

**To: Mary Hall
Director, Planning & Development**

From: Mark L. Dorfman, F.C.I.P., R.P.P.

Meeting: March 3, 2009

**Subject: Planning Assessment - Rockfort Quarry
James Dick Constriction Limited (JDCL)
Applications to amend Caledon Official Plan and Zoning
By-law under *Planning Act* and Application for
Category 2 Licence under *Aggregate Resources Act*
Parts of Lots 1, 2 and 3, Concession 6, W.H.S. (Caledon)**

RECOMMENDATION

I have prepared this comprehensive report that includes the details of the advice that is necessary to inform Caledon Council; and having

- (a) managed the peer review process for the Town of Caledon;
- (b) participated in discussions between the peers;
- (c) reviewed all of the reports and responses prepared for the Town, the Region, CVC, and the CCC, as well as submissions by the applicant;
- (d) with staff, reviewed and discussed the Caledon Official Plan and Zoning By-law;
- (e) with staff, reviewed and discussed the CCRS and the CBSES;
- (f) participated in the December public information meeting; and
- (g) visited the site and the vicinity;

My professional opinion is that the two planning applications to amend the Caledon Official Plan and Zoning By-law and the application for a quarry licence should not be supported by Council, and that the identification of Area 9a as "Aggregate Reserve Lands" in the Caledon Official Plan should be maintained by Council.

REPORT SUMMARY

March 3, 2008 is eleven years to the day when James Dick Construction Limited (JDCL) submitted two applications to amend the Caledon Official Plan and Zoning By-law and one application for a quarry licence. All of the three matters are now before the Ontario Municipal Board with a hearing scheduled to begin on May 25, 2009. The Board is being asked by JDCL to approve an aggregate licence under the *Aggregate Resources Act*, an official plan amendment and a zoning by-law amendment under the *Planning Act*. As well, the issue of whether CHPMARA 9a is identified as "Aggregated Reserve Lands" or "Aggregate Resource Lands" will be decided by the evidence at this hearing.

The proposal is to "extract from nature". JDCL intends to extract 39 million tonnes of Amabel Dolomite from several properties that cover 89 hectares. This extraction is proposed to be operated in five phases over a thirty-year period.

The site owned by various companies tied to JDCL is located at the north east corner of Olde Baseline Road and Winston Churchill Boulevard, two existing Regional Roads.

The Town of Caledon has dealt with these matters in several ways during these eleven years. As the basis for adopting mineral aggregate goals, objectives and policies, the Town has undertaken the Caledon Community Resources Study, and Official Plan Amendment 161. As part of the official plan, Council adopted Official Plan 124 (Environmental Policies) and Official Plan Amendment 173 (Cultural Heritage Policies). During the eleven years, the Town has collaborated with the Region of Peel and Credit Valley Conservation to understand the proposal and to determine whether the proposal conforms with the comprehensive planning goals and policies and other policies.

In September 2003, Caledon Council made its decision to oppose the three applications before the Ontario Municipal Board. The Region and the CVC took similar positions. The review process continued for another five and half years with further studies and reports. The applicant prepared the Comprehensive Broader Scale Environmental Study that was completed in March 2008.

During the eleven years, the Town, Region and CVC engaged in three peer reviews of the applicant's reports, plans and studies. The latest peer review began on July 31, 2008 and has continued until the completion of staff reports and recommendations to Caledon Council, Regional Council and the CVC Board. On February 20, 2009, the CVC Board endorsed its staff's recommendation and

opposed the applications. Regional Council will make its decision on April 2, 2009. Parallel to this agency review, residents organized as the Coalition of Concerned Citizens has been engaged in the public review process. Caledon Council held a public information meeting on December 10, 2008 at which the public did make representations along with the CCC and JDCL.

The current quarry proposal, as of July 31, 2008, includes the extraction of bedrock from an area of approximately 47 hectares of the proposed total licenced area. This extraction area is approximately 1.1 kilometres from north to south and 570 metres from east to west.

The Amabel Dolomite is a water bearing, layered, fractured rock aquifer in which groundwater moves horizontally and vertically through the fractures and bedding planes in a complex and variable manner. The rock is 40 metres thick vertically with less than 8 metres of overburden.

The site is located north of the designated Niagara Escarpment and south of the Paris Moraine.

The proposed extraction is planned to occur in five phases. The first phase involves wet extraction of rock under water. This is to develop a water storage reservoir at the beginning of the extraction. The remaining phases will be excavated in dry conditions, that will require full dewatering of the quarry. Dewatering of the quarry begins in phase two, and will include retaining water on site in the storage reservoir and pumping, or injecting, that water back into the rock aquifer outside the excavation area.

Maintaining the dry condition of the excavation involves the planned construction of a grout curtain structure around the perimeter of the excavation area. This in-ground wall is constructed by drilling lines of deep holes in the rock and injecting a cement mixture under pressure into the fractures to seal the fractures and create a less-pervious barrier to restrict groundwater movement into the quarry. Groundwater will constantly flow toward the quarry as the excavation is deepened. In order to maintain the groundwater levels and flow regime around the quarry, the operator intends to recharge the groundwater through a series of perimeter wells. This grout curtain is expected to measure 5 metres wide, 44 metres deep and 3.5 kilometres long.

When the extraction is completed in the expected thirty years, the grout curtain will remain to slowly allow the large worked out holes to fill with water over the next 50 years. The two lakes (19 and 25 hectares) will remain as the legacy of the quarry operation.

The main truck access for the quarry is located on Olde Baseline Road. The preferred haul route is east along Olde Baseline to Mississauga, south on Mississauga to King, and east on King to Highway 10. When the quarry is fully operational after seven years, the maximum number of trucks in and out is in the order of 800 per day.

The operation will include a permanent processing plant for crushing, washing and screening the material that is excavated. Blasting of the rock will occur according to a desired schedule. Material will be stockpiled on site up to an estimate height of twenty metres in the plant area.

The applicant has provided several iterations of the site plans and operating scheme over the years. It is expected that after the peer review process is completed, that the applicant will finalize the site plans with conditions/notes and reports for purposes of the hearing. As well, the applicant will bring forward the proposed amendments to the Caledon Official Plan and Zoning By-law.

There will be impacts both on-site and off-site and for this reason, the applicant will need to provide mitigation measures. The typical impacts are created from the noise of the plant and operation, including the blasting, vibration from blasting; dust from the blasting, stockpiles, conveyers, and truck movements on site; heavy truck movements along the haul route; and visual presence of the operation. The site plans contain various mitigation measures including the perimeter earthen, landscape berms, setbacks of operations from the perimeter, blasting protocols, dust mitigation on site, and vegetation plantings along the perimeter roads.

There are other impacts that are peculiar to this proposed quarry because of its location. Road improvements on Olde Baseline and some improvements along the haul route; off-site negative impacts on natural features and functions such as wetlands to the north and northeast, woodlands, Provincially Significant Wetlands, habitats of endangered species, the fishery in the Rogers and Second Creek systems, reduced groundwater quantity in area aquifers, and possible water quality degradation; social impacts caused by heavy truck traffic on existing rural roads, noise, visual and financial; loss of and change to vistas and landscape features; the significant change in the Rockside cultural heritage landscape and the loss of integrity of built heritage features (Rockfort and Westerveld farmsteads); the uncertain impacts caused by the construction of the grout curtain; and the predicted financial impacts on the municipalities and the property owners.

