

ISSUE DATE:

March 19, 2008



PL000643
PL060448

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

James Dick Construction Limited has appealed to the Ontario Municipal Board under section 22(7) of the Planning Act, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Town of Caledon to redesignate lands in part of Lots 1, 2 and 3, Concession 6, W.H.S., Town of Caledon from Rural Area to Extractive Industrial to permit the establishment of a commercial quarry
O.M.B. File No. O000191

James Dick Construction Limited has appealed to the Ontario Municipal Board under section 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 87-250 of the Town of Caledon to rezone lands in part of Lots 1, 2 and 3, Concession 6, W.H.S., Town of Caledon from "A-2" - Rural to "MX" - Extractive Industrial to permit the establishment of a commercial quarry
O.M.B. File No. Z000138

At the request of James Dick Construction Limited, the Minister of Natural Resources has referred to the Ontario Municipal Board under section 11(5) of the Aggregate Resources Act, R.S.O. 1990, c. A.8. as amended, an application for new Category 2 license (quarry below water table) for the removal of aggregate from lands in part of Lots 1, 2 and 3, Concession 6, W.H.S., Town of Caledon
O.M.B. File No. M000054

James Dick Construction Limited has appealed to the Ontario Municipal Board under subsection 34(19) of the Planning Act, R.S.O. 1990, c. P.13, as amended, against Zoning By-law 2006-50 of the Town of Caledon
O.M.B. File No. R060104

APPEARANCES:

Parties

Counsel*/Agent

James Dick Construction Limited

J. Buhlman*

Town of Caledon

C. Barnett*

Region of Peel

S. Garrod*

Coalition of Concerned Citizens

R. Webb*

Credit Valley Conservation Authority

P. DeMelo*

Participants

Niagara Escarpment Commission

K. Pounder

L. McMichael

H. Barber

J. Brennan

**MEMORANDUM OF ORAL DECISION DELIVERED BY C. CONTI AND
J. R. MCKENZIE ON FEBRUARY 13, 2008 AND ORDER OF THE BOARD**

This was a pre-hearing conference to discuss the progress of an appeal by James Dick Construction Limited concerning a proposed amendment to the Official Plan of the Town of Caledon, a proposed zoning amendment to By-law 87-250 of the Town of Caledon, specific provisions of the By-law 2006-50 related to the applicant's lands, and an application for a license under the *Aggregate Resources Act*. The purpose of the pre-hearing was to continue case management of this matter and to determine progress achieved among the parties in resolving issues and establishing timelines.

Mr. Barnett presented the Board with a revised schedule (Attachment 1). He informed the Board that the timelines have been extended in part because of the requirement to prepare an environmental study that is broader in scope than had been anticipated. The revised timelines are shown in the column entitled, "Actual Date Completed or Revised Date to be Completed" of Attachment 1.

The revised schedule anticipates that the background environmental study will be finalized and provided to the parties by the end of March. Another pre-hearing conference is anticipated on October 24, 2008. The schedule proposes that the hearing begin on May 25, 2009, and continue for 7 weeks. There will be a break during the summer and then the hearing will reconvene on September 14, 2009, and continue for three more months.

All other parties in attendance concurred with the revised schedule.

The Board took the schedule under advisement and expects the parties to maintain the identified timelines.

The Board confirmed the next pre-hearing conference for October 24, 2008, at 10:30 A.M. at the Caledon Community Complex in Caledon. The Town of Caledon is responsible for booking the space. At that time, the Board will confirm dates for the hearing.

Mr. Brennan requested that he be added as a participant.

The Board notes that Mr. Barber wishes to be identified as a steward of the land.

Vice-Chair McKenzie and Member Conti are seized of the case management of this appeal.

All those on the participants' list from previous pre-hearings will continue to receive notification.

The Board may be spoken to if any difficulties arise.

So Orders the Board.

"C. Conti"

C. CONTI
MEMBER

"J. R. McKenzie"

J.R. MCKENZIE
VICE-CHAIR

ATTACHMENT "1"

