

**Ontario Municipal Board
Commission des affaires municipales de l'Ontario**

IN THE MATTER OF subsection 17(40) of the Planning Act, R.S.O. 1990, c. P.13, as amended

Appellant: 451082 Ontario Limited
Appellant: 861945 Ontario Ltd. et al
Appellant: County of Simcoe
Appellant: Estate of Mary Louise Francom; and others
Subject: Failure to announce a decision respecting Proposed Official Plan Amendment 43-OP-2008
Municipality: Upper Tier of Simcoe
OMB Case No.: PL091167
OMB File No.: PL091167

**MOTION RECORD
(Duntroon Quarry Mapping)**

THOMSON, ROGERS
Barristers and Solicitors
3100 - 390 Bay Street
Toronto, Ontario, M5H 1W2

ROGER T. BEAMAN
416-868-3157
Fax No. 416-868-3134

Lawyers for the Corporation
of the County of Simcoe

**TO: ALL APPELLANTS/PARTIES LISTED IN ATTACHMENTS "A" AND "B"
WITH A COPY TO PARTICIPANTS MONITORING AS LISTED IN
ATTACHMENT "C"**

**AND TO: ONTARIO MUNICIPAL BOARD
655 Bay Street, 15th Floor
Toronto, Ontario, M5G 1E5**

Attention: Kimberly Livingstone, Planner
kimberly.livingstone@ontario.ca

Phone: 416-326-6773
Fax: 416-326-5370

ATTACHMENT "A"
LIST OF APPELLANT PARTIES- COUNTY OF SIMCOE OFFICIAL PLAN
OMB File PL091167

Nov 27, 2014

No.	Appellant	Lawyer/Agent*	E-mail Address
1	County of Simcoe	Roger Beaman	rbeaman@thomsonrogers.com
2	2a Carson Road Development Inc. 2b Midhurst Development Doran Road Inc.	Susan Rosenthal David White	susanr@davieshowe.com david.white@devrylaw.ca
3[M]	Craighurst Land Corp.	Susan Rosenthal	susanr@davieshowe.com
4	Huntingwood Trails (Collingwood) Ltd. [Appeal Resolved]	Susan Rosenthal Meaghan McDermid	susanr@davieshowe.com meaghanm@davieshowe.com
5	Midhurst Rose Alliance Inc.	Ira Kagan Paul DeMelo	ikagan@ksllp.ca pdemelo@ksllp.ca
6	Township of Springwater	Barnet Kussner	bkussner@weirfoulds.ca
7	451082 Ontario Limited	James Feehely	jfeehely@fglawyers.ca
8	8a 861945 Ontario Ltd. 8b Golfview Estates Limited [W/D] 8c Mark Rich Homes Limited 8d Silver Spring View Estates Limited 8e Simcoe Estates Limited 8f Royal Heights Estates Limited 8g OMC Development Corp. [W/D]	David White Anthony-George D'Andrea (student-at-law)	david.white@devrylaw.ca Anthony-George.D'Andrea@devrylaw.ca
9	Innisfil Aleona Limited [Appeal Withdrawn]	Lynda Townsend Jennifer Meader	ltownsend@weirfoulds.com jmeader@weirfoulds.com
10	Tesmar Holdings Inc.	Michael Melling Meaghan McDermid	michaelm@davieshowe.com meaghanm@davieshowe.com
11	Janice & David Wright	David White Anthony-George D'Andrea (student-at-law)	david.white@devrylaw.ca Anthony-George.D'Andrea@devrylaw.ca
12	12a Snow Valley Planning Corporation 12b 453211 Ontario Limited	David White Anthony-George D'Andrea (student-at-law)	david.white@devrylaw.ca Anthony-George.D'Andrea@devrylaw.ca
13	McMahan Woods Developments Ltd.	David White Anthony-George D'Andrea (student-at-law)	david.white@devrylaw.ca Anthony-George.D'Andrea@devrylaw.ca
14	Innisfil Beach Farms Inc.	David White Anthony-George D'Andrea (student-at-law)	david.white@devrylaw.ca Anthony-George.D'Andrea@devrylaw.ca
15	Estate of Marie Louise Frankcom	James Feehely	jfeehely@fglawyers.ca
16	Midhurst Ratepayers' Association [Appeal Dismissed]	David Strachan* Margaret Hutchison*	davidstrachan@yahoo.com mhutchis1000@gmail.com
17	Narinder Mann	Ian Rowe	irowe@barristonlaw.com
18[M]	Yorkwood Group of Companies [Resolved]	Patricia Foran	pforan@airdberlis.com
19	19a Rama Resorts International Inc. 19b Fernbrook Homes (Rama) Limited [Appeal Resolved]	Brian Goodreid*	briangoodreid@hotmail.com
20	1091402 Ontario Ltd. [Appeal Withdrawn]	David White Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca
21	Nicole and Brent Fellman	David White Anthony-George D'Andrea (student-at-law)	david.white@devrylaw.ca Anthony-George.D'Andrea@devrylaw.ca

22	Travel-Rite Property Corp.	David White Anthony-George D'Andrea (student-at-law)	david.white@devrylaw.ca Anthony-George.D'Andrea@devrylaw.ca
23	Aqua-Gem Investments Ltd.	David White Anthony-George D'Andrea (student-at-law)	david.white@devrylaw.ca Anthony-George.D'Andrea@devrylaw.ca
24	442023 Ontario Limited	David White Anthony-George D'Andrea (student-at-law)	david.white@devrylaw.ca Anthony-George.D'Andrea@devrylaw.ca
25	1045901 Ontario Limited	David White Anthony-George D'Andrea (student-at-law)	david.white@devrylaw.ca Anthony-George.D'Andrea@devrylaw.ca
26	Kellwatt Limited	David White Anthony-George D'Andrea (student-at-law)	david.white@devrylaw.ca Anthony-George.D'Andrea@devrylaw.ca
27	27a Ontario Potato Distributing Inc. 27b 1567219 Ontario Limited	Chris Barnett	cbarnett@davis.ca
28[M]	Black Marlin Management Inc. [Resolved]	Caterina Facciolo	cfacciolo@bratty.com
29	Ahmadiyya Muslim Jama'at Canada Inc. (AMJC)	Barry Horosko	bhorosko@horoskoplanninglaw.com
30[M]	D.G. Pratt Construction Limited	Jane Pepino Andrea Skinner	jpepino@airdberlis.com askinner@airdberlis.com
31[M]	Hanson Development Group [Resolved]	Patricia Foran	pforan@airdberlis.com
32	Town of New Tecumseth	James Feehely	jfeehely@fglawyers.ca
33	Township of Adjala-Tosorontio	Stephen Waqué Isaac Tang	swaque@blg.com itang@blg.com
34	Robert Schickedanz in Trust	Ian Rowe	irowe@barristonlaw.com
35	2115441 Ontario Inc.	David White Anthony-George D'Andrea (student-at-law)	david.white@devrylaw.ca Anthony-George.D'Andrea@devrylaw.ca
36	Carson Trail Estates Inc.	David White Anthony-George D'Andrea (student-at-law)	david.white@devrylaw.ca Anthony-George.D'Andrea@devrylaw.ca
37	Sucession Financial Group Inc.	David White Anthony-George D'Andrea(student-at-law)	david.white@devrylaw.ca Anthony-George.D'Andrea@devrylaw.ca
38	Bond Head Properties Inc.	Susan Rosenthal Meghan McDermid	susanr@davieshowe.com meaghanm@davieshowe.com
39	39a 2000463 Ontario Limited 39b Angelo & Yvette Santorelli	David White Anthony-George D'Andrea(student-at-law)	david.white@devrylaw.ca Anthony-George.D'Andrea@devrylaw.ca
40	Rayville Developments (Alliston) Inc.	David White Anthony-George D'Andrea(student-at-law)	david.white@devrylaw.ca Anthony-George.D'Andrea@devrylaw.ca
41	Copperglen Estates Inc.	David White Anthony-George D'Andrea(student-at-law)	david.white@devrylaw.ca Anthony-George.D'Andrea@devrylaw.ca