The reviews that have taken place between the agencies, the public and the applicant over the eleven years have focussed on these impacts, their mitigation, monitoring mechanisms and the implications of the grout curtain and its unique impacts on the natural environment. This report summarizes these significant impacts and provides the commentary on the deficiencies, inadequacies, acceptance and requirements regarding the impacts, the mitigation and the monitoring in the context of this quarry in this community.

This is a rural community in the south-west quadrant of the Town of Caledon, adjacent to the Town of Erin in the County of Wellington. This local area identified as the Rockside Area was settled in the first quarter of the nineteenth century by people referred to as the "Rockside Pioneers". The subject Rockfort and Westerveld farmsteads are significant built heritage in this landscape.

Generally, within two kilometres of the subject site, there are 382 people living in 145 dwellings. The area includes approximately 1,981 hectares in both Caledon and Erin. Outside this area, the closest settlements to the subject site are Belfountain to the north and Terra Cotta to the south. The Niagara Escarpment and the Paris Moraine are evident topographic and geographic features that dominate this landscape. There are no industries, retail commercial, or significant public and institutional land uses in this defined area.

One of the matters to be decided at the hearing is whether Area 9a is identified as "Aggregate Reserve" or "Aggregate Resource". The significance is that an application for a licence in the Reserve must satisfy a higher standard of planning policy than the application within the Resource. This report evaluates the characteristics of Area 9a using the original criteria in the Town's study (CCRS) and applying the same criteria to what we know today.

The evidence from the review indicates that there are environmental, cultural, social and other planning considerations that do not warrant identifying this area as a Resource area. If the Town had the same understanding as it has today when it completed the CCRS, Area 9a would continue as a Reserve Area. There are no compelling reasons to identify these lands as a Resource Area. This is the position recommended to the Council.

There are significant issues with regard to impacts, mitigation and monitoring that are of concern. The peer reviewers raise uncertainties regarding the efficacy of this proposal. Taken together, the recommendation to Council is to not support the proposal and the three applications. The essence of the issues of concern is summarized as follows.

On-site Noise

- The two dwellings on-site that are closest to the operations are not included in the modelling and consequently noise impacts are underestimated for other sensitive noise receptors.
- There is no evidence or assurance that predicted noise at second storeys of dwellings will be mitigated by the proposed noise barriers.
- There is no analysis for noise generators at interim locations such as the portable plant and conveyors and therefore noise receptors further removed from the site may be exposed to noise impacts.
- The site plan needs to be revised to provide full screening of the central processing plant on all sides.
- The rock drill that will be operating on top of the quarry face is not adequately screened and will create noise impacts.
- The site plan needs to address how back up beeper technologies for equipment will be considered in the operation.
- The site plans should provide a clear indication that the perimeter noise attenuation berms will be constructed prior to extraction in each phase of the operation.

Off-Site Noise

- There are significant discrepancies between traffic data used in the noise assessment and traffic data used in the traffic study for the haul route.
- There are discrepancies regarding the use of traffic data to calculate background noise along the haul route.
- The ambient noise levels used will actually be less than estimated and therefore the predicted noise levels with truck traffic will be somewhat higher than estimated along the haul route.
- There is no proposal to indicate methods to mitigate haul route noise from quarry truck traffic at dwellings along the haul route.

Air Quality and Dust

- On-site residences need to be included in the modelling of air quality and dust impacts. When included, the site plan will require more stringent mitigation measures.
- There are no studies that assess the impact of dust on sensitive vegetation particularly along the Niagara Escarpment haul route.
- For planning purposes, impacts from fugitive emissions from all roadways and traffic cannot be determined.
- The site plan will need to be revised to require that the primary crusher and the portable plant will not operate at the same time.
- Fine particulate information from the modelling has not been provided and is needed for the on-site dwellings.
- Dustfall modelling results have not been provided.
- For planning purposes, a broader study of emissions from mobile equipment and existing dust levels need to be provided.
- The Best Management Plan for blasting needs to be revised to show the specific triggers and directions.
- The site plans need to be revised to include important requirements including an on-site meteorological station.

Traffic Impact and Haul Route

- The issue of local deliveries and the use of a secondary haul route is unresolved, particularly with devising a mechanism to monitor traffic on roads other than the haul route.
- Costs of Regional Road upgrades and ongoing operating and maintenance costs have not been resolved by the Region.
- Olde Baseline is not a truck route and heavy trucks are restricted at all times.

- There is no indication when the Region will undertake an environmental assessment for Olde Baseline.

Natural Environment, Natural Resources and Water Resources

- The CVC is opposed to the quarry operation and the grout curtain structure because of the uncertainties regarding impacts on groundwater, natural features and functions, and endangered species.
- The complexities of the impacts over time and space raise significant doubts that this proposal is in harmony with nature.
- The issue of protecting groundwater levels during and after extraction has been debated for eleven years. The mitigation and monitoring are entrenched in the Adaptive Management Plan that will be used by the operator to design and build the grout curtain structure and provide, in the opinion of the applicant, assurances that the mitigation will work. The grout curtain is a separate structure that in itself causes negative impacts to the natural environment and surrounding water resources. In the opinion of some of the reviewers, the AMP cannot ensure or guarantee any positive results.

Visual Impact

- The placement of the tall and steep perimeter berms within three metres of the property line will destroy existing vegetation and will in itself be an impact.
- Trees and ground storey vegetation will be lost by construction of fences, berms and road improvements at the edge of the property.
- The evidence is inadequate to verify that proposed screening will shield views of the plant equipment and the stockpiles, particularly for second storeys dwellings.
- The evidence indicates that the tops of the stockpiles and the conveyor equipment will be visible across the tops of the berms.
- The construction of the berms around the perimeter, the loss of vegetation and fencing will significantly change the rural character.

- The proposal does not take into account the important scenic and cultural heritage resources of the area thereby devaluing the overall visual attractiveness of the property.
- There are inconsistencies and discrepancies in the mapping and cross-sections provided by the applicant that need to be objectively verified.
- The proposed haul route traverses the Niagara Escarpment through locations that are ranked attractive and sensitive to visual impact. This has not been assessed.

Cultural Heritage Resources

- The significance of the Rockfort and the Westerveld properties are integral within the context of the values of the Rockside cultural heritage landscape.
- There has been no survey of cultural heritage resources (stone walls, fences, heritage vegetation) along the haul roads.
- The value of the cultural heritage landscape is undermined by this proposal.

Social Impact

- The impacts on people living in and using the area has not been assessed to determine whether the proposal will have unacceptable impacts.
- There is no evaluation of social impacts based on information that is predictable, measurable and objective.

On balance, the long term quarry operation, the off-site impacts and in the community, the uncertainties of the grout curtain structure, and the lack of understanding of the people affected, render this proposal to not be in harmony with the rural character of the area and the people living and using this part of the Town.

The residents, individually and through the CCC have raised similar issues and concerns with regard to the proposal. Their continued learning and understanding of the issues and the process, and the persistent advocacy on

behalf of the community provides a perspective that is a valuable contribution to this review. Although the applicant has not added value to their application by comprehensively assessing social impacts, the response from people has provided a reflection of the likely impacts.

