



Clearview Township Administration Centre
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FOR IMMEDIATE RELEASE

Statement from Clearview Township Council on 2023 Minutes of Settlement with Walker Aggregates

CLEARVIEW, ON July 4, 2023 – The Council of the Corporation of Clearview Township would like to provide this statement on the decision made at a Special Council Meeting on July 4, 2023.

Council approved entering into Minutes of Settlement with Walker Aggregates Inc. to resolve litigation and potential litigation involving Township Road 91 and 26/27 Sideroad. Council directed the Mayor and Clerk to execute the Minutes of Settlement on behalf of the Township for presentation to Walker Aggregates for execution.

The Township has made every reasonable effort to fulfill its contractual obligations with Walker Aggregates Inc. arising from the Minutes of Settlement entered into with the County of Simcoe and Walker dated April 9, 2010, that required specific road improvement work to be carried out in connection with the expansion and operation of the Walker Quarry operation west of Duntroon. The 2010 Minutes of Settlement were entered into by the parties in good faith and were endorsed by the Joint Board in its Decision dated June 18, 2012, granting Walker the approval that it required to proceed with the expansion of its quarry operations.

Almost immediately following the release of the Joint Board Decision, those opposed to the quarry expansion began concerted efforts to frustrate the Minutes of Settlement and the Decision placing particular focus on the one component of the road improvement work that they perceived was an essential component of the expansion plan. At the time the Decision was released, the road improvement work proposed for 26/27 Sideroad as well as Concession 10 was fully within the Township's jurisdiction under the Municipal Act, 2001. No authority was given to any external agency that would require the Township to obtain a permit to carry out road improvement work within its existing road allowances. After the Decision was released, the Province was persuaded to amend O. Reg 828/90 effective January 5, 2013, which required that the Township apply for a development permit from the Niagara Escarpment Commission (NEC) to conduct any road improvement work on road allowances located within the NEC jurisdiction.

Faced with this new requirement, the Township was obligated pursuant to the Minutes of Settlement to make an application to the NEC for a development permit to carry out the road improvement work within the 26/27 Sideroad road allowance as well as within the Concession 10

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road allowance. A permit application was filed by the Township with the NEC on January 31, 2014, for the limited improvements to be made to 26/27 Sideroad. A permit application was also submitted for the improvements to be made to the Concession 10 road allowance.

Despite recommendations made by NEC staff in a Staff Report dated November 19, 2015, to approve the issuance of a permit and despite the submission of several supporting plans, studies, reports and related material, the NEC Commissioners refused to issue a permit to the Township for any road improvement work to be carried out by the Township within the 26/27 Sideroad road allowance. In good faith, the Township appealed the decision of the NEC and, over the course of several years, attempted to satisfy the issues being raised by the NEC and others in order to have the permit issued and allow the road improvement work to proceed. On January 15, 2021, the NEC finally issued a permit for the road improvement work to be completed for the Concession 10 road allowance.

In December of 2021, the Township received a letter from the Environmental Assessment Branch of the Ministry of Environment, Conservation and Parks (MECP) suggesting that the road improvement work would require a full environmental assessment review despite having earlier issued a letter confirming that the proposed work was exempt. In response to the letter, the Township and its consultants referred to the prior correspondence received from the MECP and made additional submissions to the MECP in support of the Township's understanding that the 26/27 Sideroad road improvement work project was exempt under the Municipal Class EA classification requirements.

During this time, the Township's appeal of the NEC decision was placed on hold while the classification of the road improvement work project was under review by the MECP. On December 22, 2022, the Director of the Environmental Assessment Branch of the MECP sent a letter to the Township announcing its new position that the 26/27 Sideroad road improvement project was now being regarded as a Schedule C project and that all of the requirements for approval of a Schedule C project under the Environmental Assessment Act would have to be satisfied.

By the fall of 2022, the cost of the 26/27 Sideroad road improvement project (construction costs) had escalated from an estimated cost of \$500,000.00 in 2010 to approximately \$3,500,000.00. With the added cost of complying with the Schedule C Class EA requirements now being imposed on the Township by the MECP and the continuing costs and uncertainty associated with the appeal of the NEC refusal to issue a permit, the Township felt that it was in the public interest to reach out to Walker to explore alternatives. The Township's objectives were to resolve the issue arising from its contractual obligation to complete the 26/27 Sideroad road improvement work while continuing to respect the 2010 Minutes of Settlement and to find a way to address the traffic management issues that would result from the abandonment of that project.

Following meetings with representatives of Walker, an agreement in principle was reached that would allow the Township to abandon the 26/27 Sideroad road improvement project while retaining ownership of the portion of former County Road 91 and keep it open as a local

connecting road to serve the transportation needs of the Township and surrounding communities including those in Grey Highlands and the Town of the Blue Mountains. In exchange for Walker relinquishing its contractual right to have the portion of former County Road 91 stopped up and transferred to it by the Township and the road improvement work completed with respect to 26/27 Sideroad, the Township agreed to continue to provide support to Walker in its ongoing interest in the operation of the Duntroon Quarry.

This change to the terms of the original settlement with Walker would serve the overall public interest of the Township for the following reasons:

1. Keeping a transportation corridor open;
2. Bringing an end to the cost and uncertainty involved in the process imposed on it by the NEC and the Province to carry out the road improvement work to 26/27 Sideroad; and
3. In recognizing the significant benefit that the Walker quarry operation provides to the local economy and surrounding community as well as the Province through its business operation.

The Minutes of Settlement agreed upon with Walker and approved by Council today will be published on the Township's website once they have been fully executed.

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