ATTACHMENT "B"

LIST OF PARTIES – COUNTY OF SIMCOE OFFICIAL PLAN PL091167

Nov 27, 2014

No.	Party	Lawyer/Agent*	E-mail Address
A	Ministry of Municipal Affairs and Housing	Ken Hare Ugo Popadic Arthur Ho(student-at-law)	ken.hare@ontario.ca Ugo.Popadic@ontario.ca Arthur.Ho2@ontario.ca
B	Town of Collingwood	Leo Longo	llongo@airdberlis.com
C	C1 Town of Penetanguishene C2 Township of Ramara	Edward Veldboom	eveldboom@russellchristie.com
D	Town of Innisfil	Quinto Annibale/ Mark Joblin	qannibale@loonix.com mjoblin@loonix.com
E	Town of Bradford W-G	Tom Halinski	thalinski@airdberlis.com
F	Town of Midland	Paul Peterson	ppeterson@hgrgp.ca
G	G1 Township of Clearview G2 Township of Tiny G3 Town of Wasaga Beach	Ian Rowe	irowe@barristonlaw.com
H	{Now Appellant 32}		
I	{Now Appellant 33}		
J	J1 Ontario Stone, Sand and Gravel Association J2 CBM Aggregates, a division of St. Marys Cement (Canada) Inc J3 Lafarge Canada Inc. J4 Holcim (Canada) Inc. J5 James Dick Construction Limited J6 Walker Aggregates Inc.	Mary Bull	mbull@woodbull.ca
K[M]	Georgian International Land Corp. [Resolved]	Mary Bull	mbull@woodbull.ca
L	San Marco in Lamis Ltd.	Michael Vaughan	michaelbvaughan@yahoo.ca
M	White Water Holdings Ltd. [Resolved]	Barry Horosko Caterina Facciolo	bhorosko@bratty.com efacciolo@bratty.com
N	{Now Appellant 28}		
O	No Jet Construction Inc. Remington Homes (Manhattan) Inc. [Withdrawn]	Caterina Facciolo Barry Horosko	efacciolo@bratty.com bhorosko@bratty.com
P	Sleeping Lion Development Corporation	John Dawson	jdawson@mccarthy.ca
Q	John Barzo Limited	John Barzo	jbarzo@barzolaw.com
R[M]	Innisfil Mapleview Developments Limited	Susan Rogers	susan.rogers@sdrogerslaw.ca
S	2133952 Ontario Inc.	Harold Elston Aynsley Anderson	helston@elstons.ca aanderson@elstons.ca
T	Talisker Corporation	Harold Elston Aynsley Anderson	helston@elstons.ca aanderson@elstons.ca
U	U1&U2 [Now Appellant 27-a & b]		
V	1651012 Ontario Ltd. now V1 Sandycove Acres Limited V2 Parkbridge Lifestyle Communities Inc. V3 Belmac Estate Properties Inc.	Ian Rowe	irowe@barristonlaw.com
W	Township of Oro-Medonte	Chris Williams	cwilliams@airdberlis.com
X	998991 Ontario Inc.	Ian Rowe	irowe@barristonlaw.com
Y	Tsam Investments Ltd.	Raivo Uukkivi Signe Leisk	ruukkivi@casselsbrock.com sleisk@casselsbrock.com

ATTACHMENT "C"

LIST OF PARTICIPANTS — COUNTY OF SIMCOE OFFICIAL PLAN PL091167

Nov 27, 2014

No.	Participant or Interest	Lawyer/Agent	E-mail Address
1*[M]	<i>AWARE Simcoe</i>	<i>Sandy Agnew [M]</i> <i>Ann Truyens [M]</i>	sagnew@ecomedic.ca at@iglide.net
2*[M]	<i>PURE now ERA - Everett Ratepayers Association</i>	<i>Chantale Gagnon [M]</i> <i>David Perryman [M]</i>	chantalegagnon@bell.net dperryman43@sympatico.ca
3[M]	Midhurst	Anna Romano	am_romano@hotmail.com
4	<i>[Now Party W]</i>		
5	Tsam Investments Ltd. <i>[Now Party Y]</i>	Raivo Uukkivi Signe Leisk	ruukkivi@casselsbroek.com sleisk@casselsbroek.com
6	Walton Development and Management L.P.	Paolo Sacilotto Ed Steffelin	psacilotto@walton.com esteffelin@walton.com
7	<i>(Midhurst) [Withdrawn]</i>	Paul Frankeom	
8*[M]	<i>Ontario Farmland Preservation</i>	<i>Bernard Pope [M]</i>	bernard@ontariofarmlandpreservation.org
9*[M]	<i>Simcoe County Federation of Agriculture</i>	<i>Colin Elliott</i> <i>Anne Ritchie-Nahius</i>	rockeyno132@gmail.com nahuis@csolve.net
10*	<i>Angus Ratepayers Association [deleted by request]</i>	<i>Wendy Harry</i> <i>Archie Duckworth</i>	TCB4E@primus.ca marg_archie@hotmail.com
11[M]	11a Nutristock Corporation 11b Solmar (Healy) Corporation (App 27a, 27b)	Michael Melling Meaghan McDermid [M]-3a, 3b, 4a, 4b, 5	michaelm@davieshowe.com meaghanm@davieshowe.com
12[M]	Township of Severn	Henry Sander	hsander@townshipofsevern.com
13	<i>K. Winter Sanitation Inc. Kenneth and Ruth Winter</i>	Marvin Geist <i>[Concern Resolved]</i>	marvin@marvingeist.ca
14	ANSI – Oro-Medonte	Joe & Ruth-Ann Langman	ruthannlangman@gmail.com
15	ANSI – Severn	Don & June Bickell	paniswickweld@aol.com
16*[M]	<i>John Strong</i>	<i>John Strong</i>	No e-mail given; 705-424-9350 6760 Simcoe County Road 21, R.R.#2, Alliston, Ont. L9R 1V2
17	<i>Clearview Community Coalition [withdrawn]</i>	Janet Gillham	gillham2@bell.net
18[M]	Appeal 27a, 27b	Ralph MacKenzie	nvf4all@gmail.com
19	Kevin Newman	Kevin Newman	k.newman@rogers.com
20	Jill Appleby	Jill Appleby	No e-mail given; 26 Park Trail, Midhurst, Ontario, L0L 1X0
21	Midhurst [supports Romano]	Sandy Buxton	s.buxton@rogers.com
22[M]	R & M Homes Ltd. (Everett) [M]- 2a	David White Anthony-George D'Andrea (student-at-law)	david.white@devrylaw.ca Anthony-George.D'Andrea@devrylaw.ca
23	285622 Ontario Ltd. (MIDVES II)	Emil Mlinarevic	emilm@millersonconsulting.com midves@alpeza.com
24	Bette Bull	Bette Bull	No e-mail given; 6 Wattie Road, Midhurst, Ontario, L0L 1X0
25	Debbie Major	Debbie Major	Debbie@datadirect.ca