The Town's financial impact report identifies the magnitude of the realistic long term impacts on net municipal revenues, the devaluation of property values and the cost of replacing existing private water supplies with new well systems.

The Town is concerned that the proposed operation and the planning amendments are in conformity with its Official Plan. Notwithstanding that the applications were made in 1998, the Town and the community have made significant changes to its goals, objectives and policies on aggregate resources, the natural environment and cultural heritage. Official Plan Amendment 161 (now section 5.11 in the official plan) is critical to the consideration by Council.

There are many reasons cited in Part 6 of this Report to conclude that the proposed planning amendments and the licence application do not conform to the substantive goals, objectives and policies of the Official Plan.

From the perspective of the provincial interest stated in Provincial Policy Statement 1996, the Town has had regard to the need for aggregate in Ontario, and the provincial interest in protecting mineral aggregate resources for long term use and that realistically as much of the resource need will be made available as close to markets as possible.

The need to now locate a quarry in this specific area is not acceptable as stated in this review. As long as these lands in this part of the Town remain in a steady rural state, access to and extraction of the aggregate resource is not hindered or prejudiced in the long term.

Other provincial interests are to protect natural heritage features and functions from development, to protect the quantity and quality of surface and underground waters, and to conserve the built heritage and cultural heritage landscapes. These interests and the quarry impacts outweigh the simple interest of extracting the resource.

In my opinion, the three applications do not conform with the Caledon Official Plan and do not adequately have regard for Provincial Policy Statement 1996 and should not be supported by Town Council. The identification of Area 9a as "Aggregate Reserve Lands" is appropriate.

TABLE OF CONTENTS

	<u>Page</u>
<u>RECOMMENDATION</u>	1
<u>REPORT SUMMARY</u>	2
<u>PART 1 - OVERVIEW</u>	13
A. Subject Applications	13
B. Land Ownership	13
C. Appeals to the Ontario Municipal Board	14
D. Referral to the Ontario Municipal Board	14
E. Matters Before the Ontario Municipal Board	16
F. Summary of Caledon Actions on Applications	17
G. The Quarry Proposal by JDCL	20
H. Characterization of Subject Area	28
<u>PART 2 - THE AGGREGATE RESERVE AREA ISSUE</u>	30
A. Overview	30
B. Area 9a	30
C. Caledon Official Plan Policies	32
D. Evaluation of Aggregate Reserve Policies	34
E. Evaluation of Area 9a Since Approval of OPA 161	37
F. The Applicant's Case to Identify Area 9a as a Resource Area	40
G. Conclusion Regarding Identification of Area 9a	44
<u>PART 3 - IMPACTS, MITIGATION AND MONITORING</u>	45
A. Overview	45
B. Impacts and Mitigation Measures	46
C. Monitoring Mechanisms	63

D.	Issues with Regard to Impacts, Mitigation and Monitoring	67
<u>PART 4 - LAND USE PLANNING POLICIES</u>		98
A.	Overview	98
B.	Caledon Official Plan	99
C.	Provincial Policy Statement	119
<u>PART 5 - OTHER CONSIDERATIONS</u>		122
A.	The Public Submissions	122
B.	Financial Impacts	134
<u>PART 6 - FINDINGS</u>		136
A.	Caledon Official Plan	136
B.	Provincial Policy Statement	139

PART 1 - OVERVIEW

A. Subject Applications

Town of Caledon (*Planning Act*)

1. On March 3, 1998, James Dick Construction Limited made an application to amend the Town of Caledon Official Plan. The purpose of the amendment is to redesignate approximately 89 hectares from "Rural Area" to "Extractive Industrial". (File POPA-98.05).
2. On March 3, 1998, James Dick Construction Limited made an application to amend Caledon Zoning By-law 87-250 to rezone approximately 89 hectares from "A-2 - Rural" to "MX - Extractive Industrial". (File RZ98-08).

Ministry of Natural Resources (*Aggregate Resources Act*)

1. On March 3, 1998, an application was made by James Dick Construction Limited for a Category 2 Licence (quarry below the water table) to excavate approximately 59 hectares within an approximate 89 hectare site.

B. Land Ownership

At the time of the applications under the *Planning Act* and the *Aggregate Resources Act*, the subject lands were divided into seven separate parcels owned by four separate entities. Since 1998, there have been ownership changes. Five of the six parcels are numbered companies controlled by JDCL. See Table 1 and Figure 1 for the details.

Any agreements that are to be registered on title would separately apply to the six individual properties.

Table 1
Land Ownership

<u>Parcel</u>	<u>Owner</u>	<u>Land Area</u>	<u>Frontage</u>
1	882510 Ontario Limited	37.22 ha	510 metres
2	882512 Ontario Limited	0.18 ha	30 metres
3	882527 Ontario Limited	45.9 ha	490 metres
4	JDCL	4.6 ha	95 metres
5	882512 Ontario Limited	0.55 ha	50 metres
6	882527 Ontario Limited	0.55 ha	50 metres

C. Appeals to the Ontario Municipal Board

1. Application to amend the Official Plan

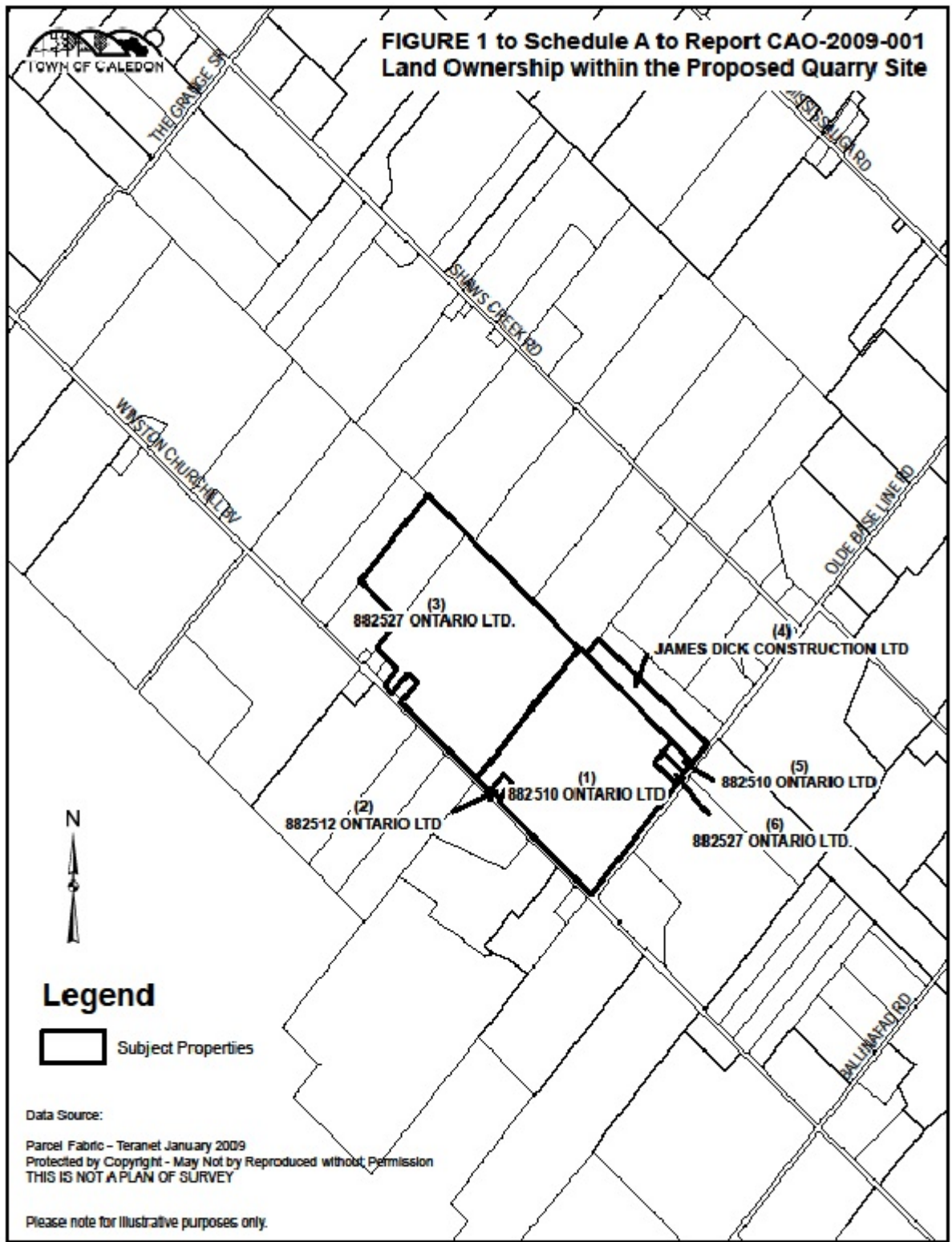
On September 20, 2000, JDCL appealed its application under Section 22(7) of the *Planning Act* on the grounds that the Town of Caledon did not give notice of a public meeting within 45 days of the application and failed to adopt the proposed amendment within 90 days of the application.

