

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: September 21, 2015

CASE NO(S): PL150119

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Arbour Farms Limited
Subject:	Request to amend the Official Plan - Failure of Township of Mulmur to adopt the requested amendment
Existing Designation:	Rural and Natural Area
Proposed Designated:	Extractive Industrial designation
Purpose:	To permit a sand and gravel pit
Property Address/Description:	Lot 23, Concession 7, East of Hurontario Street
Municipality:	Township of Mulmur
Approval Authority File No.:	OP01/2013
OMB Case No.:	PL150119
OMB File No.:	PL150119
OMB Case Name:	Arbour Farms Limited v. Mulmur (Township)

PROCEEDING COMMENCED UNDER subsection 11(5) of the *Aggregate Resources Act*, R.S.O. 1990, c. A.8, as amended

Referred by:	Jane Ireland
Objector:	John Bowles
Objector:	Conserve Our Rural Environment
Objector:	Gary Corlett
Objector:	Carl Cosack; and others
Applicant:	Arbour Farms Limited
Subject:	Application for a Class A licence for the removal of aggregate
Property Address/Description :	Part Lot 23, Concession 7
Municipality:	Township of Mulmur
OMB Case No.:	PL150119
OMB File No.:	MM150011

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:

Arbour Farms Limited

Subject:

Application to amend Zoning By-law No. 05-02
- Refusal or neglect of the Township of Mulmur
to make a decision

Existing Zoning:

Rural and Environmental Protection

Proposed Zoning:

Extractive Industrial (MX)

Purpose:

To permit a sand and gravel pit.

Property Address/Description:

Lot 23, Concession 7, East of Hurontario Street

Municipality:

Township of Mulmur

Municipality File No.:

ZB01/2013

OMB Case No.:

PL150119

OMB File No.:

PL150120

Heard:

July 8, 2015 in Terra Nova, Ontario

APPEARANCES:

Parties

Counsel

Arbour Farms Ltd.

D. Wood

Wellspring Farms Ltd.

N. J. Pepino

Conserve Our Rural Environment
(CORE)

Township of Mulmur

D. Germain

DECISION OF THE BOARD DELIVERED BY K. J. HUSSEY AND ORDER OF THE BOARD

[1] This is the first Pre-hearing Conference (“PHC”) for the appeals brought by Arbour Farms Ltd. (“Arbour Farms”) from the Township of Mulmur’s refusal or neglect to make a decision to amend the Mulmur Township Official Plan and Zoning By-law 05-02, for the purpose of permitting a sand and gravel pit on property legally known as Lot 23, concession 7 in the Township of Mulmur (the “subject property”). The size of the subject property is 80 hectares, and approximately 41.7 hectares are proposed to be licenced under the *Aggregate Resources Act*.

[2] The Ministry of Natural Resources and Forestry has referred the Application for a Class A license for the removal of aggregate from the subject property.

[3] A number of matters were addressed at the PHC including requests for party and participant status, Board assisted mediation, the time frame for a hearing and a second prehearing conference.

REQUEST FOR STATUS

[4] The following persons filed objections to the license applications and are therefore parties to these proceedings:

Glenn Perrett
Lisa Swinton
Cheryl Russel
John Thomson
Jennifer Wink
Wellspring Farms Ltd.
Michael Monahan
Nicole and Bruce Moffat
David McAuley
Robert Macdonald
Jim Lorriman
Peter Hubrecht and Maria Hubrecht
Robert Green
Mono Mulmur Citizen's Coalition
Conserve Our Rural Environment
Norman Wolfson
Christina Wigle
Ann Ferguson
Dorothee Cosack
Carl Cosack

Gary Corlett
 John Bowles
 Graham Fraser

[5] The following additional requests for party status were made and were granted:

Ken Mikoliew
 James Sheffield
 Olive Bowles
 Sue-Ann Power
 Ann Ferguson
 Natalie Kotyck
 Sher Arnfinson
 David Bowles
 Sue Snider or Kirsten Plester (Safe Communities of the Hill Country)
 Ian Houston and Sylvia Houston
 Herb Spitzer
 Peter Stinson
 Ron Charles

[6] Because of the number of persons identified as parties, the Board stood down to allow these individuals an opportunity to discuss how they would proceed to achieve the most efficient hearing: would they align themselves with other groups or continue on an individual basis? On resumption it was clear that more time was needed for the parties to make a decision and therefore the Board directed the parties to confirm by the end of August how they intended to proceed.

[7] Below are the results of the parties' confirmation of their intentions:

NAME	STATUS AS OF AUGUST 31, 2015
NATALIE KOTYCK	Confirmed Party status
SHER ARNFINSON	Confirmed Party status

JOHN THOMSON	Formed new group (Airport Road Gravel Group)
DAVID BOWLES	
GRAHAM FRASER	Formed new group (Airport Road Gravel Group)
LYNDA BLOOM	Formed new group (Airport Road Gravel Group)
RON CHARLES	
SUE SNIDER/KIRSTEN PLESTER/SAFE COMMUNITIES OF THE HILL COUNTRY	
DON MACFARLANE/MONO MULMUR COALITION	
CHERYL RUSSEL	
LAWRENCE BELL/JACQUELINE RALSON	Requested downgrade to Participant status
HERB SPITZER	
DAVID CASPARI/JANE SOMERVILLE	Shelter under CORE
MICHAEL MONAGHAN	Formed new group (Airport Road Gravel Group)
ANN FERGUSON	
KEN MIKOLIEW	
IAN & SYLVIA HOUSTON	
JAMES SHEFFIELD	
LISA SWINTON	Requested Downgrade to Participant status
ALEX KUTUZYA	Withdrawn
PETER HUBRECHT	Maintain Party status under CORE
MARIA HUBRECHT	Maintain Party status under CORE
OLIVE BOWLES	
SUE-ANN POWER	Maintain Party status under CORE
CAROLINE BURNFORD	Formed new group (Airport Road Gravel Group)
KAREN HERTEL	Shelter under CORE

BILLIE POWER	Shelter under CORE
JIM LORRIMAN	Requested Downgrade to Participant status
CONSERVE OUR RURAL ENVIRONMENT	Confirmed Party status
DAVID McAULEY	Formed new group (Airport Road Gravel Group)
ALISTAIR CRAWLEY/BARBARA CRAWLEY	Formed new group (Airport Road Gravel Group)
IAN HOUSTON/SYLVIA HOUSTON	
PETER STINSON	

REQUESTS FOR PARTICIPANT STATUS

[8] The following persons requested and were granted participant status:

Lisa Thompson
 Carl Cosack
 John Bowles
 Julie and Ronald Roy
 Jennifer Wink
 Crawford Spencer and Sandra Spencer

MEDIATION

[9] The parties expressed interest in Board assisted mediation and to that end the Board will conduct a mediation assessment as early as can be accommodated by the Board's calendar. The Case Coordinator, Raymond Borja, will be in contact with the parties to make the necessary arrangements.

HEARING DATES

[10] There were discussions regarding the starting date and length of the hearing. However, until the mediation assessment is done and it is decided when and how much

time would be set aside for the mediation, it is premature to fix hearing dates. Following the mediation assessment the Board will hold a second pre-hearing conference at which the hearing dates can be entertained. In addition, the parties should be prepared to present an issues list and a draft procedural order. The date for the PHC will be determined as soon as possible after the Mediation assessment.

"K. J. Hussey"

K. J. HUSSEY
VICE CHAIR

If there is an attachment referred to in this document
please visit www.elfto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

A constituent tribunal of Environment and Land Tribunals Ontario
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