* Participant has testified

[M] Monitoring

**Ontario Municipal Board
Commission des affaires municipales de l'Ontario**

IN THE MATTER OF subsection 17(40) of the Planning Act, R.S.O. 1990, c. P.13, as amended

Appellant: 451082 Ontario Limited
Appellant: 861945 Ontario Ltd. et al
Appellant: County of Simcoe
Appellant: Estate of Mary Louise Francom; and others
Subject: Failure to announce a decision respecting Proposed Official Plan Amendment 43-OP-2008
Municipality: Upper Tier of Simcoe
OMB Case No.: PL091167
OMB File No.: PL091167

I N D E X

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Notice of Motion	1
Affidavit of Kathy Suggitt sworn December 3, 2014	2
Affidavit of W. Brent Clarkson sworn December 1, 2014	3

Tab 1

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OMB File No. PL091167

**Ontario Municipal Board
Commission des affaires municipales de l'Ontario**

IN THE MATTER OF subsection 17(40) of the Planning Act, R.S.O. 1990, c. P.13, as amended

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**NOTICE OF MOTION
(Duntroon Quarry Mapping)**

THE CORPORATION OF THE COUNTY OF SIMCOE will make a motion to the Ontario Municipal Board on **Monday, the 8th day of December, 2014, at 10:00 am**, or as soon after that time as the motion can be heard at the Nottawasaga Inn Resort & Conference Centre, 6015 Highway 89, Alliston, Ontario.

THE MOTION IS FOR AN ORDER:

- (a) To abridge the time for serving of this Notice of Motion;
- (b) To modify and approve portions of Map Schedules 5.2.1 and 5.3.1 to reflect the revised licenced extraction area of the Duntroon Quarry.
- (c) for such further and other relief as may seem just and appropriate.

THE GROUNDS FOR THE MOTION ARE:

- (a) The Duntroon Quarry application was being heard by the Joint Board during the processing of the County Official Plan.

- (b) The Joint Board has now issued its final order and the approved licenced extraction area should appropriately be recognized in the County's Map Schedules to its Official Plan.
- (c) Such further and other grounds as counsel may advise and this Board may deem necessary.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

- (a) The Affidavit of Kathy Suggitt sworn December 3, 2014;
- (b) the Affidavit of W. Brent Clarkson sworn December 1, 2014;
- (c) the pleadings, proceedings and exhibits filed herein;
- (d) such further and other material as counsel may advise and this Board may permit.

DECEMBER 3, 2014

THOMSON, ROGERS
Barristers and Solicitors
Suite 3100
390 Bay Street
Toronto, Ontario
M5H 1W2

ROGER T. BEAMAN
416-868-3157
Fax No. 416-868-3134

Lawyers for the Corporation
of the County of Simcoe

Tab 2

PL091167

ONTARIO MUNICIPAL BOARD

IN THE MATTER OF subsection 17(40) of the *Planning Act*, R. S.O. 1990, c. P.13, as amended

Appellant: 451082 Ontario Limited
 Appellant: 861945 Ontario Ltd., et al
 Appellant: County of Simcoe
 Appellant: Estate of Mary Louise Frankcom; and others
 Subject: Failure of to announce a decision respecting Proposed
 Official Plan Amendment No. 43-OP-2008
 Municipality: Upper Tier of Simcoe
 OMB Case No.: PL091167
 OMB File No.: PL091167

AFFIDAVIT OF KATHY SUGGITT

I, KATHY SUGGITT, MCIP, RPP, of the City of Barrie, in the Province of Ontario, MAKE OATH AND SAY AS FOLLOWS:

1. I am the Manager of Policy Planning in the Planning Department at the County of Simcoe (the "County"). As such, I have knowledge of the matters deposed to herein.
2. I am a Full Member of the Canadian Institute of Planners and a Registered Professional Planner in the Province of Ontario. I have 24 years of experience in private and public sector planning. A copy of my Curriculum Vitae has previously been filed in these proceedings as attachment A to Motion Record Exhibit 7.
3. I have been directly involved in matters respecting the County's updated Official Plan at all stages of the process since August 2008 leading to its adoption by the County on November 25, 2008 through to the endorsement of the proposed modified Plan by County Council on January 22, 2013 and to the present including OMB proceedings to date.
4. Schedules 5.2.1 and 5.3.1 in the modified Official Plan portray the licenced areas of pits and quarries. During the course of preparation of the schedules, the Duntroon Quarry expansion was the subject of proceedings before the Joint Board.
5. These proceedings have concluded, a decision has been issued and an additional licenced area has been approved.
6. As a consequence, I requested that details associated with the recent approval be provided by Mr. Brent Clarkson who was involved in the Joint Board proceedings.
7. I have reviewed the Affidavit of W. Brent Clarkson sworn December 1, 2014 and can concur with the factual evidence and opinions expressed therein. The maps attached

to his Affidavit as Exhibits "D" and "E" coincide with my understanding of the new licenced area.

- 8. In my opinion, modification to Schedules 5.2.1 and 5.3.1 of the Official Plan as shown in Mr. Clarkson's Affidavit is appropriate, brings the mapping into conformity with the Official Plan and the Growth Plan policies and is consistent with the Provincial Policy Statement, 2014 and represents good planning.

SWORN before me at)
)
 the Town of New Tecumseth)
)
 , on December 3, 2014.)
)
)
)



COMMISSIONER FOR
 TAKING AFFIDAVITS

Kathy Suggitt

Tab 3

ONTARIO MUNICIPAL BOARD
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 17(40) of the Planning Act, R.S.O. 1990, c. P.13, as amended

Appellant:	451082 Ontario Limited
Appellant:	861945 Ontario Ltd. et al
Appellant:	County of Simcoe
Appellant:	Estate of Mary Louise Francom; and others
Subject:	Failure to announce a decision respecting Proposed Official Plan Amendment 43-0P-2008
Municipality:	Upper Tier of Simcoe
OMB Case No.:	PL091167
OMB File No.:	PL091167

AFFIDAVIT OF W. BRENT CLARKSON

I, W. BRENT CLARKSON, of the City of Barrie, in the Province of Ontario, MAKE OATH AND SAY AS FOLLOWS:

1. I am a Registered Professional Planner and a full member of the Canadian Institute of Planners. I have a Bachelor of Arts Degree in Geography from the University of Toronto and a Master of Arts Degree in Regional Planning and Resource Development from the University of Waterloo. A copy of my Curriculum Vitae is attached as **Exhibit "A"** to this affidavit.
2. I am a partner and Past-President of MacNaughton Hermsen Britton Clarkson Planning Limited ("MHBC"). I have been a planning consultant with the same firm since 1988 and prior to that I was employed as a municipal planner with the Counties of Wellington and Oxford and the City of Kitchener. I have been a practicing land use planner for 34 years.
3. I have been qualified as a witness on land use planning matters before the Ontario Municipal Board (the "Board"), Consolidated Hearings Board and the Ontario Superior Court of Justice.

4. While I have experience in all facets of land use planning, I have considerable experience in dealing with aggregate resource planning in Ontario. I have represented numerous aggregate producers in obtaining land use approvals, including approvals under the *Planning Act*, the *Niagara Escarpment Planning and Development Act* and the *Aggregate Resources Act*. I have provided significant input into Official Plan aggregate policy and have represented the Ontario Stone, Sand and Gravel Association (“OSSGA”) and private clients in hearings and successful settlements relative to Official Plans in Peel, Caledon, Durham, Niagara, Severn and Oro-Medonte.

