the future. The installation of an aggregate extraction operation and its attendant impacts on the area will undoubtedly have an adverse effect on the Filsingers' property and their ability to enjoy its use as in the past.
2. Living in close proximity to an aggregate operation would be clearly less desirable than the uses that currently exist. This will result in the decrease of the value of my clients' property.
3. Concession Road 10 which would be the route for traffic for the aggregate operation is a road assumed by the Municipality. Unlike most roads assumed by Bruce County, Concession Road 10 has never been widened to deal with modern traffic, let alone the degree of traffic that would result from an aggregate operation. The travel portion of the road appears to be tar and chip (chipseal). It is approximately 22 feet across and has very limited shoulders. The current traffic on the road is local and involves large farm machinery which services the surrounding farms. Increasing the number and size of vehicles travelling this road, considering the nature and condition of the road, increases the potential for traffic hazards thereby potentially jeopardizing the safety of all concerned.
4. Due to the nature of the road, the shoulders of the road are very narrow or in some places almost non-existent. Snapping turtles have been observed using the shoulders of the road for nesting. The increased traffic on the road raises the potential for disrupting or destroying this nesting activity. Snapping turtles are considered at risk and all attempts should be made not to disturb their habitat. These turtles have also been observed crossing the road at various periods.
5. The increased traffic on the road from the aggregate haul trucks will prove to be a disturbance. This will be the source of increased noise as well as noise from idling trucks and the application of airbrakes on trucks in the vicinity. There will be further noise resulting from construction equipment from the site itself which would be involved in the processing of the

aggregate. Our clients advise that when they purchased their lands, one of the significant attractions was the tranquility of a rural (agricultural and environmental) area, the predominance of natural sounds and minimal traffic. This will be adversely impacted by an aggregate operation.

6. It is of note that although a proposed aggregate operation would be installed, there appears to be no monitoring program with respect to water quality or quantity.

Basically my clients are opposed to the re-designation to permit an aggregate operation because of the overall adverse effect it will have on their property and their way of life as referred to above.

We ask that this letter be included in the record as the written submission on behalf of our clients respecting this proposed Official Plan. We would further request that we be provided with Notice of the Decision of Council on the Application as well as being included in the circulation list on all documents on this matter in the future.

Yours very truly,

DONNELLY MURPHY LAWYERS PC



Per:

Gregory F. Stewart

GFS/vm

c.c. client