

Directed in confidence to Melanie Ducharme, esteemed Clerk for the Municipality of West Nipissing.

Submitted for purposes of distribution to all relevant decision makers, to be added in public record, and used by its recipients if or when applicable to contribute to the formal proceedings for matters that will be outlined throughout the text below.

Please allow for this revised letter to express the standing of our community coalition.

Pursuant to Section(s) 34 and/or 53 of the Planning Act, the zoning amendment application (File: ZBLA2021/04) searches to amend land use designations relevant to part of lot 5, concession A, parts 1 and 2, 36R-10926, Springer Twp. This is a motion to change subject land use classification from R1 to M1, allowing for industrial development in a historic residential settlement.

On March 8, 2021, the Planning Advisory Committee for the Municipality of West Nipissing heard this zoning amendment application and was advised of its public opposition (Meeting ID: 821 2746 9261).

During this meeting, the Planning Advisory Committee was made aware of several critical concerns that can be enumerated as follows:

- (1) Drainage and Water Management.
- (2) Insufficient Vegetative Buffering.
- (3) Deforestation, Environmental Degradation, and Dehabitation.
- (4) Noise and Air Pollution.
- (5) Health and Safety of Residents.
- (6) Gross Devaluation of Real Estate.
- (7) Industrial Expansion Precluding Residential Development.
- (8) Private Sale of Land Without Public Tender to Determine its Best Uses.
- (9) Protecting Historical Character of a Residential Settlement with Sensitive Land Locations.

We would like to thank the Planning Advisory Committee for welcoming the public and cordially hearing these complaints.

However, in response to the decision of the Planning Advisory Committee to allow this zoning amendment application and its land use redesignation request to proceed forward, the following notes have been compiled for the hopeful consideration of the recipients to this letter.

From our humble prima facie readings, we are concerned that components of the zoning amendment application and its foreseeable outcomes manifesting from an approval would result in circumstances that do not conform with the policy directions that have been set out by the Municipality of West Nipissing's Official Plan. We request that recipients to this letter review the information that is outlined below and submit these concerns if or when applicable to squash the zoning amendment application during the council meeting that is set to take place on March 16, 2021.

As per S3. SS. 3.03 of the Official Plan – re. The Goal of Growth and Settlement, we do not believe this zoning application and its land use redesignation request would serve the objective of meeting the best use of the relevant lands. Without public tender mediating the sale of the relevant lands, we do not believe due consideration has been given to determining the full scale of its possible uses - let alone best possible uses. We do not believe the proposed industrial development of these lands would constitute a compact and energy efficient land use trajectory. We do not believe the zoning amendment application and its industrial land use redesignation request are compatible with the prevailing and emerging characters of our historical residential settlement. We believe that public tender rather than private sale of the relevant lands would help determine its best possible uses.

As per S3. SS 3.02 of the Official Plan – re. Developmental Priorities, we believe that land use disputes should be interpreted with priority given to developments that optimize rather than search to amend pre-existing infrastructure and public plans. We believe that pre-existing residential settlements and the future of residential intensification on lands that are relevant to this zoning application should be prioritized above and beyond the applicant's proposal for furthered industrial development. We believe the applicants have misstated or overestimated the economic value which this zoning amendment application has promised to award the Municipality of West Nipissing. We believe there are pre-existing industrial zones that are immediately available to the applicants which could satisfy the objectives of economic development without encroaching on our historical residential settlement in ways that unreasonably challenge its prevailing and emerging character trajectories.

As per S3. SS. 3.06.08 (4) of the Official Plan – re. Community Structure and Design Criteria for Industrial Usage, we believe that industrial development and expansion into historical residential settlements should be avoided if the application is believed to create land use disputes. We believe this zoning application for change of land use designation from R1 to M1 involves sensitive land locations that have already created land use disputes. We believe that additional land use disputes will be presented throughout the future if this zoning amendment application is further upheld. We believe the Municipality of West Nipissing does not want to adopt the burden of shouldering continued land use disputes resulting from oversight with regards to the critical grievances that were gathered from residents during the Planning Advisory Committee meeting and enumerated above.

