

ONTARIO MUNICIPAL BOARD
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsections 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
Munic: County of Simcoe

OMB Case No.: PL091167
OMB File No.: PL091167

MOTION RECORD
PHASE 1B

HGR Graham Partners LLP
518 Yonge Street
Midland, Ontario
L4R 2C5
Paul J, Peterson
Phone: (705)526-2231
Fax: (705)526-0313

Solicitors for the Town of Midland

**TO: ALL APPELLANTS/PARTIES PARTICIPATING IN PHASE 1B SET OUT
IN ATTACHMENT "A" and "B"**

AND TO: ONTARIO MUNICIPAL BOARD
655 Bay Street, 15th Floor, Toronto, Ontario, M5G 1E5
Attention: Kimberly Livingstone, Planner
Via email to: kimberly.livingstone@ontario.ca
Phone: 416-326-6773 Fax: 426-326-5370

ATTACHMENT "A"
LIST OF APPELLANT AND PARTIES PHASE 1B – COUNTY OF
SIMCOE OFFICIAL PLAN
OMB File PL091167

Appellant	Lawyer/Agent	E-mail Address	Appellant Number
County of Simcoe	Roger Beaman	rbeaman@thomsonrogers.com	1
	Brenda Clark – County Clerk	bclark@simcoe.ca	1
Janice & David Wright	David Whit Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca	11
Hanson Development Group	Patricia Foran	pforan@airdberlis.com	31
Party	Lawyer/Agent	E-mail Address	Party Number
Ministry of Municipal Affairs and Housing	Ken Hare Ugo Popadic Michael F. Spagnolo (student at law)	ken.hare@ontario.ca Ugo.Popadic@ontario.ca Michael.F.Spagnolo@ontario.ca	A
Town of Penetanguishene	Edward Veldboom	eveldboom@russellchristie.com	C1
Town of Midland	Paul Peterson	ppeterson@hgrgp.ca	F
White Water Holdings Ltd.	Barry Horosko Caterina Facciolo	bhorosko@bratty.com cfacciolo@bratty.com	M
Participant	Lawyer/Agent	E-mail Address	Participant Number
Simcoe County Federation of Agriculture	Colin Elliot	Rockeynol32@gmail.com	9

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

March 12, 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	Craighurst Land Corp.	Susan Rosenthal	susanr@davieshowe.com
4	Huntingwood Trails (Collingwood) Ltd.	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@feeheylgastaldi.com
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 Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca
9	Innisfil Aleona Limited <i>[Appeal Withdrawn]</i>	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 Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca
12	12a Snow Valley Planning Corporation 12b 453211 Ontario Limited	David White Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca
13	McMahan Woods Developments Ltd.	David White Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca
14	Innisfil Beach Farms Inc.	David White Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca
15	Estate of Marie Louise Frankcom	James Feehely	jfeehely@feeheylgastaldi.com
16	Midhurst Ratepayers' Association <i>[Appeal Dismissed]</i>	David Strachan* Margaret Hutchison*	davidstrachan@yahoo.com mhutchis1000@gmail.com
17	Narinder Mann	Ian Rowe Adrianna Pilkington	irowe@barristonlaw.com apilkington@barristonlaw.com
18	Yorkwood Group of Companies	Patricia Foran	pforan@airdberlis.com
19	19a Rama Resorts International Inc. 19b Fernbrook Homes (Rama) Limited <i>[Appeal Resolved]</i>	Brian Goodreid*	briangoodreid@hotmail.com
20	1091402 Ontario Ltd. <i>[Appeal Withdrawn]</i>	David White Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca
21	Nicole and Brent Fellman	David White Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca
22	Travel-Rite Property Corp.	David White Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca

23	Aqua-Gem Investments Ltd.	David White Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca
24	442023 Ontario Limited	David White Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca
25	1045901 Ontario Limited	David White Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca
26	Kellwatt Limited	David White Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca
27	27a Ontario Potato Distributing Inc. 27b 1567219 Ontario Limited	Chris Barnett	cbarnett@davis.ca
28	Black Marlin Management Inc.	Caterina Facciolo Barry Horosko	cfacciolo@bratty.com bhorosko@bratty.com
29	Ahmadiyya Muslim Jama'at Canada Inc. (AMJC)	Caterina Facciolo Barry Horosko	cfacciolo@bratty.com bhorosko@bratty.com
30	D.G. Pratt Construction Limited	Jane Pepino Andrea Skinner	jpepino@airdberlis.com askinner@airdberlis.com
31	Hanson Development Group	Patricia Foran	pforan@airdberlis.com
32	Town of New Tecumseth	James Feehely	jfeehely@feehelygastaldi.com
33	Township of Adjala-Tosorontio	Stephen Waqué Isaac Tang	swaque@blg.com itang@blg.com
34	Robert Schickedanz in Trust	Ian Rowe Adrianna Pilkington	irowe@barristonlaw.com apilkington@barristonlaw.com
35	2115441 Ontario Inc.	David White Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca
36	Carson Trail Estates Inc.	David White Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca

