

September 16, 2024

Municipal Council of the Town of Grand Valley
5 Main Street North
Grand Valley, ON
L9W 5S6

RE: TO AMEND THE RURAL RESIDENTIAL (RR) ZONE REGULATIONS TO
RECOGNIZE AN EXISTING LOT OF RECORD - 03541 Concession 8-9 Roll
#124000

Dear Council Member,

As the owner of 361218 Concession 8-9, the property adjacent to lot 03451 Concession 8-9 Roll #124000, I am writing to express my deep concerns and firm opposition to the proposed zoning by-law amendment. This amendment raises significant concerns regarding public health, safety, and environmental protection that cannot be overlooked. Specifically, the proximity of a septic tank and well to active farmland, environmental conservation boundaries (Attachment 1), and the area's inherently wet soil conditions present severe risks, including potential groundwater contamination, septic system failure, and harm to the surrounding ecosystem.

Our family has owned this property since August of 1976. While the land includes our family dwelling, the remaining acreage has been continuously leased for agricultural use throughout our ownership. For the past 20 years, Waterdale Farms Ltd. has been the leaseholder, maintaining and farming the land with care and dedication. Attached (Attachment 2) is a letter from the owner of Waterdale Farms, Jan Scheurwater, who provides his professional opinion and first-hand account of the condition and viability of the land for building and residential purposes. Having worked the land mere feet away for two decades, Mr. Scheurwater offers valuable insight into the challenges this property faces and the potential risks associated with development. His experience adds a crucial perspective to understanding the suitability of this land for residential use.

I respectfully urge the council to seriously consider the following concerns, as they pose significant risks to the health, safety, and well-being of our community and environment.

Well Contamination Risks

We have strong concerns with the proposed well-being in such close proximity to our farm land. As it is known that agricultural chemicals (pesticides, fertilizers, etc.) are used consistently in our field there is a significant risk that these agricultural activities could infiltrate the groundwater and directly impact well water supplied to this dwelling. This could lead to contamination of drinking water, posing risks to public health.

We have great concern we will be held liable for the environmental impact the farming and agricultural chemicals will have on the well water. If the Town of Grand Valley amends the zoning by-law despite the valid health and safety concerns raised it brings into question who will be liable for the ramifications of that decision.

One of the significant concerns of placing a residential dwelling so close to active farmland is the high risk of exposure to pesticides and fertilizers through spray drift and soil contamination. When these chemicals are applied, especially on windy days, they can drift beyond the

intended area, reaching nearby properties and causing health issues for residents. This can lead to a significant increase in complaints from those unfamiliar with agricultural practices, particularly those who do not benefit from farming the land.

Septic System Performance and Proximity

The installation of a septic system so close to active farmland presents serious health risks, both to the local environment and the wider community. When septic systems are located too close to farmland, the potential for effluent overflow into agricultural fields increases, raising concerns about the safety of food products grown in those fields and the overall quality of the agricultural soil. Such contamination could have far-reaching consequences for food safety and the health of consumers.

Septic tank effluent that seeps into surrounding farmland can introduce harmful pathogens and pollutants into the soil, affecting crop quality and productivity. Effluent, which can contain human waste, bacteria, and chemicals, poses a significant risk to the health of the plants that are grown on our lot. This could lead to lower agricultural yields, reduced food quality, and potential legal liabilities.

Groundwater Contamination Risks

The property in question and the adjacent land experience regular and significant flooding. The soil in these areas remains waterlogged for extended periods, making the land unsuitable for development that requires stable and well-drained ground. Introducing construction on such a flood-prone property would not only further destabilize the soil but also potentially worsen flooding issues on both this property and the adjacent lands. The changes to the natural landscape caused by excavation, grading, and building could obstruct water flow and lead to increased pooling and runoff. This would heighten the risk of property damage and create additional challenges for water management, affecting both the proposed development and nearby agricultural operations.

Septic systems rely on soil to filter and treat wastewater. With this lot located directly across from the Luther Marsh, there is an extremely high level of ground water, making it unsuitable for a septic system. This heavily saturated soil will compromise the septic system's ability to absorb and treat the material, increasing the chance of untreated waste surfacing or leeching into nearby water bodies, crops, or even the municipal ditch. This poses extreme health and environmental risks for our community.

