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Sally Stull

Mayoralty candidate seeks fill variance

Eighth Line resident and mayoralty candidate Sally Stull took the opportunity to point out some provincial policy information to the Town's Site Alteration Committee Thursday.

Stull is seeking a variance to allow approximately 900,000 cubic metres of fill to be dumped into a former pit on her and her husband Rick's property so she says the land can be farmed.

The Stull application was turned down by the Committee and Halton Hills Council last year, but the Stulls have filed a refined version, which includes an agrologist's plan, with the Town earlier this month. That information is still being reviewed by Town staff.

Prior to Stull's presentation, committee member Ward 2 councillor Bryan Lewis said he would not participate in any discussion regarding the matter, but would remain at the meeting. His decision came after receiving a phone call from he said Rick Stull's (Sally's husband) telephone number regarding a missing election sign. The sign was for Sally Stull's campaign for mayor.

"The same day I returned his call only to be accused of theft of his family's property and the fact his wife was at the police station now and I would be receiving a call or visit from the police soon re this matter," said Lewis. He said he told Stull "his accusations were without foundation."

“I will remain present, not participate in any discussion re the potential for a civil matter that may/may not be pending,” said Lewis.

After the meeting Rick Stull said he had apologized to Lewis.

“I don’t feel right about what I said to him, it was a mistake. When you make a mistake, you apologize, and I just went and did that,” said Stull. Lewis said he accepted Stull’s apology.

At the meeting Sally Stull said her presentation “was more of an olive branch type of experience.”

She was there she said to explain how hers and the committee’s views can be so different “on something that seems so obvious that needs to be done,” she said.

As a municipal planner Stull said she trains councillors and committees on procedures and legislation.

“I realize we’re reaching the four-year mark and probably the site alteration committee hasn’t received any training lately and hasn’t been provided with information over the last four years,” said Stull.

She said she wanted to provide information to committee members so there would be “a greater understanding of what the province envisions for these aggregate transfer sites.”

She discussed the Farm and Food Production Act which she said states, “it’s desirable to preserve, protect and encourage the development and improvement of agricultural lands for the production of food.”

She also pointed to the Provincial Policy Statement 2014 which talks about the Greenbelt Plan and Places to Grow Act and speaks to what is supposed to be happening in rural areas.

“They’re not preserves, they are agri-business and they are to be encouraged for the rural economy,” said Stull.

She also said under the mineral aggregates section it’s stated, “final rehabilitation shall be required to accommodate subsequent land use.”

She added based on the provincial statement regarding prime agricultural areas it’s required that their land be rehabilitated back to agricultural condition.

“I’m not sure this has even been brought forward to your attention,” said Stull.

She stressed that their plan to rehabilitate the bowl in the middle of their Eighth Line property has now been reviewed by an agrologist and submitted that plan to the committee.

“The placement of fill within an aggregate resource site is deemed to be part of a normal farm practice,” said Stull.

She added there will be conditions that go with approval of their plan and they are willing to work with the committee on those conditions.

Stull said she is a member of the Halton Region Federation of Agriculture and she writes site alteration bylaws. She said when creating their site alteration bylaw it’s suggested that the Town should contact the agricultural community, such as Ontario Federation of Agriculture or Ministry of Agriculture. She said that wasn’t done.

Site Alteration Committee Chair Clark Somerville said that it was.

Somerville said the Stull application presented at the meeting was the latest one that had just been provided to the Town a couple of weeks ago and calls for the same amount of fill to be brought into the property in a phased plan as the original plan they submitted last year.

He said the committee has made a decision on the Stull’s original application- it refused it (last year), and Council turned it down as well.

“You denied it without comment and you denied it without consideration,” said Stull.

“It was denied, we did consider it, it went through the process, you didn’t like the answer,” said Somerville.

“The problem is you’re not following policy. Councils and committees are required, bound by law to conform to provincial policy statement,” said Stull.

Somerville said he wasn’t going to get into a debate with Stull now as her view is not always the way others see it.

Site Alteration Committee voted to receive the information provided by Stull.

In 2012, fill was imported into the Stull property despite the protest of frustrated neighbours and in contravention of the Site Alteration Bylaw forcing the Town to issue a cease and desist order.

However, the trucks continued until the Ontario Superior Court of Justice ordered at a hearing in Nov. 2012 that there be no further importation of fill or any other material to the property pending the return of the application or further order of the court or the granting of a variance, amendment or exemption to the Site Alteration Bylaw.

Only then did the Stull’s company 1244002 Ontario Inc. apply for a variance to the Site Alteration Committee in Dec. 2012.

The Stull’s application was turned down by both the committee and council in May 2013 and they are set to be back in court on the matter in March.

Steve Grace, the Town's Manager of Development and Traffic Engineering, said after being denied their site alteration permit the Stulls "started an action against the municipality."

"Those matters are still before the court," said Grace.

He said the Stull's court case against the Town is "multi-faceted."

"They are asking the court to overturn council's decision (to allow them to import material), and they also have some other concerns about our enforcement of our traffic control bylaw and stand-alone aggregate uses planning study," said Grace. Those matters are to be heard in March as well.