



CAO's Office  
**MEMORANDUM**  
Administration

TO: Chair and Members of the Planning and Public Works Committee

FROM: Jane MacCaskill, Chief Administrative Officer

DATE: June 7, 2017

**RE: Update - James Dick Construction Ltd. Hidden Quarry Proposal -  
Township of Guelph/Eramosa (File ZBA 09/12) OMB Appeal**

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In March 2016, staff provided Regional Council with an update on the JDCL proposal for the proposed quarry and the pending Ontario Municipal Board (OMB) Hearing associated with a 2012 Township of Guelph/Eramosa Zoning By-law Amendment and an application for an *Aggregate Resource Act* (ARA) Licence. At that time staff had been actively working with the Town of Halton Hills and our technical and legal team to prepare for the Hearing. Staff have several concerns relating to the quarry that have been addressed by the proponent. The March 2016 memo provided information on the timing of the Ontario Municipal Board (OMB) Pre-Hearing Conferences (PHC) and the Hearing dates for the Hidden Quarry Appeal.

Since March 2016, Regional staff and technical experts prepared witness statements and evidence to support our position for the 7 week OMB Hearing that was scheduled to start in September of 2016. At the beginning of the Hearing, the OMB heard motions from various parties with respect to the Boards authority to deal with this matter as the appeal related to an application to amend a By-law that was no longer in force and effect. As a result of the evidence and materials provided as part of this motion, the OMB adjourned the Hearing *sine de* (with no appointed date for resumption) to allow JDCL to file new applications to the Township and the County of Wellington.

In December 2016, JDCL submitted a new Zoning By-law Amendment application to the Township to permit this proposed aggregate operation. Further, as a result of comprehensive changes to the County of Wellington's Official Plan in 2013, new mineral aggregate operations would now be permitted only through an amendment to the County Plan. As a result of this policy change, JDCL submitted an application to the County of Wellington to amend their OP to permit this proposed aggregate operation.

These new applications were based on the studies and materials prepared by JDCL as part of their 2012 application and the previous OMB Hearing process. On February 9, 2017, the Region, through our Legal Counsel, provided a response to the Township's

and County's circulation of these applications for agency and public review. This correspondence reaffirmed the Region's objection to the proposed quarry and associated new planning applications. A copy of this correspondence is attached for information.

On May 11, 2017, the Region of Halton was notified that the OMB received an appeal from JDCL of a non-decision of the proposed Zoning By-law Amendment by the Township. Regional Staff and Legal Counsel further anticipate that the County of Wellington Official Plan Amendment application will also be referred to the OMB, and that this matter once again will proceed to a full Hearing.

Over the coming months, Regional staff and the technical team of experts will continue its work to prepare for the OMB Hearing. Further, Staff will continue to keep Regional Council apprised of the proposed quarry and OMB Hearing.

A handwritten signature in black ink that reads "Jane MacCaskill". The signature is written in a cursive, flowing style.

Jane MacCaskill  
Chief Administrative Officer