Grand Valley is known for its wetlands and watercourses, which are vital ecosystems supporting local wildlife and biodiversity. If septic systems malfunction or leach contaminants into these ecosystems, it could severely impact aquatic life and lead to the degradation of natural habitats.

The Provincial Policy Statement under the Planning Act emphasizes the protection of water quality and public health. Approving the amendment would put our essential ecosystem and surrounding environment at unnecessary risk. At this point who would be responsible for the costly environmental clean-up and devastating and irrevocable damage to the ecosystem and community?

Restrictions on Active Agricultural Practices & Development

The development of residential property in close proximity to active farmland could result in future restrictions on farming activities, particularly if the resident believes that agricultural operations are too close to their well or pose a risk of contamination. This concern could lead to complaints or legal actions that may force restrictions on practices that have been in place

since 1976, such as the use of fertilizers, pesticides, or even the proximity of farming equipment to the residence.

Such restrictions would not only disrupt established farming practices but could also hurt the livelihood of farmers who rely on this land for their operations. Limiting the use of productive agricultural land would reduce its value and output, directly impacting the farmers who have worked on this land for decades. The introduction of a residential property in this area could create ongoing conflict and limit the farm's ability to operate efficiently and sustainably.

Placing a dwelling mere feet from our property line would impose significant limitations on the future development of our agricultural practices. The close proximity of a residential home would create barriers to expanding or modifying our farm operations, such as building a barn or other structures to restart our previous livestock practices.

The ability to adapt and develop farmland to meet future needs is essential for maintaining agricultural viability. The presence of a nearby residential property could severely hinder any future plans to expand agricultural infrastructure, such as barns or livestock facilities, due to potential zoning regulations or complaints from neighbouring residents. This would unfairly restrict the use of the land for farming purposes, limiting productivity and sustainability. Approving this zoning amendment could not only restrict agricultural potential but also undermine the long-standing agricultural character of the area.

Precedent of Denial for Similar Inquiries:

The council should also take into account that the previous owner, Mr. Ridzins, also sought to build on this property but was denied due to its insufficient size under the existing by-laws. It's important to note that this property did not remain undeveloped because of a lack of effort on his part. Mr. Ridzins, a respected conservation officer at the Luther Marsh Conservation Area, specifically purchased the lot in October of 1974, from Jelisaveta Bogdanvich, with the intention of building his retirement home on the land. However, when he attempted to move forward with his plans, he was informed that the lot was too small and that additional land would be required. In fact, Mr. Ridzins personally approached my father—while my mother and I were present—asking if we would consider selling him 1 to 2 acres to make the project feasible. My father, though sympathetic, explained that he was not the sole owner and would need to consult the other parties involved. Upon doing so, it was decided that no land would be sold. Mr. Ridzins' experience highlights that the lot was deemed unsuitable for development due to its size, reinforcing the validity of the current zoning restrictions. Allowing the current application to proceed would be unfair and inconsistent with the council's previous decisions regarding this very same property.

During discussions with the previous town planner, Tracey Atkinson, regarding recent developments in the area, the potential for future development on lot 03451 was addressed. Given the small size of the lot and the precedent set when Mr. Ridzins was denied permission to build a residence, it was made clear that the property was unsuitable for development requiring a well, septic bed, driveway, culvert, and structure. The lot's size was identified as a key factor in making such infrastructure unsafe, posing risks to public health and safety. Existing by-laws were cited as being in place specifically to prevent such developments, and it was emphasized that the council would be responsible for upholding these regulations. Approving development on this lot now would not only contradict prior determinations but also undermine the safety standards established to protect the community.

The Town has an obligation to act with due diligence in considering the long-term impacts of zoning decisions on public safety and environmental integrity. Given the legitimate concerns raised by this proposed development, I strongly urge the Planning Department to prioritize the

health and safety of the community and reject this zoning amendment. The consequences of approving this application could be far-reaching and harmful to the land and people of Grand Valley.

