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By E-mail: townclerk@thebluemountains.ca

**Ms. Corrina Giles, Town Clerk**  
**Town of the Blue Mountains**  
32 Mill Street, P.O. Box 310  
Thornbury, ON N0H 2P0

Dear Ms. Giles:

**Re: Gibraltar Sand and Gravel Pit Expansion  
Planning & Development Services Report PDS.18.18**

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Devry Smith Frank LLP are the solicitors for 2223117 Ontario Inc. (Eden Oak Aggregates). On behalf of our Client, we request that this letter be provided to Mayor McKean and Members of Council for their consideration at the April 16, 2018 Council meeting.

As outlined in this letter, 2223117 Ontario Inc. is requesting that Council reconsider the resolution passed at the April 4, 2018 Committee of the Whole meeting and endorse the Township recommendation as set out in the Planning and Development Services Report PDS.18.18. In this report, the Township Planner recommends:

*“THAT Council adopt Official Plan Amendment No. 2 to re-designate a portion of the subject lands from Rural to Mineral Resource Extraction Area; and*

*THAT Council enact a Zoning By-law Amendment to rezone a portion of the Subject Lands from General Rural Exception 209 (A1-209) to Extractive Industrial (M4), to permit expansion of the Gibraltar Pit.”*

We have reviewed the video of the Committee of the Whole Meeting and we are of the opinion that some of the Councillor’s comments are irresponsible and cannot be justified. Council’s decision is not consistent with the Provincial Policy Statement, and is therefore open to challenge. Council is ignoring the Town’s Official Plan which was approved by this Council and is also ignoring the policies of the County Official Plan. There is no technical support or justification for Council’s decision which ignores the positive comments and recommendations from the review agencies and the Township staff. Comments such as “our decision is not based

*on planning, it is a political decision and we are sending the Province a message that we don't want gravel pits in our community"* are inexcusable examples of a "not in my backyard" syndrome and are contrary to Provincial Policy. If Council is not prepared to reverse its decision, this matter will be appealed to the Local Planning Appeal Tribunal, which will result in necessary embarrassment and costs for the Municipality.

Prior to Council making a decision, tonight we ask you to consider the following:

- The Town of the Blue Mountains is a significant user of aggregates to build and maintain your buildings, roads, sewers, trails and recreational resorts. The Town itself maintains over 254 km of local roads.
- Currently in the County of Grey, the Town is already the lowest aggregate producing municipality (by almost half) and is not contributing its fair share of the aggregate production.
- There are limited aggregate deposits within the Town of the Blue Mountains (see Appendix C of the Official Plan). The location of the proposed gravel pit is a location where aggregate extraction is already an established use and is an area that the Town of the Blue Mountains Official Plan protects for future extraction.
- Over 2 years of agency review has occurred and Council has confirmation that the following agencies have no outstanding issues:
  - Ministry of Natural Resources and Forestry (MNRF)
  - Grey Sauble Conservation Authority (GSCA)
  - Ministry of the Environment and Climate Change (MOECC)
  - Ministry of Tourism, Culture and Sport (MTCS)
  - Ministry of Agriculture, Food and Rural Affairs (OMAFRA)
  - Niagara Escarpment Commission (NEC)
  - Ontario Parks
  - County of Grey
  - Town of The Blue Mountains Staff

Based on this review, Town Council has uncontested professional advice that the application is consistent with Provincial policy and conforms to the County of Grey and the Town of the Blue Mountains Official Plan.

The existing Gibraltar Pit is the only gravel pit owned by the applicant and the aggregate material from this pit and the expansion is needed for their local residential projects and is also used to supply aggregate to local residents and businesses within the Town of the Blue Mountains.

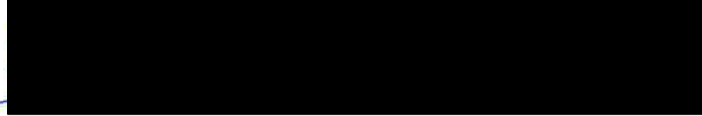
We urge Council to reconsider its position to avoid a costly hearing before the Local Planning Appeal Tribunal in which its own staff recommended approval of the applications and other legal

action that may be taken by our client based a complete lack of regard for the process and advice of staff.

Mr. Zeman, on behalf of our client will be in attendance at the Council meeting and would be pleased to answer any questions that Council may have.

Yours truly,

DEVRY SMITH FRANK LLP



David S. White, Q.C.  
DSW/jrg

cc. *Brian Zeman, MHBC*  
*Romas Kartavicius, 2223117 Ontario Inc.*  
*Rick Lloyd, 2223117 Ontario Inc.*