5. I was retained by Walker Aggregates Inc. (“Walker”) in 2002 to assist with a then pending application to expand the existing Duntroon Quarry in the Township of Clearview and was further retained by Walker in August 2008 to provide advice in regard to the Simcoe County Official Plan (the “Simcoe OP”).

Background

6. On May 13, 2005 Walker submitted relevant applications to the Niagara Escarpment Commission (the NEC), the Township of Clearview and the Ministry of Natural Resources to allow expansion of its existing Duntroon Quarry located on County Road 91, in the Township of Clearview.

7. All applications were considered comprehensively by the Joint Board at a hearing stretching from May 2010 to June 2011 over 139 hearing days. The Joint Board decision approving the Duntroon Quarry Expansion was released on June 18, 2012 and the Final Board Order was issued on July 17, 2014 and is now final and binding.

8. Niagara Escarpment Plan amendment PS 161 05 is in place (see attached **Exhibit "B"**). The NEC has also issued a Development Permit to allow the quarry expansion to proceed.
9. On August 6, 2014, the Minister of Natural Resources and Forestry (the "MNRF") issued the Aggregate Resources Act ("ARA") Licence 607841 which allows Walker to develop and operate the Duntroon Quarry expansion (See attached **Exhibit "C"**).
10. The Simcoe OP was adopted on November 25, 2008, prior to approval of Walker's NEC Amendment or the issuance of its ARA Licence.

Opinion

11. In my opinion, it is appropriate and desirable to correct the Simcoe OP Schedules to reflect the recent approvals relating to the Walker Duntroon Quarry expansion. In particular,
 - (a) Schedule 5.2.1, which shows the location of licenced pits and quarries in the County, should be modified to illustrate that ARA Licence 607841 has been issued by MNRF for the Duntroon Quarry Expansion (see attached as **Exhibit "D"**);
 - (b) Schedule 5.3.1, which reflects approved Niagara Escarpment Plan land use designations should be modified so that the Duntroon Quarry expansion lands are correctly shown as "Mineral Resource Extraction Area" as per NEP amendment PS 161 05(see attached **Exhibit "E"**).

12. The proposed modifications set out in Clause 11 above properly recognize and implement the Joint Board Decision and Joint Board Final Order.
13. The proposed modifications set out in Clause 11 above are consistent with the Provincial Policy Statement, 2014.
14. The proposed modifications set out in Clause 11 above represent good planning.
15. I prepared this affidavit in support of a motion by the County of Simcoe.

SWORN BEFORE ME at the City of Barrie,
in the Province of Ontario, this 1st day of
December 2014.



W. BRENT CLARKSON



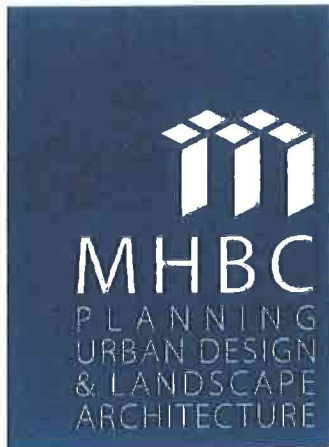
A Commissioner for taking Affidavits.

Kimberley Anne Clements, a Commissioner, etc.,
Province of Ontario, for MacNaughton Hermsen
Britton Clarkson Planning Limited
Expires August 17, 2015.

This is Exhibit "A" referred to in the
affidavit of W. Brent Clarkson
sworn before me, this 1st
day of December 2014

 KClements
A COMMISSIONER FOR TAKING AFFIDAVITS

**Kimberley Anne Clements, a Commissioner, etc.,
Province of Ontario, for MacNaughton Hermsen
Britton Clarkson Planning Limited
Expires August 17, 2015.**



10.

CURRICULUM VITAE

EDUCATION

1981
Master of Arts, Regional Planning & Resource Development, University of Waterloo

1978
Bachelor of Arts, Honours Geography, University of Toronto,

W. Brent Clarkson, MA, MCIP, RPP

Brent Clarkson, a Principal with MHBC Planning, has been a practicing planner since 1980. Mr. Clarkson's experience includes the public and private sectors, having worked previously with the Counties of Wellington and Oxford, and the City of Kitchener.

Mr. Clarkson provides planning and resource management services to both public and private sector clients throughout central and Southern Ontario. These include land development and approvals for residential, commercial and industrial projects, site and neighbourhood planning, aggregate planning, and comprehensive project management.

Mr. Clarkson has extensive experience in planning for commercial developments of all scales and formats. He has provided planning and project management services for developments ranging in size from small plazas or stand-alone retail operations, to regional Shopping Centres and new format power centres. Mr. Clarkson is also experienced in the preparation of municipal commercial needs analysis / commercial policy review and as a peer review consultant.

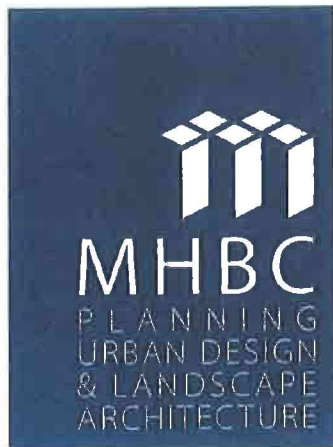
Aggregate resource planning is also Mr. Clarkson's area of expertise. He has provided input into development of planning policy for wise resource management. He has represented the largest operators in the Province and has been involved in a number of hearings before the Ontario Municipal Board and other tribunals relating to aggregate issues.

PROFESSIONAL ACCREDITATIONS / ASSOCIATIONS

- Canadian Institute of Planners
- Ontario Professional Planners Institute, Registered Professional Planner
- Member, Lambda Alpha
- Member, BILD
- Past Chairman, Southwestern Ontario Chapter, Canadian Institute of Planners
- Past Member, City of Waterloo Commercial Hierarchy Review Committee
- Past Member, City of Waterloo Continuous Improvement Program - Site Servicing
- Past Member, City of Kitchener Continuous Improvement Program - Site Plans
- Past Member, Board of Directors, Ontario Expropriation Association
- Past Member, Board of Directors Kitchener-Grand River Rotary Club

CONTACT

7050 Weston Road
Suite 230
Woodbridge, ON L4L 8G7
T 905 761 5588 x212
F 905 761 5589
clarkson@mhbcplan.com
www.mhbcplan.com



CURRICULUM VITAE

W. Brent Clarkson, MA, MCIP, RPP

PROFESSIONAL HISTORY

Sept. 2014 - Present	Chairman of the Board , MacNaughton Hermsen Britton Clarkson Planning Limited
June 2010 – Sept. 2014	President , MacNaughton Hermsen Britton Clarkson Planning Limited
1999 – June 2010	Managing Partner , MacNaughton Hermsen Britton Clarkson Planning Limited
1990 - 1999	Partner , MacNaughton Hermsen Britton Clarkson Planning Limited
1988 - 1990	Senior Planner , MacNaughton Hermsen Britton Planning Limited
1987 - 1988	Senior Planner , City of Kitchener
1986 - 1986	Planner II , City of Kitchener
1981 - 1986	Intermediate Planner , County of Oxford
1980 - 1981	Planning Assistant , County of Wellington

SELECTED PROJECT EXPERIENCE

EVIDENCE

- Ontario Municipal Board
- Consolidated Hearings Board
- Ontario Superior Court of Justice

SITE PLAN DESIGN AND APPROVALS

- Residential (apartment buildings, townhouse developments)
- Commercial developments (stand alone, shopping centres, new format retail)
- Industrial developments (concrete block plant, concrete batching plant, food processing plant)
- Fairgrounds expansion