Key Milestones for Completion of CBSES / Preparation for Rockfort Quarry Hearing

February 13, 2008

	<u>Task</u>	<u>Actual Date Completed or Revised Date to be Completed</u>	<u>Original Date as per Oct 2006 OMB Order</u>
1.	Completion of supplemental field work	Fall 2006	Fall 2006
2.	Production of Revised Draft Part A Report	November 30, 2006	November 30, 2006
3.	Meeting with Agencies to Plan Public Open House	December 14, 2006	December 14, 2006
4.	Confirm agreement on Open House format with Agencies	January 5, 2007	January 5, 2007
5.	Public Open House	January 25, 2007	January 24, 2007
6.	Objectives Workshop	February 27, 2007	New event
7.	Preliminary Agency Comments on Revised Part A Report	February 28, 2007	New event
8.	Meeting to discuss Preliminary Agency Comments on Revised Part A Report	February 28, 2007	January 31, 2007
9.	JDCL-CVC Technical Meeting to finalize parameterization for Sensitivity Analysis	January 31, 2007	January 31, 2007
10.	Groundwater and Surface Water Model Calibration completed by modeling consultants	March 27, 2007	January 31, 2007
11.	Final Agency Comments provided on Revised Part A Report	April 25, 2007	January 15, 2007
12.	Meeting to finalize outline and content for Part C Report (1st of 2 all-party meetings) and plan Public Open House	April 26, 2007	April 23, 2007 – Part C / March 19, 2007 & April 16, 2007 – Open House
13.	Meeting to finalize Draft Goals and Objectives / discuss municipal constraints analysis	May 8, 2007	New event
14.	Meeting to plan Public Open House and finalize outline for Part C Report (2nd of 2 all-party meetings)	May 22, 2007	May 7, 2007
15.	Draft Goals and Objectives Complete	May 25, 2007	New event

16.	Part B Scenario Modeling Complete	June 27, 2007	February 28, 2007
17.	Draft Groundwater and Surface Water Modeling Reports Complete	June 27, 2007	March 30, 2007
18.	Production of Draft Part B Report	June 29, 2007	April 13, 2007
19.	Production of Draft Part C Report	October 31, 2007	June 4, 2007
20.	OMB Pre-Hearing Conference	November 2, 2007	November 2, 2007
21.	Meeting to plan next Public Information Forum and draft the update newsletter	Nov. 30 or Dec. 5, 2007	April 16, 2007
22.	Agency comments on Draft Part B Report	November 23, 2007	May 31, 2007
23.	CBSES Update Newsletter / Invitation sent to Study Area landowners and others on the mailing list	Mid-December 2007	New event
24.	Agency comments on Draft Part C Report	January 20, 2008	July 7, 2007
25.	Meeting to discuss agency comments (if needed)	January 18, 2008	July 16, 2007 & July 30, 2007
26.	Public Information Forum	Week of January 21, 2008	April 26, 2007
27.	CBSES finalized and provided to all parties	March 31, 2008	August 20, 2007
28.	Site specific report updates submitted	July 31, 2008	October 19, 2007
29.	Experts Meetings to assist Peer Reviews	July August-2008 <i>Sept.</i>	November 2007
29A.	OMB Pre-hearing Conference	October 24, 2008	New
30.	Peel /Caledon/CCC/CVC Peer Reviews updated and provided to JDCL	November 21, 2008	January 11, 2008
31.	Caledon Public Meeting	After November 21, 2008 (TBD)	January 2008
32.	CVC Board position regarding CBSES and Rockfort Application	January, 2009 (TBD)	January / February 2008
33.	Caledon Council position regarding CBSES and Rockfort Application	February, 2009 (TBD)	March 2008
34.	Peel Council position regarding CBSES and Rockfort Application	March, 2009 (TBD)	April 2008
35.	OMB Pre-Hearing Conference (Procedural Order with Issues List)	March 30-31, 2009 (TBD)	May 8 & 9, 2008
36.	Witness Statements	April 24, 2009	June 30, 2008

37.	Reply Witness Statements (if any)	May 11, 2009	July 30, 2008
38.	Experts meetings to scope issues and prepare agreed statement of facts	Completed by May 15, 2009	August 30, 2008
39.	Hearing	May 25, 2009 to July 9, 2009 (7 weeks)	September 29, 2008
40.	Summer Break	July 13 to Sept 11, 2009	
41.	Hearing Recommencement (if necessary)	September 14-December 17, 2009	

Notes:

1. Actual dates shown as (TBD) are to be determined by the Town/Region/CVC/ OMB but within timelimits specified.
2. The responding parties agree to this schedule on the basis of assurances provided by the applicant that the updates of the Site Specific Reports being submitted by the applicant in item 28 (July 31, 2008) will not propose a fundamentally different approach to the design, operation and/or engineering aspects of the site. In the event that the responding parties wish to dispute the achievability of this schedule may do so at the October pre-hearing conference, and the Board may hear submissions on the need for a revised schedule.
3. Subject to item 2 above, the hearing commencement date is peremptory on all parties. However, the Board may vary the above schedule at the request of any of the parties at the Prehearing Conference on March 30-31, 2009, if it is satisfied that such variance is in the public interest having regard to all of the circumstances, including:
 - i. Whether all parties have made best efforts to meet the schedule to that date;
 - ii. Whether there would be significant prejudice to any party;
 - iii. Whether the remainder of the schedule is reasonably achievable in light of the circumstances in existence at that time; and
 - iv. Whether the requested variance of the schedule is reasonable and will ensure that the hearing commences as soon as reasonably possible in the circumstances.