



December 6, 2017

Mike Evers
Haldimand County,
Hagersville Satellite Office
1 Main St
Hagersville, ON
N0A 1H0

Dear Mr. Evers:

**RE: Haldimand Gardens Subdivision, Garden Communities (Hagersville) Inc.
Zoning Amendment: PLZ-HA-2017-129; Plan of Subdivision: PL28T-2017-128**

Thank you for meeting on October 10, 2017 to discuss the Haldimand Gardens Subdivision (the "Proposed Development") for the lands legally described as Geographic Township of Oneida, Urban Area of Hagersville, Range East of Plank Road, Part Lot 30, RCP 73, Part of Lot 26, Reference Plan 18R5944 Part 1, 3 & 4 (the "Subject Lands"). We acknowledge receipt of the Notice of Complete Application which was received on October 20, 2017.

As you know, the Proposed Development is adjacent to Lafarge Canada Inc's ("Lafarge") Hagersville Quarry located at 4024 Highway 6 (the "Quarry"). We have reviewed the information provided, additional background from our files and further considered the applicable policy context. We have serious concerns with respect to the Proposed Development as it relates to separation distance between uses.

The current permissions for residential development on the Subject Lands date back to applications submitted and approved in the early 1990's. A revised application was submitted in 2004 to permit the development of 71 new residential lots on the southern portion of the Subject Lands. Lafarge engaged with the applicants at this time and provided comments to Haldimand County (the "County"). From our review of historical information on the Quarry and the Environmental Noise and Vibration Impact Study (the "Impact Study") that was completed March 21, 2006, we note that the site conditions along the south boundary of the Quarry have not substantially changed since this time. Lafarge's position regarding potential future activity is similarly unchanged. Lafarge currently has the right to operate the Quarry within the licenced boundary, including the area immediately north of the proposed residential development and may choose to do so at any time.

The Ministry of Natural Resources and Forestry ("MNRF") and the Ministry of Municipal Affairs and Housing ("MMAH") were quite involved in the review of the application. Correspondence from MMAH to the County dated May 29, 2006 clearly and specifically sets out the results of the review:

- *"MNRF is recommending that the 300 metre setback be precisely measured from the property line of the proposed residential subdivision to the licenced boundary of the quarry operation".*
- *"Furthermore, providing a setback of 300 metres from the subdivision property line to the licenced quarry boundary would allow the owner to exercise his right to quarry areas within the licenced boundary not currently under operation".*



Accordingly, there has been a setback established between the property boundary of any future residential lots and the licenced boundary of the Quarry which is meant to protect Lafarge's right to continue operations on the portions of the Quarry closest to the residential subdivision. The setback is not dependent on any particular activity (or lack of activity) on the Quarry licenced area.

The basic policy premise that is being addressed in the MNRF and MMAH review is the Provincial Policy Statement ("PPS") that requires aggregate operations to be protected from development and activities that would preclude or hinder their expansion or continued use. That policy has been carried over into the present Provincial Policy Statement (2014).

The County Official Plan contains appropriate policies that implement the PPS direction. New residential development within 500 metres of quarry operations shall be assessed on a case by case basis and appropriate development setbacks shall be established in consultation with appropriate agencies based on studies carried out by the applicant for land use approvals. In our view, such studies should include impact assessments of noise, vibration, air quality and visual considerations.

Our understanding is that Empire Communities has recently applied for Draft Plan Approval and Rezoning that would permit residential development within the 300 m setback and intends to complete new studies to substantiate the Proposed Development.

At this time, we are not aware of any compelling reason or evidence that would support re-evaluation or reduction of the 300 metre setback (measured from licenced boundary to residential property line). A reduction of the setback is unacceptable to Lafarge.

We urge the County to be very cautious about reducing this setback and allowing new residential uses within 300 metres of the licenced Quarry operation. The County's consideration of this issue should include consultation with MNRF and MMAH, recognizing their previous reviews and comments.

Please keep us up to date on this application. We would like to receive notice of any public or council meetings where this application is being considered as well as notice of any staff reports, recommendations or council decisions.

Yours truly,
LAFARGE CANADA INC.

ORIGINAL SIGNED

Carol Siemiginowski, P. Eng.
 Land Manager, Southwest Ontario & Atlantic

cc. *Scott Oliver, Ministry of Municipal Affairs*
Tara McKenna, Ministry of Natural Resources and Forestry
James Parkin, MHBC Planning
Peter Gross, Wood Bull LLP
John Castro, Empire Homes