2. Application to amend the Zoning By-law

On September 20, 2000, JDCL appealed its application under Section 34(11) of the *Planning Act* on the grounds that the Town of Caledon neglected to make a decision within 90 days of the application

D. Referral to the Ontario Municipal Board

On June 28, 2000, the Ministry of Natural Resources referred the licence application because of the objections received from the public and the agencies. The Ministry's referral notified the Ontario Municipal Board that "a full hearing of all issues, save and except the issue of need is requested". The evaluation of "need" is not required because of the provincial policy that "as much of the mineral aggregate resource as is realistically possible will be made available to supply material resource needs, as close to market as possible."



E. Matters Before the Ontario Municipal Board

The Ontario Municipal Board has established a hearing to commence on May 25, 2009 continuing until July 9, 2009, excluding June 1 to June 5, then continuing from September 15, 2009 until December 17, 2009.

The parties to the hearing are:

James Dick Construction Limited
Town of Caledon
Region of Peel
Credit Valley Conservation Authority
Coalition of Concerned Citizens

There are several participants including the Niagara Escarpment Commission.

Since the original planning applications were made by JDCL, the Town of Caledon established policies under OPA 161 (aggregate resources); OPA 124 (rural environment); and OPA 173 (cultural heritage).

JDCL appealed the adoption of OPA 161. This amendment was settled and was approved by the Ontario Municipal Board on May 14, 2003 except for two specific policies (5.11.2.4.2(f) and 5.11.2.4.12) that were deferred to the later hearing on OPA 173 and the designation of Aggregate Reserve Area 9A was deferred to the JDCL hearing.

JDCL appealed the adoption of OPA 173. This amendment was settled and was approved by the Ontario Municipal Board on October 21, 2004. The two deferred policies under OPA 161 were also approved at that time.

OPA 124 was approved by settlement on May 14, 2003. JDCL did not appeal this amendment.

The matters before the scheduled hearing are:

- Applicant's Official Plan Amendment to amend Schedule "A" from "Rural Area" and "Environmental Policy Area" to "Extractive Industrial Area".

- Applicant's Zoning By-law Amendment to amend Schedule "A" of By-law 2006.50 to include the subject lands as "MX Extractive Industrial" instead of "A2 Rural". (By-law 87-250 is still in effect on the subject lands.)
- Applicant's quarry licence application.
- Part of Schedule "L" from OPA 161 (CHPMARA 9a).

At the time of writing this report, the parties to the hearing have not received the applicant's two planning amendments that are before the Board.

Since the planning applications were made to the Town of Caledon prior to the approval of OPA 161 and OPA 173, JDCL has argued that these policies do not apply to determine the appropriateness of the amendments and the licence applications. In its decision, dated November 25, 2003, allowing a motion by the Town, the Ontario Municipal Board ruled that the policies of OPA 161 are admissible at the JDCL hearing and that the planning merits of the applications are to be evaluated on the basis on the approved OPA 161 policies.

Furthermore, as part of the settlement of OPA 173, JDCL has the right to maintain its position in the site-specific hearing that the OPA 173 policies are not binding, determinative or applicable to its applications, whereas the Town maintains its right to argue that they are binding, determinative and applicable.

JDCL appealed Caledon Zoning By-law 2006.50, the comprehensive by-law. This appeal was settled and was approved by the Board on October 19, 2006. The zoning of the subject lands under this by-law will be the subject of the site-specific hearing, as ordered by the Board and agreed to by the parties.

F. Summary of Caledon's Actions on Applications and Other Planning Policies

During the past eleven years, Caledon has dealt with the three applications, even though they have been within the Board's jurisdiction for the past eight and a half years. The following is a summary of actions

on the applications and parallel policy matters.

1. On April 6, 1998, Caledon staff recommended that the Town of Caledon advise the Ministry of Natural Resources that it objects to the licence application, subject to further review of new information received from JDCL. This is a routine objection because of the statutory time lines in the *Aggregate Resources Act* that must be met in order for the Town to maintain its status on the application. Council adopted this recommendation.
2. On April 20, 1998, Caledon Council received the Phase 1 Caledon Community Resources Study (CCRS).
3. On September 28, 1998, Caledon Council received the Phase 2 CCRS Study.
4. The Town of Caledon and the Region of Peel had retained consultants to peer review the JDCL reports and studies submitted with the applications. These peer review reports were submitted to JDCL in December 1998.
5. On May 31, 1999, Caledon Council received the Phase 3 Final CCRS Findings and Recommendations.
6. On November 15, 1999, Caledon Council received staff's Proposed Aggregate Resource Policies. The CHPMARA was proposed to be divided into Priority 1 and Priority 2 Areas. The subject Area 9a was proposed as a Priority 2 Area.
7. During the period from February to October 2000, JDCL prepared, revised and submitted their studies and reports that responded to the peer review reports. JDCL made significant changes to their proposed quarry application and operation, but not to the two planning applications.
8. During the 2000 to 2003 time period, Caledon was preparing and adopting OPA 161, discussing modifications and settlement to OPA 161, dealing with various motions and procedures before the Ontario Municipal Board, and finally having the Board approve OPA 161 on May 14, 2003. The subject Area 9a was identified in OPA 161 as "Aggregate Reserve Lands", but in the Board's approval this designation was deferred to the site-specific hearing.