Before any consideration is given to approving the proposed amendment, I would request that the following measures be addressed to ensure the health, safety, and environmental integrity of the area:

1. **Clear Assurance of Accountability:** The council must provide a formal guarantee that should any of the identified concerns materialize—such as water contamination, septic system failure, or environmental damage—the Town will take full financial responsibility for addressing and remedying the situation. If the council is confident that no risks exist, providing such a guarantee should not be an issue. However, any doubts regarding potential impacts on public health or safety should prompt serious reconsideration.
2. **Comprehensive Environmental Studies:** A thorough environmental impact study must be conducted on the land prior to any development approval. Additionally, a follow-up environmental assessment should be performed once the septic system is installed, to ensure that no harmful effects arise on surrounding environments, water sources, or farmlands. These assessments are critical to mitigating any potential risks.
3. **Septic System Monitoring and Maintenance:** The septic system should be subject to regular monitoring and strict maintenance requirements to ensure its proper function and to prevent contamination of groundwater or nearby water sources. A contingency plan must be in place for immediate remediation should the septic system fail or experience leaks, with the municipality responsible for enforcing this.
4. **Agricultural Impact Assessment:** An agricultural impact assessment must be conducted to evaluate how the development could affect current and future farm operations, including potential restrictions on expansions or activities like livestock housing. Measures should be put in place to mitigate these impacts and preserve agricultural viability.
5. **Legal Agreement on Farming Practices:** The property owners should sign a legal agreement or indemnity clause acknowledging the active agricultural nature of surrounding properties, waiving the right to file complaints about standard farming practices such as pesticide use or noise. This agreement should remain binding through any future transfers of ownership and be clearly disclosed to any interested parties.
6. **Drainage Assessment:** A drainage assessment should be conducted to ensure that any land alterations do not cause flooding or water runoff issues on adjacent properties. Any necessary drainage improvements or flood prevention measures must be implemented by the developer to prevent negative impacts on neighbouring land.
7. **Restrictions on Accessory Structures:** Clear restrictions need to be placed on the construction of accessory structures due to the limited size of the lot. Structures such as sheds, garages, covered porches, gazebos, etc. should be subject to strict limitations to prevent overcrowding of the land, ensuring that the property is not overdeveloped. These restrictions would help maintain the integrity of the area and avoid further encroachment on neighbouring agricultural land. This would safeguard the surrounding environment and prevent excessive development on a lot that is already undersized for such use.
8. **Involvement in the Process:** I request to be formally notified and included in all environmental, agricultural, or construction assessments, as well as any public hearings or meetings related to this project, ensuring transparency and continued community involvement.

These steps are essential to protect the health, safety, and livelihoods of those in the area and should be thoroughly addressed before any decision is made regarding the proposed development.