As per S3. SS. 3.06.8 (8) of the Official Plan – re. Community Structure and Design Criteria, we believe zoning applications and its corresponding land use designations should be interpreted with a strong regard for the protection of lands that can be qualified in terms of the status of a scenic vista. We contest industrial development in our residential settlement to protect, conserve, and ultimately enhance its landmark scenic features which contribute to the overall aesthetic appeal of our rural northern community. We believe the destruction of the scenic vista that is our residential settlement would amount to a disservice to the entire Municipality of West Nipissing based on these grounds. Moreover, with direct proximity to the Sturgeon River Museum and with intersecting public trail systems, we believe the scenic vista that is our residential settlement should also be interpreted in part with consideration to its possible heritage features (See S.5. SS. 5.06.5 – re. Natural Heritage Features, and S3. SS. 4.06.6 (5). –re. Integral Trail Systems). We believe the aesthetic and heritage features of our residential settlement should demand your heightened attention and should not be challenged with the implications that are anticipated to follow this zoning amendment application.

As per S3. SS. 3.06.08 (4) of the Official Plan – re. Community Structure and Design Criteria for Industrial Use of Land, we wonder if lands which are relevant to this rezoning application and its land use redesignation request constitute a sensitive aquifer location that demonstrates extreme proximity to the Sturgeon River. In addition to critical drainage concerns regarding floods on proximate lands that were enumerated above and raised in the Municipal Planning Committee meeting, we believe this rezoning application and proposed land use redesignation would also present complications with regard to wastewater management and flood drainage that will be in direct or indirect contact with the Sturgeon River water system. We must contend as such that industrial usage of lands relevant to the zoning amendment application will present a significant threat of contamination pertinent to these essential waterways, thus further threatening its diverse life systems and natural heritage features. As per S.3. SS. 3.06.6 (9) of the Official Plan – re. Planning Principles, and also as per S.5. SS. 5.06.5 (6) of the Official Plan – re. Impact Assessment for Adjacent Lands to Wildlife Habitat, among other potentially relevant citations - we believe the threat of contamination in essential waterways and corresponding disruption of essential life systems should circumvent an application for industrial development in our historical residential settlement.

Likewise, as per S.3. SS. 3.06.8 (9) of the Land Use Plan – re. Development of Waterfront Land or Land Adjacent to Waterfront, we believe that land use claims should be considered with strong regard for the protection of lands that are located within 300m of shoreline locations in order to avoid hazardous potentials that could result in degradation of riparian vegetation or otherwise the destruction of other natural features that may be located on adjacent lands. Independent surveys have discovered that lands relevant to this zoning application are located within a 300m radius from waterfront shorelines and as such we believe these lands should not be reclassified to enable its industrial usage. Distinct from the Site Control Plan which has been promised by the Municipality of West Nipissing, we believe that complications regarding wastewater management, anticipated or unanticipated flood drainage, threats to aesthetic and natural features, and threats to heritage of lands that are located in our residential settlement should have required an Impact Assessment report that could have been conducted prior to consideration of the rezoning application that was heard from the Planning Advisory Committee members on March 8, 2021 (for Sensitive Land use claims see S.3. SS.3.06.6 (9) – re. Planning Principles, and S.5. SS.5.06.5 (6) – re. Impact assessment for Adjacent Lands to Wildlife Habitat).

As per S3. SS. 3.06.08 (4) of the Land Use Plan – re. Community Structure and Design, we believe that industrial zones should be clustered together so as to not constrain the access points of residential settlements nor create circumstances where residential settlements can be boxed in by industrial operations. We believe that industrial zones should be clustered in one area of a Municipality rather than arbitrarily located throughout disaggregated areas that can infiltrate, confine, or constrain access points to historical residential settlements that contain sensitive land locations. We also believe that locations proposed for outdoor storage, parking, loading, and waste receptacles should be visually screened and appropriately located in such a way as to not detract the traveling public or negatively affect other nearby land uses, again particularly so with regards to residential settlements that contain diverse life systems and sensitive land locations.