9. During the July 2003 to September 2003 period, the peer reviewers for the Town and the Region were revising their reports based on the 2000 JDCL reports and studies. The revised peer review reports took into account the planning policies set out in the approved OPA 161.
10. On September 3, 2003, the Town held a public information meeting. This was not the statutory public meeting under the *Planning Act*, since the two planning applications had already been appealed to the Ontario Municipal Board by JDCL. The Board's hearing of the applications had been set to commence on February 24, 2004 and to proceed for eighty days.
11. On September 8, 2003, Caledon Council adopted a staff recommendation to oppose the planning applications at the scheduled hearing of the Ontario Municipal Board. The staff concluded that with all of the peer reviews, "the application still fails to meet the applicable tests for applications in the Aggregate Reserve Lands." Staff concluded that there remained unacceptable impacts, and that there were gaps and deficiencies in the reports and studies submitted by JDCL. At the same time, the Region of Peel and the CVC passed resolutions objecting to the applications.
12. The Board dealt with the motion regarding the applicability of OPA 161 in the JDCL hearing and made its decision on November 25, 2003.
13. The hearing scheduled for February 2004 was adjourned at the request of JDCL, since the applicant had to satisfy the requirements of OPA 161 and to prepare for the hearing based on new reports and studies.
14. The Comprehensive Broader Scale Environmental Study (CBSES), required under OPA 161, commenced in 2004 and progressed through three phases of study and review by the agencies and the public. The "final" report was submitted by JDCL on March 31, 2008.

15. On March 19, 2008, the Board and the parties agreed to a new hearing schedule with the hearing on the three applications commencing on May 25, 2009.
16. On July 31, 2008, JDCL submitted new, revised and updated reports and studies to the Town, the Region, CVC and to CCC. These site-specific reports were intended to reflect the work undertaken in the CBSES and to respond to the peer reviews in 2003 and to the new policies in OPA 161.
17. The Town, Region, CVC and CCC peer reviewed these reports and previous JDCL reports and studies and submitted their peer review reports to JDCL on November 21, 2008.
18. On December 10, 2008, the Town of Caledon held a second public information meeting. The purpose of this meeting was to hear the views and comments from the public. CCC and JDCL were given the opportunity to present their views and comments.
19. During December, 2008 and January, 2009, the peers met to review the peer reviews. At the end of January, JDCL submitted responses to the peer reviews of the Town, Region and CVC.
20. In February, the Town's and Region's peer reviewers provided comments on the JDCL responses
21. The CVC Board adopted its position for the hearing on February 20, 2009. This report reflects the substance of the CVC position.
22. The Region of Peel General Committee will consider its position on March 26, 2009 and Regional Council will make its decision On April 4, 2009.
23. The hearing of the Ontario Municipal Board commences on May 25, 2009.

G. The Quarry Proposal by JDCL

The original quarry proposal was made by JDCL on March 3, 1998. During the past 11 years, the proposal changed because of new and revised provincial standards and policies; knowledge and insight gained through

the public and peer reviews; requirements under OPA 161, OPA 124 and OPA 173 policies; the bigger picture understanding of environmental and community impacts.

The current proposal is dated July 31, 2008. During the peer review process, the applicant's peers and the agency peers have reviewed issues related to the proposal, the impacts, proposed mitigation measures and monitoring mechanisms. There was a recognition by JDCL that modifications to the site plan operations and procedures may be necessary to meet issues, standards and policies that were discussed.

At the time of writing this report, the final quarry proposal with all of the detail has not been presented by JDCL. This is a complex operation extending to at least 80 years with substantive assumed impacts and uncertainties.

In order to comprehensively understand the impacts, mitigation and monitoring, Council and the public should first understand the basic quarry proposal. The following discussion characterizes the proposed quarry operation put forward by JDCL on July 31, 2008, with the known modifications presented by JDCL in their responses to the peer review reports. Impacts, mitigation and monitoring will be discussed later.

Subsection 1 describes the on-site operation and subsection 2 describes the off-site haul route.

1. On-Site Operations

Proposed Licence Area

The total area to be licenced is approximately 89 hectares (222 acres). The land area has a total north-south depth of 1.44 kilometres and a total east-west width of 710 metres. Frontage on Olde Baseline Road is approximately 710 metres and approximately 1.0 kilometre on Winston Churchill Boulevard. This land area includes the existing Rockfort and Westerveld farm dwellings and the former Hutchinson dwelling. Part of the Rockfort Drain and the Hutchinson Swale are within this area.

The proposed licenced area abuts the east side of Winston Churchill Boulevard and the north side of Olde Baseline Road.

Proposed Extraction Area

The total area designated for extraction is approximately 58.3 hectares (144 acres). The extraction area is setback from Winston Churchill Boulevard and Olde Baseline Road at a minimum of 28 metres (92 feet).

The Rockfort farm buildings and dwelling are excluded from the extraction area. The Westerveld farm buildings are included in the extraction area.

Within the proposed extraction area, the quarry excavation is within an area of 47 hectares (116 acres). The balance of the extraction area (11.3 hectares) is to be used for berms, setbacks, the grout curtain, recharge wells, processing areas and vehicle access.

Part of the peripheral berms are located in the area between the extraction area and the licence area.

The extraction land area has a total north-south depth of approximately 1.1 kilometres and a typical east-west width of approximately 570 metres.

Proposed Quarry Extraction Operation

The applicant indicates that there is a total of 39 million tonnes of aggregate material to be excavated. The aggregate is geologically described as primarily Amabel Dolomite. There is some rock in the overlying Eramosa member that will be extracted to access the underlying Amabel.

Dolomite is altered limestone (dolomitization) that formed by sea water containing magnesium. Chemically, dolomite is "calcium magnesium carbonate" ($\text{CaMg}(\text{CO}_3)_2$). In itself, the material is odourless, and is neither a fire nor explosion hazard. It may contain crystalline silica, in the form of a fine dust.

Amabel Dolomite rock is highly porous, meaning that groundwater and surface water easily flows through the rock, both vertically and horizontally. These rocks were formed in the order of 400 million years ago. It tends to be denser in its lower parts and grades

upward into more porous rock.

The Amabel forms the main cap, cliffs and the brow of the Niagara Escarpment, north of Waterdown. On the subject site, the rock is covered with less than 8 metres of till. The rock is approximately 40 metres thick vertically in the area of the subject site. There are exposed Amabel outcrops to the east and south of the site. Underlying the Amabel is the Reynales Formation that is underlain by the Cabot Head Shale.

The Amabel and its sister Guelph-Lockport Formation are represented in the Niagara Escarpment from Niagara Falls to the Bruce Peninsula. In the area of the subject site, the Amabel and Guelph dolomite rock formations are in the order of 35 kilometres wide from the Niagara Escarpment westerly to Elora in Wellington County. The Amabel portion extends approximately 11 kilometres west to Hillsburgh. The majority of limestone quarries in these formations have been and are located in the Milton and Acton areas.

The Amabel rock is extracted and is mainly used in the limestone industry for high quality material in road construction and cement production. The product is also referred to as "crushed stone", "limestone", and "dolostone". Dolomite is also used as an input in agricultural products, pharmaceuticals and cosmetics.

The extraction is proposed by the applicant to occur in five phases over thirty years.