CONTACT

7050 Weston Road
Suite 230
Woodbridge, ON L4L 8G7
T 905 761 5588 x212
F 905 761 5589
clarkson@mhbcplan.com
www.mhbcplan.com



CURRICULUM VITAE

W. Brent Clarkson, MA, MCIP, RPP

SUBDIVISION DESIGN AND APPROVALS

- Residential plans (urban, estate residential, resort residential)
- Business park/Industrial

PROJECT MANAGEMENT

- Subdivision approval, plan registration
- Site plan approval, co-ordination of technical requirements, secure building permit

GOVERNMENT RESTRUCTURING

- Member of consulting team which prepared the Study to Strengthen Local Government in the Sarnia/Lambton Area
- Consultant to the Township of Bruce to assist with County restructuring

AGGREGATE RESOURCE PLANNING

- Aggregate Resource Act (1989) Licence Approvals
- Preparation of detailed Site Plans, Operations Plans and Rehabilitation Plans in support of Aggregate Resources Act (1989) Licence application
- Represented Ontario Stone Sand and Gravel Association (then APAO) at Region of Peel Official Plan Ontario Municipal Board Hearing and also at successful settlement negotiations regarding Town of Caledon Aggregate Policies (OPA 161)
- Represented individual aggregate producers at successful settlement negotiations regarding Township of Oro-Medonte Official Plan Amendment 16/17, Township of Severn Official Plan (2005), Region of Durham Official Plan Amendment 114 and Region of Niagara Official Plan Amendment 187

NIAGARA ESCARPMENT PLAN MATTERS

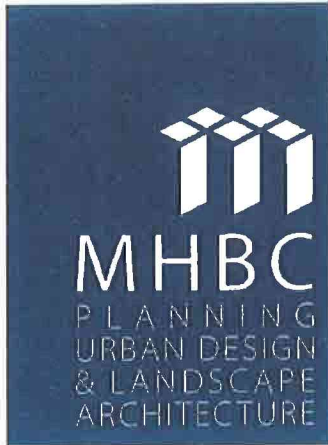
- Represented private clients during the Five Year Plan Review
- Applications to amend the Niagara Escarpment Plan and applications for Development Permits

RESEARCH & POLICY

- Preparation of background research/Draft Secondary Plan for the Town of Tillsonburg
- Consultant to Guelph Development Association in reviewing proposed City of Guelph Development Charges
- Consultant to Town of Listowel for preparation of Retail Market Analysis/Commercial Needs Study
- Preparation of Bruce Township Development Study
- Consultant to Town of Goderich relative to new County of Huron Official Plan

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CURRICULUM VITAE

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- Member of Consulting Team which prepared the Stratford Groundwater Study
- Preparation of Bradford West Gwillimbury Area 4 Secondary Plan

EXPROPRIATION

- Preparation of Planning Studies to assess impact of expropriations
- Expert witness at Ontario Municipal Board

MUNICIPAL PEER REVIEW CONSULTANT

- Peer review consultant to Norfolk County retained to assess several separate major commercial applications in the area south of Tillsonburg and in the community of Simcoe. Defended County position at OMB

SPECIFIC CLIENTS/LOCATIONS

- Consultant to Saugeen Golf Club in obtaining necessary approvals for golf course expansion
- Consultant to Price Club in obtaining subdivision plan approval, site plan approval building permit in the City of Kitchener and Town of Ancaster. Obtained site plan approval for Price Club for additional warehouse in St. Catharines and Mississauga North
- Consultant to Alkenheads/Home Depot in obtaining site plan approval and building permit for Home Improvement Warehouses in Kitchener, Cambridge, Windsor, St. Catharines, Ancaster, Hamilton, London, Waterloo, Richmond Hill, Etobicoke, Brantford, Mississauga, Markham, Belleville, Toronto (North York, East York), Orillia, Oshawa, Gatineau, Sudbury, Aurora, Cornwall, Clarington, Barrie, Collingwood, Lindsay, Huntsville. Obtain planning approvals for building additions and additional uses in Vaughan, Brampton, Oakville, Toronto, Etobicoke, East York and Scarborough, Nepean, Gloucester, Whitby, Barrie and Markham
- Consultant to Provigo Distribution Inc. (Maxi, Maxi & Co.) in Toronto (Scarborough, Toronto), Waterloo, Orangeville, Waterdown, Barrie
- Consultant to Longos in obtaining development approvals
- Consultant to Extendicare Canada in undertaking site research and obtaining approvals for long term care facilities
- Consultant to Future Shop, Canadian Tire, Toronto Dominion Bank, Bank of Montreal, Tim Hortons, Cara Foods, Beaver Fuels, Armbro Construction, Milton Limestone, United Aggregates, Walker Industries, Dufferin Custom Concrete, Georgian Aggregates and Construction, CBM/St. Mary's, Lafarge Canada Inc., Dufferin Aggregates, Superior Aggregates

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CURRICULUM **VITAE**

W. Brent Clarkson, MA, MCIP, RPP

- Consultant to Morguard REIT, ICI Realty, Devan Properties, Verdone Group, Orlando Corporation, Trinity Development Group Inc. Smart!Centres and other convenience, community and regional shopping centre applications
- Representation of private clients in Cities of Toronto, Vaughan, Brampton, Mississauga, Oshawa, Kitchener, Waterloo, Cambridge, Guelph, Brantford, Stoney Creek, Woodstock, Owen Sound, Burlington, Stratford, Ancaster, Windsor and London; in Towns of Ajax, Richmond Hill, Oakville, Clarington, Fergus, Listowel, Southampton, Kincardine, Port Elgin, Milton, Caledon, Halton Hills, Niagara-on-the-Lake, Townships of Woolwich, Wilmot, North Dumfries, South Dumfries, Amabel, Zorra, South-West Oxford, Blandford-Blenheim, Westminster, Huron, Eastnor, Erin, Wainfleet, Saugeen, Bruce, Orillia (Severn), and Municipality of Wawa.

CONTACT

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www.mhbcplan.com

This is Exhibit "B" referred to in the
affidavit of W. Brent Clarkson
sworn before me, this 1st
day of December 2014

 K. Clements
A COMMISSIONER FOR TAKING AFFIDAVITS

Kimberley Anne Clements, a Commissioner, etc.,
Province of Ontario, for MacNaughton Hermsen
Britton Clarkson Planning Limited
Expires August 17, 2015.

Office of Consolidated Hearings Order:
Re Walker Aggregates Inc.

08-094

Appendix A

Niagara Escarpment Plan Amendment PS 161 05

Office of Consolidated Hearings Decision:
Walker Aggregates Inc.

08-094

Appendix A

Niagara Escarpment Plan Amendment PS 161 05

NIAGARA ESCARPMENT PLAN AMENDMENT PS 161 05
REDESIGNATION OF LANDS IN THE NIAGARA ESCARPMENT PLAN AREA
TO MINERAL RESOURCE EXTRACTION AREA TO PERMIT A
QUARRY OPERATION

IN ACCORDANCE WITH A DECISION OF THE JOINT BOARD DATED
JUNE 18, 2012

(Revised Oct. 11, 2012 and
March 21, 2014)

18.