We recognize that following Section(s) 34 and/or 53 of the Planning Act, the zoning amendment application searches to amend relevant land use designations based on the premises that our residential settlement is an employment district. However, given the aforementioned regulatory complications and the residential grievances that are enumerated here above, we believe deference should be given to interpretations of the Official Plan in favour of the respondents rather than applicants. As per S.3 SS.3.06.5 (1) of the Official Plan – re. Settlement Areas, we believe the industrial use of the relevant lands is not compatible to the direct and or incidental land uses that have defined our historical residential settlement, specifically with regards to its open spaces, prevailing and emerging residential potentials, possible natural and heritage features, and its scenic vista or aesthetic qualities. Moreover, as per 3.06.6 of the Official Plan, we believe that industrial use of employment districts should be permitted primarily in strategic locations such as a major highway where there is reduced exposure to the travelling public, without clustering residential settlements with scattered development projects that are disaggregated throughout sensitive land locations which threaten to create further foreseeable land disputes. As per S3.SS.3.06.4, Table 1. of the Official Plan – re. The Scope of Land Use, we believe that industrial use of land should be prohibited or discouraged within waterfront lands that are within a 300m radius of shoreline irrespective of employment districts due to the pending potential of contamination in essential waterways and disruption of essential life systems. With alternative land locations that are immediately available which could reasonably meet the economic objectives of the applicants and the Municipality of West Nipissing, we believe our historical residential settlement and its sensitive land locations should be safeguarded from the advent of further industrial development.

Throughout our opposition to this zoning amendment application and its land use redesignation request, it is not our intention to foreclose economic development on behalf of the applicants or other residents. We encourage economic development that is compatible with prevailing regulatory frameworks and corresponding public interest. We recognize the applicants have promised economic development following the approval of this motion, but we have not yet become privy to binding agreements or statements of intent that are sufficient to substantiate the promise for economic development that transcends the shortsighted likes of personal interest in ways that extend complete transparency to the Planning Advisory Committee, the Mayor and Council, and the grander public. Likewise, with full support from the Planning Advisory Committee, the applicants have also been able to proceed with this submission with the promise that a sufficient Site Control Plan will be adopted in the future to mediate our concerns. We appreciate and support the idea of comprehensive Site Control Plans, however once again the promise of retroactive implementation of this plan after the Planning Advisory Committee meeting and after Council meetings leaves no guarantee as to how the relevant lands will be developed following potential approval.

With the full reach of these contentions and the thrust of our formal dissent, we believe it is necessary for the Municipality of West Nipissing to withhold lands relevant to this zoning application following S.8. SS.8.13.7.1 (A) of the Official Plan. We believe it would be an improper exercise of public authority and a blatant abuse of our vested trust to pass the rezoning application and land use redesignation request as it stands in its current form. We believe it is in the best interest of the Municipality of West Nipissing and all other corresponding parties to squash this zoning amendment application during the council meeting that is set to take place on March 16, 2021.

Given the historical reputation and lasting impression of having a conflict of interest with its corporate citizens (among several other notable citations you can see - <https://www.cbc.ca/news/canada/sudbury/west-nipissing-lawsuit-1.3458949>), we wonder why the Municipality of West Nipissing has decided to hear this zoning application largely behind closed doors. We wonder why the Planning Advisory Committee would vote in favour of this zoning amendment application despite the extent of public opposition that was and continues to be expressed. Moreover, in the overarching objective of preventing an impression of a conflict of interest, we wonder why the Planning Advisory Committee allowed its members to be advised on essential matters relevant to this claim by Mr. Paul Goodridge – who is a representative for Seguin and Sons with clear pecuniary involvement in the motion that was not disclosed during the meeting on March 8, 2021.

We are gravely concerned that the impression of a conflict of interest between the Municipality of West Nipissing and its corporate citizens would reflect poorly on us in our shared bid to bolster our community as a hotbed location in northern Ontario.

We hope the Municipality of West Nipissing is willing to hear our concerns.

Encompassing the interests of our community coalition,

Brett Henry Kraft