(a) Phase 1

The quarry operation commences on the east side of the extraction area. An area of approximately 2.0 hectares is excavated below the groundwater to a depth of approximately 25 metres. The water in the hole remains. At the end of phase 1 extraction, the 2.0 hectares are left as the North Reservoir.

The access on Olde Baseline, the internal haul road, scale house, and scales are constructed and installed at the south end of the extraction area.

The extraction is estimated to occur over three years. The estimated volume extracted is 1.35 million tonnes.

(b) Phase 2

An area of approximately 2.1 hectares located south of phase 1 and on the east side is extracted up to 10 metres below the surface of the Amabel. The extracted area is to be dewatered as extraction occurs. Water in the hole is pumped to the North Reservoir.

The permanent processing plant is constructed within this dry extraction area.

The extraction is estimated to occur over a three-year period. The estimated volume extracted is 2.1 million tonnes.

(c) Phase 3

An area of approximately 8.4 hectares is located in the south-west quadrant of the extraction area is extracted down to 30 metres below the surface. Extraction will take place to 5 metres above the underlying Cabot Head Shale. The excavated area is to be completely dewatered as excavation occurs. Water in the excavation is pumped to the North Reservoir during extraction and for another six years.

The extraction is estimated to occur over a four-year period. The estimated volume extracted is 7.1 million tonnes.

(d) Phase 4

An area of approximately 19.5 hectares is located on the north and west sides of the extraction area. Extraction depth is in the order of thirty-eight to forty metres below the surface. Extraction will take place to within 5 metres above the underlying Cabot Head Shale.

The water in the original North Reservoir is pumped to the excavated area in Phase 3 to create the South Reservoir. The excavated area in phase 4 is to be completely dewatered as extraction occurs. Water in the excavation is pumped to the

north and south reservoirs. The Phases 1 and 4 areas become the North Lake.

The extraction is estimated to occur over ten years. The estimated volume extracted is 18.1 million tonnes.

(e) Phase 5

An area of approximately 29.1 hectares is to be progressively excavated on the east and south sides of the extraction area. The permanent plant is decommissioned and the underlying area is extracted. A temporary processing plant is established. The excavated area is to be completely dewatered as excavation occurs. Water in the excavation is pumped to the North Lake and the South Reservoir.

The Phases 2, 3 and 5 areas become the South Lake.

The extraction is estimated to occur over ten years. The estimated volume extracted is 10.2 million tonnes.

Hours of Operation

Monday to Friday

6 a.m. to 7 a.m.

Shipping only

7 a.m. to 7 p.m.

Drilling, Extraction, Blasting and Processing

Saturday

Maintenance and occasional shipping

Sunday and Statutory Holidays

Closed

2. Off-Site Haul Route

(a) Access

The proposed access to and from the quarry is located on Olde Baseline Road (Regional Road 12). The entrance is located approximately 370 metres east of the intersection of Olde Baseline and Winston Churchill. This access provides for a 60-metre long right turn lane on Olde Baseline. Within the

internal haul road, there is a truck queuing lane that is approximately 150 metres in length from Olde Baseline to the weigh scales.

(b) Hours of Operation

The proposed operating times for truck movements are:

Monday to Friday

6 a.m. to 7 a.m.	truck access only
7 a.m. to 7 p.m.	full operation

Saturday

Occasional shipping

Sunday and Statutory Holidays

Closed

(c) Proposed Haul Route

The applicant undertook an alternative haul route study and is proposing Alternative B, as follows:

Access on Olde Baseline Road (Regional Road 12) to Mississauga Road (Regional Road 1)

Mississauga Road to King Street (Regional Road 9)

King Street to Highway 10 intersection

(d) Estimated Quarry Truck Traffic

(i) Average Day - Peak Hours

1st year of operation (Phase 1):

6 a.m. - 7 a.m.	22 total trucks (in and out)
7 a.m. - 8 a.m.	14 total trucks (in and out)

4th year of operation (Phase 2):

6 a.m. - 7 a.m.	38 total trucks (in and out)
7 a.m. - 8 a.m.	24 total trucks (in and out)

7th year and each following year (Phases 3, 4, 5):
6 a.m. - 7 a.m. 82 total trucks (in and out)
7 a.m. - 8 a.m. 50 total trucks (in and out)

(ii) Average Day - (Full Operation)

6 a.m. - 7 a.m. 136 total trucks (in and out)
7 a.m. - 8 a.m. 82 total trucks (in and out)

(iii) Maximum Day - Peak Hours

1st year of operation (Phase 1):
6 a.m. - 7 a.m. 30 total trucks (in and out)
7 a.m. - 8 a.m. 18 total trucks (in and out)

4th year of operation (Phase 2)
6 a.m. - 7 a.m. 52 total trucks (in and out)
7 a.m. - 8 a.m. 32 total trucks (in and out)

7th year and each following year (Phases 3, 4, 5)
6 a.m. - 7 a.m. 92 total trucks (in and out)
7 a.m. - 8 a.m. 56 total trucks (in and out)

(iv) Maximum Day, (Full Operation)

6 a.m. - 7 a.m. 154 total trucks (in and out)
7 a.m. - 8 a.m. 92 total trucks (in and out)

In the reports, there is no estimate of the total truck traffic during the average and maximum days. Assuming that off-peak hourly truck movements are 50% of the peak hour movements, the total daily truck traffic during the average day during full operation is 669 trucks and during the maximum day it is 752 trucks, in and out.

(e) Secondary Haul Route

It is expected that Olde Baseline, westbound, and Winston Churchill, northbound, as well as Caledon roads will be used as a secondary haul route for deliveries from the quarry to the local areas, as needed. The applicant estimates that these deliveries amount to less than 1% of overall deliveries.

H. Characterization of Subject Area

The proposed quarry is located in the southwest quadrant of the Town of Caledon. Historically, the site is at the southern and western limits of the former Township of Caledon prior to amalgamation on January 1, 1974 as part of the Region of Peel. This local area, identified as the Rockside Area, was settled in the first quarter of the nineteenth century were referred to as the "Rockside Pioneers". The area is adjacent to the easterly limit of the Town of Erin in the County of Wellington. Winston Churchill Boulevard divides the two local municipalities and the County and Region.

The area is typically rural with some agricultural and equestrian activities but it is predominated by non-farm residential settlement. There are no identified settlement areas close to the subject site. Dwellings are located along existing public roads with some clustering.

The area within Caledon and Erin that is generally distant two to three kilometres of the subject site is bounded as follows:

North:	The Grange and Sideroad 10 (3.0 kilometres)
East:	Mississauga (2.0 kilometres)
South:	Ballinafad and Halton-Erin Townline (1.3 kilometres)
West:	Winston Churchill and Tenth Line (1.5 kilometres)

The total land area is approximately 1,981 ha. (Caledon, 1,144 ha and Erin, 837 ha)

There are 382 people living in the area. (Caledon, 251 people and Erin, 131 people)

There are 156 dwellings located in the area. (Caledon, 95 dwellings and Erin, 61 dwellings).

There are 145 occupied dwellings in the area. (Caledon, 91 occupied dwellings and Erin, 54 occupied dwellings)

There are 2.63 persons per occupied dwelling in the area. (Caledon, 2.76 and Erin, 2.43)

This data from Census 2006 portrays the area as typically rural.