TABLE OF CONTENTS

PART A - THE PREAMBLE

PART B - THE AMENDMENT

PART C - SCHEDULE "A"

PART A- The Preamble

PURPOSE:

To amend the Niagara Escarpment Plan by redesignating a portion of the Licence Area within the Subject Lands, as shown on Schedule A of this Amendment, from Escarpment Rural Area to Mineral Resource Extraction Area to permit a quarry and all its related components, but not including an asphalt plant or concrete batching plant. To amend the Niagara Escarpment Plan by introducing a special policy applicable to the Subject lands which are comprised of lands being designated Mineral Resource Extraction Area and to the Buffer Lands which are designated Escarpment Natural Area, Escarpment Protection Area, and Escarpment Rural Area as shown on Schedule A. The site specific policy will permit the Buffer Lands to be used for water management and monitoring related to the quarry operation. Finally, to amend the Niagara Escarpment Plan as it relates to lands legally described as Lot 24, Concession 12 to specifically permit aggregate materials extracted from Lot 25, Concession 12 to be processed at the existing processing plant located in Lot 24, Concession 12, on an interim basis, until such time as there is sufficient area within Lot 25, Concession 12 to relocate the processing and related facilities.

LOCATION:

The Licence Area is 65.93 ha within Lot 25, Concession 12. It is also proposed that the Buffer Lands within Part of Lot 25, Concession 11, and Part of Lot 26, Concession 12, Township of Clearview, County of Simcoe shall remain designated Escarpment Natural Area, Escarpment Protection Area and Escarpment Rural Area subject to a special policy permitting water management and monitoring relating to the quarry operation in addition to the uses already permitted in those designations. The lands subject to the special policy allowing processing of aggregate material from Lot 25, Concession 12 are located to the immediate south and are legally described as Lot 24, Concession 12.

THE APPLICANT:

Walker Aggregates Inc.

BASIS:

Under Section 6.1(2) of the *Niagara Escarpment Planning and Development Act*, an amendment to the Niagara Escarpment Plan "may be initiated by the Minister or the Commission, and application may be made to the Commission by any person or public body requesting an amendment to the Plan".

This Amendment to the Niagara Escarpment Plan implements the Decision of the Joint Board dated the 18th day of June 2012 which Decision, Inter alia, approved this amendment together with an amendment to the Township of Clearview Official Plan; ordered that a Development Permit be issued with conditions for the Duntroon Quarry Expansion; and directed the Minister of Natural Resources to issue with conditions a Category 2, Class A Licence to Walker Aggregates Inc. under the Aggregate Resources Act ("the ARA") to operate a quarry.

For clarification, the Licence Area is comprised of:

- The extraction area as shown on the ARA site plan;
- The setbacks from Grey Road 31 and Simcoe Road 91 as shown on the ARA site plan;
- Portions of the required setbacks from the Duntroon Escarpment Life Science ANSI including ANSI wetland A and ANSI wetland B setbacks as shown on the ARA site plan.

Note: The Licence Area excludes Rob Roy Provincially Significant Wetland Unit 2, Colony 1 of the American Hart's Tongue Fern, and their respective required setbacks).

It may be necessary to install injection wells or other monitoring and mitigation measures on the Buffer Lands. Any appurtenances required for monitoring and mitigation will be governed by the ARA licence.

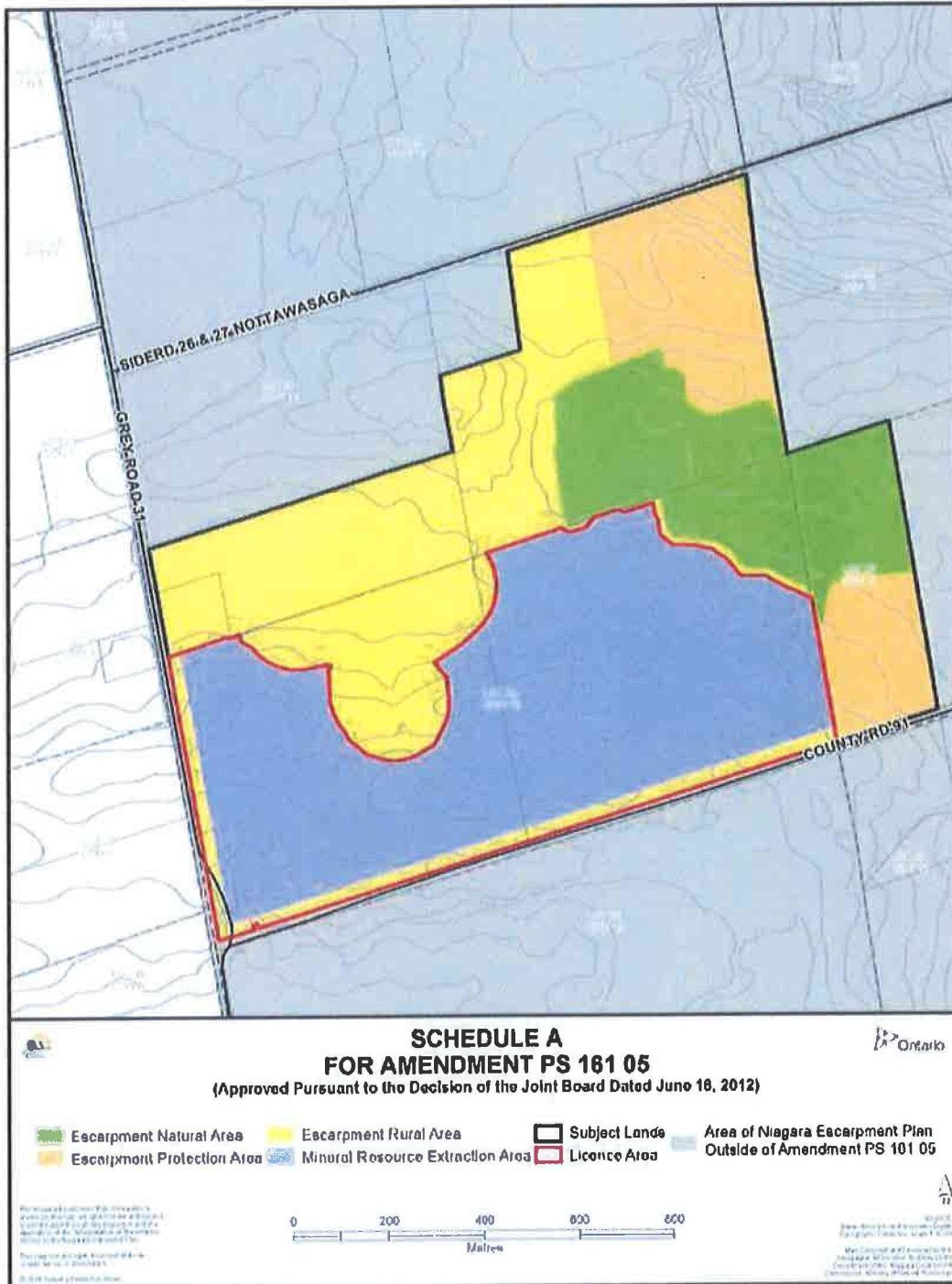
Other than the additional uses permitted by the special policy, the existing Niagara Escarpment Plan policies pertaining to the Buffer Lands will continue to apply.

