

October 17th, 2005

Stan Holiday
Senior Planner – Legislative Approvals
City of Hamilton
71 Main Street West
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HAMILTON, Ontario
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Re: Lowndes Holdings Corp. aggregate development application OPA-04-17 and ZAC-04-89

Dear Stan,

Thank you for your efforts to set up the October 25, 2005 meeting with your colleagues Raymond Lee and Tim McCabe to review the process and status of the Lowndes Holdings Corp. aggregate development application OPA-04-17 and ZAC-04-89 for the proposed Carlisle quarry. We felt that it would be productive to submit this correspondence in advance of our meeting in order to help shape the agenda and move the meeting discussion to some mutually agreed upon action items and outcomes.

To start with, we would like to acknowledge the open working relationship that has developed between the City and the Community and our appreciation of this reality. In particular, we thank you, Stan, for your professionalism, responsiveness and open communications. The nature of our working relationship has helped us as a Community, and as the volunteer organization representing the Community, to better understand the process and to manage the anxiety created by the situation we face. We also appreciate the formal role for FORCE, identified in the CART process chart, including a peer role to that of the Proponent during the Public Meetings. We also acknowledge the circulation of our submissions to the members of the CART and Peer Review Teams and the commitment to allow FORCE experts to engage directly with the Peer Reviewers before their reports are finalized.

In furtherance of continuing this open dialogue we have summarized the following items, previously raised in meetings, telephone calls, emails, and/or written correspondence, for your convenience:

- 1. The application was not complete upon submission, in September 2004, and it still is not complete, as of today.**
 - Passage of the Greenbelt Act & Plan in February 2005 made the application even more non-compliant in terms of new and more comprehensive study and approval requirements. The Proponent has not resubmitted nor amended the application to reflect these requirements. New studies from the Proponent, such as the Level 2 Hydrogeological study, make no reference to the Greenbelt requirements such as a study to ensure protection of the Water Resource system. We are also unaware if the City has amended the Terms of Reference for the Peer Review Team to reflect the Greenbelt requirements or if the Peer Review Team has been asked to amend their own Terms of Reference by way of specifying Greenbelt requirements for which the application is deficient.
 - The proponent (through his agents) has stated the application is complete – including statements made before the City Planning and Development Committee - yet they continue to submit material new studies. Examples include the July 2005 Level 2 Hydrogeological study and the pending Natural Features and Transportation Studies. While we understand that a Proponent is

permitted to amend an application, these new studies are not clarifying the original reports. In fact they are fundamentally changing the Proponent's application. The recent hydrogeological study changed the Proponent's basic assertions. The first report indicating an excess of water to be dealt with and the second study indicated a significant shortage of water needed to support the ground water recirculation system. Clearly the hydrogeologic fundamentals are still being determined. The Level 2 report also includes significant changes to the quarry excavation footprint but that new footprint is not reflected in any of the previously submitted reports on other topics such as noise and vibration.

- The application contains numerous inconsistencies. For example depending on which component of the application is read there are three different commitments on the hours of operation for the proposed industrial activities.
- The application does not include all the lands that the Proponent intends to develop. In written correspondence to the city the Proponent has made it clear that they intend to expand the proposed development to lands that they have already acquired to the west of the current proposal. These lands comprise an additional 154 acres. This significant additional area further compounds many of the issues which exist in the current proposal. All of these lands should be included in the Proponent's application and consideration of all of these lands must be addressed before any decision can be responsibly made.

2. Transportation issues are still left largely undefined.

- We are very concerned about, and remain opposed to, the Proponent's desire to invoke the Municipal Class EA. The proposed aggregate development is a private undertaking for private benefit and should be processed as such. Therefore it should trigger the requirement for a Full Environmental Assessment as prescribed under the legislation. We do not consider this to be a municipal project – the City is not, nor are the other Halton area municipalities, the sponsor. We would strongly object to the transportation studies proceeding on the basis of a Municipal Class EA.
- Further, we are concerned about the City scoping the transportation study requirements – by way of work we understand is underway through Dillon & Associates. It is our belief that the Proponent and his experts know full well the type and level of transportation information that the City and area municipalities will need in order to render an informed decision on haul routes and do not require this assistance.

3. Agricultural Issues are not sufficiently addressed nor weighted highly enough.

- The site in question has supported viable agricultural activities for over 5 decades; it is a viable and productive section of agricultural land. Agricultural land preservation, along with the critical mass of operations and their supporting infrastructure, are premises underlying the Greenbelt protections. The Hamilton-Wentworth Federation of Agriculture (HWFA) has written the city outlining its related concerns.
- HWFA members have requested that the Agricultural Advisory Committee be engaged on this issue and we strongly support that request.
- They have also requested that the Agricultural Advisory Committee or HWFA be made a member of CART. Without that membership we feel that CART will be missing a key stakeholder required for thorough consideration to be given to this application.

4. Lack of progress processing this application is of extreme concern.

- While the application process is proponent-driven and the Proponent's actions, notably by submission of application amendments, control and gate the overall process, he does not exclusively control the process. The City should also control and drive many stages of the process, including the Peer Review process. The City has the responsibility for project management and the setting of timelines for the stages it can control.

- While legally enforceable deadlines may not be possible, responsible parties should be able to mutually establish and work towards project timeline targets and to communicate openly about expected study completion timelines and submission dates.

With respect to timelines, the original shared goal was for the first Public Meeting to be held during the spring of 2005. Unfortunately this did not occur and it was then agreed that the first Public Meeting would be held before the end of the calendar year 2005. As we approach that time it is apparent that this goal is no longer viable. We remain mired in the early boxes of the Process Flow Chart and we are more than 12 months into the application process.

Please understand that the Community lives with uncertainty everyday. The real estate market is impacted as prospective buyers avoid the area, reducing the pool of potential buyers, because of the concern about this potential development. Our quality of life is impacted as individual homeowners are putting major home investments and family decisions on hold pending an outcome.

Furthermore the Proponent has stated an intention to “wait the Community out”. Assertions have been made that the Community opposition will burn itself out. There are poor communications between the Proponent and the Community and we have recently documented this for the record. We feel there is, and there has been, no genuine effort by the Proponent to engage with this Community.

The City’s inability to move this matter forward assists the Proponent with their key strategy against the citizens of this Community. The City needs to take control over the parts of the process it owns. Over 350 rate payers have expressed their opposition to this development through their financial commitment to FORCE. They remain extremely concerned about this application. They need to see progress being made in regards to this application. We believe that the City needs to balance its role to fairly and objectively process the Proponent’s application with its duties to defend its own interests, represent its citizens, and sustain the quality of life for the established residents.

We look forward to discussing these matters during our October 25th meeting.

Respectfully submitted,

A handwritten signature in black ink that reads "G. Flint". The signature is written in a cursive style and is underlined with a single horizontal line.

Graham Flint BSc, P. Eng
Chair & Spokesperson

copy via Email to: sholiday@hamilton.ca

cc: Raymond Lee
Tim McCabe
Steven Rowe
Councillor McCarthy
Mayor DiIanni