In a larger area that generally extends from Belfountain in the north to Terra Cotta in the south, east to Mississauga and Creditview, and west to the Eighth Line, there are 1,300 people, mostly living in the two designated settlement areas.

PART 2 - THE AGGREGATE RESERVE AREA ISSUE

A. Overview

When OPA 161 was approved on May 14, 2003 by the Ontario Municipal Board, part of Schedule "L" known as Area 9a, was deferred for consideration with the JDCL appeals of the two planning applications. The Board stated in its decision that "there is no agreement yet as to whether these lands should be identified as 'Aggregate Resource' or 'Aggregate Reserve', or, for that matter not identified as either a reserve or a resource." (Page 4)

It was agreed by the Board in its decision, dated January 8, 2004, that the matter of Area 9a should be considered in one hearing rather than as a first phase of a hearing prior to hearing the site-specific matters.

On April 23, 2003, Caledon Council agreed to the settlement of OPA 161 by making modifications that were acceptable to the objectors at that time. The division of Caledon High Potential Mineral Aggregate Resources Areas (CHPMARA) into Resource and Reserve areas arose from these settlement discussions. The deferral of Area 9a, as a Reserve Area or a Resource Area, came out of these settlement discussions.

B. Area 9a

The lands identified in April 2003 on Schedule "L" as Area 9a consists of approximately 267 hectares (660 acres). This area includes the proposed JDCL site (89 hectares).

The identified Area 9a in Caledon's Official Plan reflects the identification of the HPMARA on Map 6 of the Region of Peel Official Plan, approved by the Ontario Municipal Board on January 9, 1998. One of the principles contained in the Regional Official Plan is that the "stepping down" of responsibility to the Town of Caledon allows Caledon to refine and to provide detail for aggregate policies in its own official plan.

The preamble to section 3.3 of the Regional Official Plan sets out the roles and responsibilities of the Province, the Region and the Town. In particular, the role of the Town of Caledon is "to establish comprehensive mineral aggregate resource policies." Caledon has achieved this through

OPA 161. These local official plan policies satisfy the Region's requirements, since they:

- "refine the identification of resource areas for protection at the local level";
- "establish policies that allow mineral aggregate resources to be made available for use, *as appropriate*"; and
- "guide the designation and *rehabilitation* of specific lands, either inside or outside of the areas identified for protection." (Peel Official Plan, Preamble to Section 3.3).

The Regional Official Plan allows the Town, and in this case the Ontario Municipal Board, to not identify Area 9a since it "may not be appropriate for protection or extraction because of local environmental, cultural social, and other planning considerations." If Area 9a is not identified as a Resource Area or Reserve Area, an amendment to the Regional Official Plan is not required. (Subsection 3.3.2.2)

Caledon in carrying out this responsibility undertook the Caledon Community Resources Study (CCRS) during the 1997-1999 period. The Study findings and recommendations were presented by the study team to Caledon in May 1999.

Caledon staff relied on this study report and prepared the official plan amendment that was adopted by Council as OPA 161 on May 27, 2000. The original HPMARA, approximately 398 hectares in area, was further refined by Caledon to remove the identified area located south of Olde Baseline Road in Area 9a.

In addition to the six properties within the JDCL site, there are approximately 24 additional, individual whole or parts of properties in Area 9a.

C. Caledon Official Plan Policies

Section 5.11 "Aggregate Resources", sets out the planning policies arising from the Regional Official Plan, the CCRS, and the settlement of objections to OPA 161 and OPA 124.

As adopted by Caledon Council on March 27, 2000, Area 9a was designated as "CHPMARA Priority 2" (Bedrock Resource). In the 2003 settlement between the parties, the original intent of establishing priority resource areas was changed to establish the "Resource Areas" and the "Reserve Areas". Area 9a, although deferred, is identified as a "Reserve Area" on Schedule "L".

(a) Town-Wide Objectives

Section 5.11.1.4 sets out one of the eight aggregate management objectives as follows:

"To protect aggregate resources identified as Caledon High Potential Mineral Aggregate Resources Areas (CHPMARA) as identified on Schedule L for possible future extraction. Development within and adjacent to the protected areas that would preclude or hinder extraction or access to the aggregate resources will be restricted."

This objective does not distinguish between "Resource Areas" and "Reserve Areas". All of these areas identified on Schedule "L" have aggregate resources that are protected from development that would preclude or hinder future extraction opportunities or restrict access to the resource.

This objective is in keeping with the provincial interest in ensuring that the aggregate resource is made available to meet the provincial declaration of need.

(b) CHPMARA on Schedule "L"

Section 5.11.2.1 sets out the planning policies that support the identification of the CHPMARA on Schedule "L".

Area 9a is identified since it contains "high quality deposits of ... dolostone ... which generally are overlain by less than 8 metres of unconsolidated materials." The evidence of the Amabel from provincial, regional and town documentation supports this potential extraction area. The applicant's studies demonstrate that there are potentially 39 million tonnes of bedrock within the JDCL site.

The technical rationale for Area 9a as a CHPMARA is supported.

(c) Aggregate Reserve and Resource Lands

Section 5.11.2.1.2 sets out the distinction between Aggregate Resource Lands and Aggregate Reserve Lands.

The first sentence states that these CHPMARAs "have been prioritized." This prioritization established that (a) extraction in Aggregate Resource Lands is "encouraged" since these areas "have been determined to be suitable for aggregate extraction", and (b) extraction in Aggregate Reserve Lands "will be considered."

Although extraction is encouraged in the Resource Lands, an applicant must satisfy the same three planning tests in the Aggregate Reserve Lands:

- Make an application to amend the Caledon Official Plan and follow the prescribed official plan process (subsection 5.11.2.4.1);
- Satisfy a group of eleven criteria by submitting reports and studies that meets other planning policies in the official plan (Subsection 5.11.2.4.2); and,
- Demonstrate to the satisfaction of Caledon that there is an adequate monitoring program that impacts are minimized, and that rehabilitation is progressive and timely. (Subsection 5.11.2.4.3)

These are the requirements to be satisfied by an applicant for an official plan amendment to allow a new or expanded pit or quarry.

If there is a proposal for extraction in the Reserve Lands, the same requirements as above must be satisfied, but there are additional requirements that must be satisfied at the same time.

- Provide a planning justification that has “regard to the potential impacts that affect the broader community”;
- In the planning justification, establish that “the location is suitable for aggregate extraction”;
- Satisfy the requirements of subsection 5.11.2.4.4:
 - describe the public consultation process undertaken by the applicant to introduce the proposal to the surrounding community;
 - describe to the community the nature of the impacts to be expected;
 - describe the proposed measures to mitigate impacts to acceptable limits;
 - undertake the CBSES;
 - complete a traffic and haul route evaluation that assesses impacts and their acceptability.

All of these requirements must be satisfied together by the applicant.

D. Evaluation of Aggregate Reserve Policies

The intent of the official plan is to establish that an applicant must meet the higher test if Caledon is to amend the official plan to designate a site as “Extractive Industrial” in the Reserve Area.

There is no test or requirement to move from Aggregate Reserve to Aggregate Resource and if the required tests are satisfied, Caledon could amend the plan for “Extractive Industrial” without changing the Aggregate Reserve on Schedule “L”.