PART B – THE AMENDMENT

The Niagara Escarpment Plan is amended as follows:

1. Map 5 of the Niagara Escarpment Plan is amended by redesignating a portion of the lands shown on Schedule A to Mineral Resource Extraction Area,;
2. The following permitted use is added to Part 1.5, the Escarpment Rural Area, Permitted Uses:
 40. The portion of the Subject Lands associated with Amendment 161 to the Niagara Escarpment Plan which are outside of the Mineral Resource Extraction Area designation (shown on Schedule A) and which are designated Escarpment Rural Area may be used for installation of, access to, facilities and servicing for, and related to, the water management and monitoring system associated with the quarry located in the Mineral Resource Extraction Area. Any such works shall be subject to a Development Permit and any disturbance of these lands shall be minimized. Extraction shall not be permitted on these lands.
3. The following permitted use is added to Part 1.4, the Escarpment Protection Area, Permitted Uses:
 37. The portion of the Subject Lands associated with Amendment 161 to the Niagara Escarpment Plan which are outside of the Mineral Resource Extraction Area designation (shown on Schedule A) and which are designated Escarpment Protection Area may be used for installation of, access to, facilities and servicing for, and related to, the water management and monitoring system associated with the quarry located in the Mineral Resource Extraction Area. Any such works shall be subject to a Development Permit and any disturbance of these lands shall be minimized. Extraction shall not be permitted on these lands.

4. The following permitted use is added to Part 1.3, the Escarpment Natural Area, Permitted Uses:
 25. The portion of the Subject Lands associated with Amendment 161 to the Niagara Escarpment Plan which are outside of the Mineral Resource Extraction Area designation (shown on Schedule A) and which are designated Escarpment Natural Area may be used for installation of, access to, facilities and servicing for, and related to, the water management and monitoring system associated with the quarry located in the Mineral Resource Extraction Area. Any such works shall be subject to a Development Permit and any disturbance of these lands shall be minimized. Extraction shall not be permitted on these lands.
5. The following permitted use is added to Part 1.9, the Mineral Resource Extraction Area:
 20. Notwithstanding any other provision of this Plan, uses accessory to the extraction of aggregate from Lot 25, Concession 12 (associated with Amendment 161 to the Niagara Escarpment Plan) shall be permitted on Lot 24, Concession 12, Township of Clearview, ARA Licence No.3514, including all processing facilities, but only for such a period of time as is necessary to: (i) create an area of 18 ha on the quarry floor in Phase I of the ARA Licence on Lot 25, Concession 12 (associated with Amendment 161 to the Niagara Escarpment Plan) and (ii) to discontinue or relocate the accessory uses. An asphalt plant, concrete plant, brick manufacturing plant and any other similar manufacturing use shall not be permitted as an accessory use on Lot 24, Concession 12, Township of Clearview, ARA Licence No. 3514.

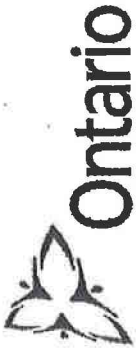


This is Exhibit _____ "C" _____ referred to in the
affidavit of _____ W. Brent Clarkson _____
sworn before me, this _____ 1st _____
day of _____ December _____ 2014 _____

K. Clements

A COMMISSIONER FOR TAKING AFFIDAVITS

Kimberley Anne Clements, a Commissioner, etc.,
Province of Ontario, for MacNaughton Hermesen
Britton Clarkson Planning Limited
Expires August 17, 2015.



LICENCE
Aggregate Resources Act

PERMIS
Loi sur les ressources en agrégats

Licence No. 607841
No du permis

New Licence

Pursuant to the Aggregate Resources Act and Regulations thereunder, and subject to the limitations thereof and to the conditions of the licence and the requirements of the site plan,
 Conformément à la Loi de 1997 sur les ressources en agrégats et à ses règlements, et sujet aux restrictions qu'ils comportent, aux conditions d'octroi du permis et aux exigences du plan du site,

this Class A licence is issued to:
 nous délivrons ce permis de classe: A à: **WALKER AGGREGATES INC.**

P.O. Box 100
 Thorold, ON
 CANADA
 L2V 3Y8

to operate a Quarry on a 66.93 hectare site located in:
 pour exploiter un/une Quarry sur le terrain de 66.93 hectares situé à l'endroit suivant:
25, Pt. 26, Pt. 25 12, 12, 11 NOTTAWASAGA CLEARVIEW TP SIMCOE CO

Lot 25, Pt. 26, Pt. 25 12, 12, 11 Section NOTTAWASAGA Geographic Township CLEARVIEW TP Local Municipality SIMCOE CO County / Regional Municipality / District

The licence is subject to the following conditions:
 Ce permis est assujéti aux conditions suivantes: **As shown on attached Schedule A and B**

Effective the 6 day of August '14
 En vigueur le 6 jour de August '14

Minister of Natural Resources and Forestry
 Ministre des Richesses naturelles et des Forêts



LICENCE
Aggregate Resources Act
PERMIS
Loi sur les ressources en agrégats

Licence No.
No du permis 607841

New Licence

SCHEDULE A

- 1) Dust will be mitigated on site.
- 2) Water or another provincially approved dust suppressant will be applied to internal haul routes and processing areas as often as required to mitigate dust.
- 3) Processing equipment will be equipped with dust suppressing or collection devices, where the equipment creates dust and is being operated within 300 metres of a sensitive receptor.
- 4) Any recommendations and/or recommended monitoring program identified in the technical reports will be described on the site plan and all records will be retained by the licensee and made available upon request by the Ministry of Natural Resources and Forestry (MNRF) for audit purposes.
- 5) A Spills Contingency Program will be developed prior to site preparation.
- 6) Fuel storage tanks will be installed and maintained in accordance with the Liquid Fuels Handling Code under the Technical Standards and Safety Act.
- 7) If required, a Certificate of Approval will be obtained for the discharge system should water be discharged off site.
- 8) If required, a Certificate of Approval will be obtained for processing equipment to be used on site, prior to the operation of the plant.
- 9) If required, a Permit to Take Water will be obtained for utilizing ground and/or surface water.
- 10) The licensee will monitor all blasts for ground vibration and blast overpressure and will operate to ensure compliance with current provincial guidelines.
- 11) Blasting will not occur on a holiday or between the hours of 6 p.m. on any day and 8 a.m. the following day.
- 12) All blast monitoring reports must be retained by the licensee and made available upon request by the MNRF for audit purposes.

SCHEDULE B

In the event that oil or gas works are found on the licensed site, the licensee must contact the MNRF immediately to discuss the appropriate setback that will be established around the oil or gas works.