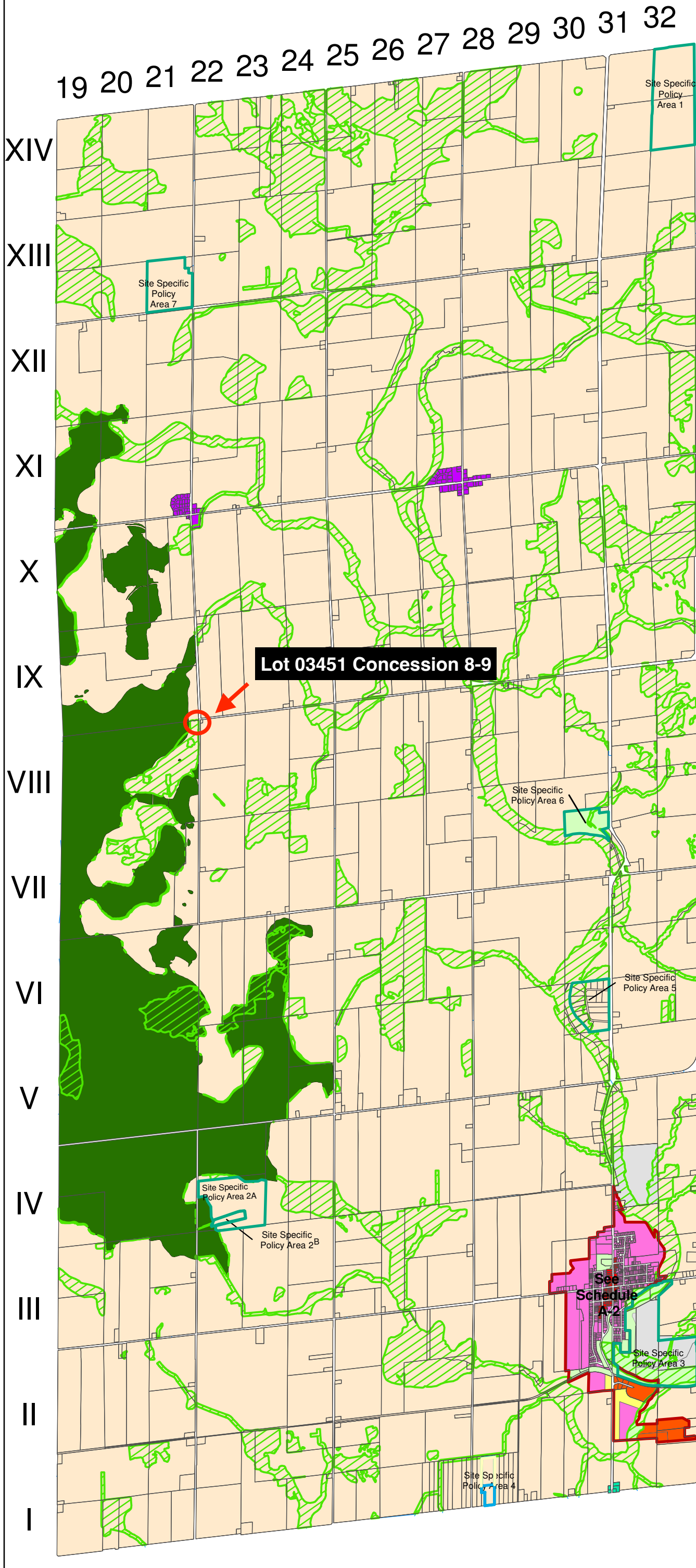
In closing, I urge the council to consider the long-term consequences of this proposed zoning amendment, not just for our adjacent property, but for the entire community and the natural environment we all cherish. The proximity to the Luther Marsh Conservation Area makes this issue all the more critical, as any development poses risks to one of the region's most valuable ecosystems. Our community has worked hard to maintain the balance between responsible land use and environmental stewardship, and approving this amendment would undermine those efforts. Please, for the sake of our shared future, prioritize the protection of our natural resources, the health of our families, and the integrity of our community by rejecting this application.

Sincerely,

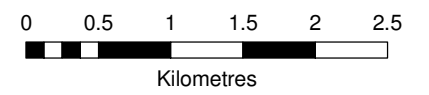
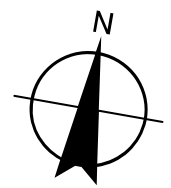
A handwritten signature in black ink, appearing to read 'Maria Lelli-Dickson', written in a cursive style.





Maria Lelli-Dickson
361218 Concession 8-9
Grand Valley, ON
L9W 0X8







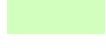



Attachment 1



Town of Grand Valley
Official Plan
Schedule A-1
Land Use



-  Site Specific Policy Areas
-  Settlement Area
-  OHN_Watercourse_2012
-  Environmental Conservation

-  Agriculture
-  Downtown Commercial
-  Employment
-  Environmental Protection
-  Extractive Industrial
-  Gateway
-  Mixed Use
-  Open Space
-  Rural Settlement
-  Urban Residential

OFFICE CONSOLIDATION

This is Schedule A-1
to the Official Plan

December 2014

Consolidated Dec 2016

Attachment 2

To whom it may concern.

We have rented the adjacent property to the lot on the corner of 8/9 and 21/22 for 20+ years.

We are opposed to people building a house on that corner, because of the size of the lot which goes against the rules of the town. That corner is also the wettest part of the field, with the field being tiled and water still flooding/pooling in that corner every spring or after a heavy rain.

Waterdale Farms.

Jan Scheurwater