Area 9a is not the only Aggregate Reserve (Bedrock Resource) on Schedule "L". Areas 6b (east of Caledon Village) and 9b (west of Cheltenham) are Reserve Lands. The distinction between these Reserve Lands is that 9b is not in the Amabel Formation whereas 6b is entirely in the Amabel Formation.

The rationale for the distinction between Resource and Reserve is found in the CCRS report and the subsequent planning staff reports.

Section 2.5.9 of the Phase 3 Final CCRS Report explains the intent of "Prioritization of Aggregate Resource Areas". According to the study team, setting priorities for extraction protects the resources, but it forewarns the wider community that in the future, extraction will be considered. The threshold of the "future" was determined to be life of the Caledon Official Plan.

Within the scheme proposed by the study team, there was no sense of establishing priorities for extraction in resource areas. All opportunities were available in either Priority 1 or Priority 2 areas.

The setting of priority areas in the CCRS was established by using eight criteria (subsection 2.5.9.3). Subsection 2.5.9.4 provides the summary of the evaluation of the reasons why Area 9a was considered as a Priority 2 Area.

1. On a Recommended Truck Haul Route

The area is not located on an existing or proposed Truck Haul Route. The closest existing haul routes are on Highway 10 and King Street. There is no proposed route in the area.

2. Compatibility with Comprehensive Study Recommendations

There was no subwatershed study undertaken to evaluate any resource operation in Area 9a.

3. Existing Extraction in Resource Area

There was no existing extraction activity in any part of Area 9a.

4. Resource Quality/Quantity and Economic Factors

Area 9a is an area with high quality bedrock resources. The area is to be protected for future extraction of the resource.

5. Impact on Natural Environment

The CCRS placed primary importance on protecting the natural environment and the ecosystem. Area 9a has moderately high recharge potential; partly within the Niagara Escarpment Planning Area; extensive other woodlands throughout the area; and adjacent PSWs, ESAs, Valley and Stream Corridors, and woodlands. These features were not determinative of the priority area, but were considered as a "red flag" to identify trends.

6. Impact on Community Values of the Resource Area

Extraction in Area 9a could not be designed to have a relatively low effect on existing land uses and community values.

7. Land Use Compatibility

In Area 9a, there are environmental and community values that make extraction compatibility with existing uses and values more critical.

8. Impact on Cultural and Heritage Resources

Extraction could have a higher level of impact on cultural and heritage resources.

The application of these eight criteria to Area 9a concluded that bedrock resource extraction in the current planning era of the Official Plan is not expected. The only apparent sure fact is that high quality bedrock resources exist in the area. The CCRS continues the evaluation of resource areas to recommend the "Land Use and Resource Management Strategy" for each resource area. This strategy provides "an overall community focus within the resource areas prior to, during and after potential extraction." (Section 3.0)

In subsection 3.4.9, the recommended strategy for Area 9a is:

- to maintain the rural character of the area having special regard for protection of the mosaic of land uses;
- minimizing traffic problems;
- protection of the water quality and quantity.

These strategies are not replicated in the approved OPA 161, but the entire section 5.11 in the Caledon Official Plan is now regarded as a management strategy for consideration of aggregate extraction proposals.

E. Evaluation of Area 9a Since Approval of OPA 161

Since 1999, when the CCRS Report was considered by Caledon, there have been area-wide studies undertaken by the applicant and reviews undertaken by the Town, Region and the CCC. To determine, ten years later, whether Area 9a is Reserve or Resource, it is fair and reasonable to apply the same eight criteria, although these criteria are not entrenched in OPA 161. This evaluation should provide a check on whether community conditions and characteristics have changed to allow consideration of extraction in the area.

1. On a Recommended Truck Haul Route

The area is not located on an existing truck haul route. The Region of Peel has not designated Olde Baseline Road as a truck route. "Heavy trucks are restricted at all times." "Winston Churchill Boulevard also has a commercial vehicle axle load restriction at all times from Bovard Drive West through to Bush Street." (Peer Review Report by Geri Kozorys-Smith - November 21, 2008, page 20)

The current Regional Official Plan identifies Major Roads on Schedule "E". Both Winston Churchill and Olde Baseline in the vicinity of the subject site are identified as Major Roads. Section 5.5.4.2.3 states the Regional policy that haul routes "will be determined *jointly* by *the Region* and the area municipalities."

The applicant had prepared a "Truck Haul Route Study" in 1998 that was updated in 2003 to assess various haul routes. The applicant's preferred haul route is Olde Baseline from the quarry entrance east to Mississauga Road, then south on Mississauga Road to King Street, then east on King Street to Highway 10.

The traffic peer reviewer agrees with the applicant's selection of the best available route "to service the private market areas based on the information presented." (Page 6). Although the peer reviewer agrees with the applicant's haul route, there is no Regional or Town acceptance. The Region will need to undertake an environmental assessment study to determine the acceptance of Olde Baseline as a truck route. (Page 20).

From the information available to date, there is no proposed haul route agreed to by the Region and the Town.

2. Compatibility with Comprehensive Study Requirements

The CBSES was undertaken by the applicant and submitted to the agencies in March 2008. In the opinion of the CVC, the CBSES was intended to provide a general context and to "provide guidance on how to deal with site specific applications such as the Rockfort application." (Page 10). The CVC finds "from an environmental perspective, that the CBSES is generally technically acceptable." In its staff recommendation, the CVC concludes that the CBSES has been completed, "save and except for those items which were intended to be addressed as part of the site specific application."

3. Existing Extraction in Resource Areas

There are no existing extraction activities in Area 9a.

4. Resource Quality/Quantity and Economic Factors

Area 9a is still the same area with high quality bedrock resources.

5. Impact on Natural Environment

The peer review comments by the CVC (November 20, 2008) and the CVC recommendations (February 20, 2009) raise significant issues concerning fisheries and fish habitat, water quality, water

temperature, wetlands, on-site and off-site hydrogeology. There are sufficient "red flags" to not consider extraction in this area.

6. Impact on Community Values of the Resource Area

The social impact peer reviewer concludes that the applicant "has not assessed social impacts and demonstrated that the proposal will not have unacceptable impacts". (Peer Review by David Hardy, November 21, 2008, page 11.)

The area residents and other community stakeholders expressed their concerns regarding extraction in the area through a petition, two community information meetings held by the Town, the CCC, and in correspondence objecting to the proposed identification. These concerns have been expressed by the community after the proposal was submitted with the knowledge of the details of the proposal; as part of the CBSES consultation process; and after the peer reviews had been completed.

It is evident that the Town's peer reviewer and the community conclude that there will be an impact on community values.

7. Land Use Compatibility

The land uses in the area and along the haul route have not substantially changed in ten years. The various peer reviewers of the noise, air quality, environmental, hydrogeology and traffic studies all have raised issues with the impacts and the applicant's proposed mitigation measures. The visual impact and cultural heritage peer reviewers do not agree with the analyses conducted in the applicant's studies.

The peer review undertaken by Warren Sorensen for the CCC refers to opinions stated in the applicant's "Planning and Justification Report" (July 31, 2008) by concluding that "this is not an appropriate or satisfactory way to address the questions of land use compatibility these concerns represent." (Page 2)

Land use compatibility continues to be a critical issue.