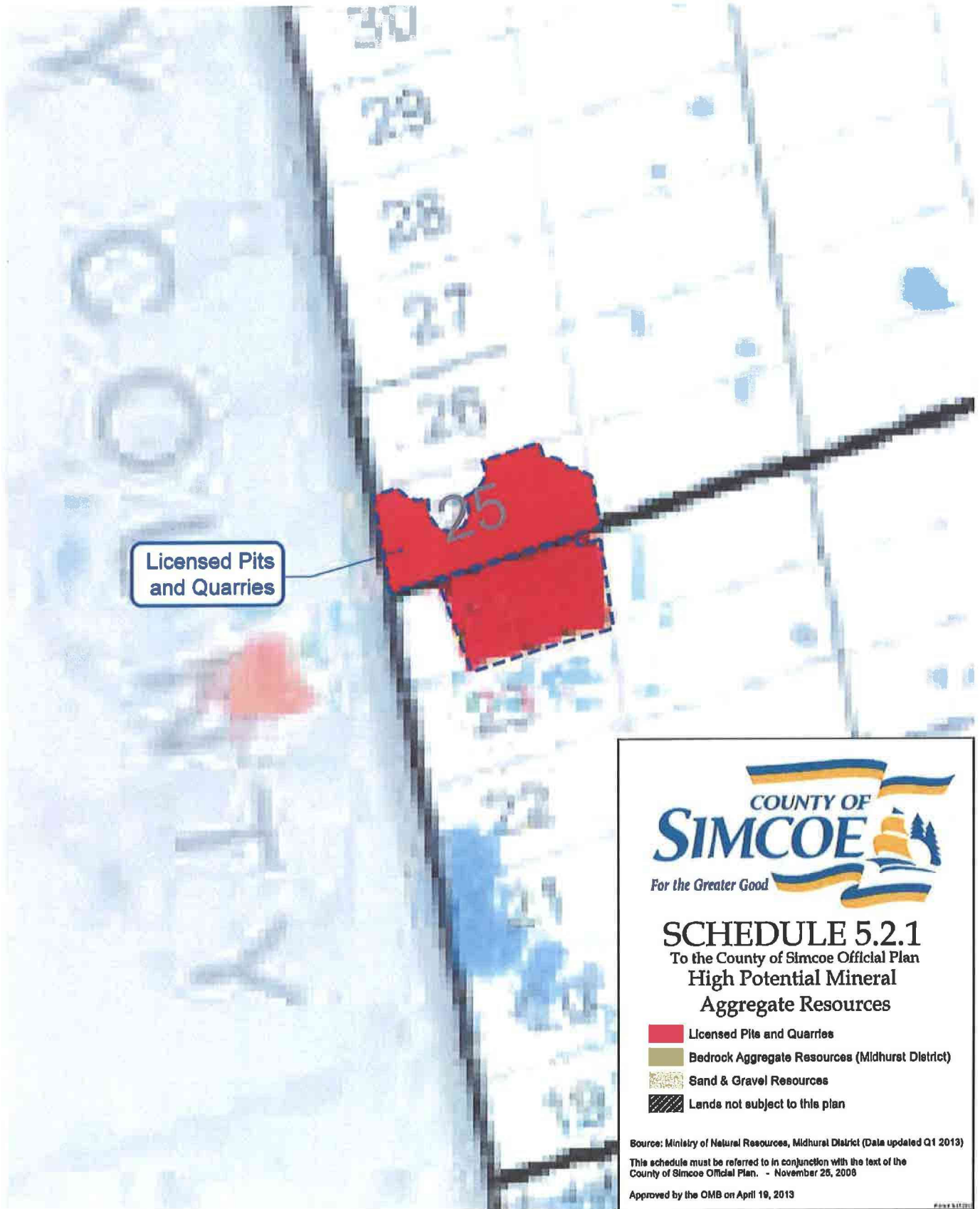
This is Exhibit "D" referred to in the
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sworn before me, this 1st
day of December 2014

 K Clements

A COMMISSIONER FOR TAKING AFFIDAVITS

Kimberley Anne Clements, a Commissioner, etc.,
Province of Ontario, for MacNaughton Hermsen
Britton Clarkson Planning Limited
Expires August 17, 2015.

Duntroon Quarry Expansion Licence 607841

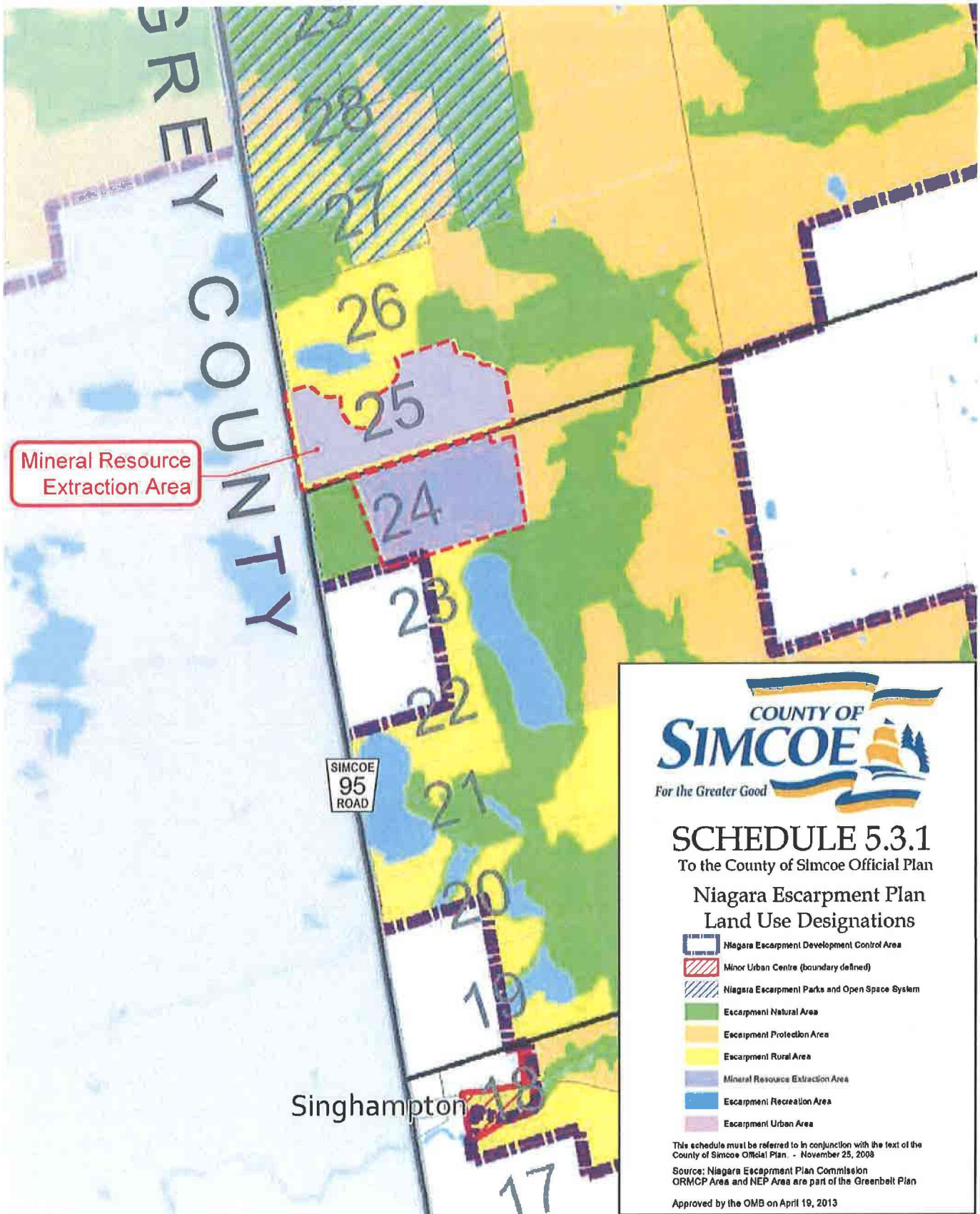


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sworn before me, this 1st
day of December 2014

 K. Clements
A COMMISSIONER FOR TAKING AFFIDAVITS

**Kimberley Anne Clements, a Commissioner, etc.,
Province of Ontario, for MacNaughton Hemmsen
Britton Clarkson Planning Limited
Expires August 17, 2015.**

Duntroon Quarry Expansion Licence 607841



ONTARIO MUNICIPAL BOARD

**NOTICE OF MOTION
(Duntroon Quarry Mapping)**

THOMSON, ROGERS
Barristers and Solicitors
3100 - 390 Bay Street
Toronto, Ontario
M5H 1W2

ROGER T. BEAMAN
L.S.U.C. No. 14079T
416-868-3157
Fax No. 416-868-3134

Lawyers for the Corporation
of the County of Simcoe

(050873 /aph)