ATTACHMENT "B"

LIST OF PARTIES- COUNTY OF SIMCOE OFFICIAL PLAN PL091167

March 12, 2014

No.	Party	Lawyer/Agent*	E-mail Address
A	Ministry of Municipal Affairs and Housing	Ken Hare Ugo Popadic Michael F. Spagnolo (Student-at-Law)	ken.hare@ontario.ca Ugo.Popadic@ontario.ca Michael.F.Spagnolo@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 West Gwillimbury	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 Adrianna Pilkington	irowe@barristonlaw.com apilkington@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 Alexandra Sadvari	mbull@woodbull.ca asadvari@woodbull.ca
K	Georgian International Land Corp.	Mary Bull Alexandra Sadvari	mbull@woodbull.ca asadvari@woodbull.ca
L	San Marco in Lamis Ltd.	Michael Vaughan	michaelbvaughan@yahoo.ca
M	White Water Holdings Ltd.	Barry Horosko Caterina Facciolo	bhorosko@bratty.com cfacciolo@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	Innisfil Mapleview Developments Limited	Susan Rogers	susan.rogers@sdrogerslaw.ca
S	2133952 Ontario Inc.	Harold Elston Aynsley Anderson	harold@elstons.ca aynsley@elstons.ca
T	Talisker Corporation	Harold Elston Aynsley Anderson	harold@elstons.ca aynsley@elstons.ca
U	U1 & U2 [Now Appellant 27 a & b]		
V	1651012 Ontario Ltd. now Sandycove Acres Limited	Ian Rowe Adrianna Pilkington	irowe@barristonlaw.com apilkington@barristonlaw.com
W	Township of Oro-Medonte	Chris Williams	cwilliams@airdberlis.com
X	998991 Ontario Inc.	Ian Rowe Adrianna Pilkington	irowe@barristonlaw.com apilkington@barristonlaw.com

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NOTICE OF MOTION

THE CORPORATION OF THE TOWN OF MIDLAND will make a Motion to the Ontario Municipal Board on **Tuesday, the 15th day of April, 2014 at 10:30 a.m.**, or as soon after that time as the Motion can be heard at the County of Simcoe Administration Centre, Council Chambers, 1110 Highway 26, Midhurst, Ontario, L0L 1X0.

THE MOTION IS FOR AN ORDER:

1. Abridging the time for service of this Motion;
2. Allowing the appeal in part and approving County OP Schedule 5.1- Land Use Designations as it applies to the Settlement Area and the location of the Settlement Area boundary for the Town of Midland (as shown on Exhibit B to the Affidavit of Wesley R. Crown found at Tab 2);
3. Deleting the location of the Town of Midland Settlement Area boundary from the Issues List approved for Phase 1b;
4. For such further and other relief as may seem just and appropriate

THE GROUNDS FOR THE MOTION ARE:

5. Schedule 5.1 as adopted by the County, depicts the Settlement Area boundary for the Town of Midland as being co-terminus with the Municipal boundary.
6. The experts for the Towns of Midland and Penetanguishene, the County of Simcoe and the Ministry of Municipal Affairs and Housing, met and supported the identification of the Settlement boundary of the Town of Midland as depicted in Schedule 5.1 of the Simcoe County Official Plan as adopted.
7. The Town of Midland entered into Minutes of Settlement with the County of Simcoe and the Ministry of Municipal Affairs and Housing.
8. Schedule 5.1 as it relates to the Settlement boundary for the Town of Midland is consistent with the PPS, conforms to Provincial Policy, including the Growth Plan for the Greater Golden Horseshoe including Amendment No. 1 (Chapter 6 - the Simcoe Sub-area).
9. Schedule 5.1 as it relates to the Settlement boundary for the Town of Midland represents good planning.
10. None of the remaining parties to the Phase 1b sought to change the depiction of the Settlement Area boundary for the Town of Midland from that which was adopted by the County of Simcoe. More specifically the remaining parties supported the identification of the Settlement Area boundary as the respective Municipal boundaries.
11. There is no longer any party that opposes the Settlement Area boundary for the Town of Midland as depicted on Schedule 5.1 of the Adopted County of Simcoe Official Plan.
12. Such further and other grounds as Counsel may advise and this Board may deem necessary.
13. Planning Act, R.S.O. 1990, c.P.13, as amended, subsections 17(40), 17(45), 17(50).
14. Rule 108 of the Ontario Municipal Board's Rules of Practice and Procedure.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the Hearing of the Motion:

1. The Affidavit of Wesley R. Crown, sworn April 11, 2014, and the Exhibits attached thereto;
2. The Minutes of Settlement to be entered into between the Town of Midland, the County of Simcoe and the Ministry of Municipal Affairs and Housing; and

3. Such further and other material as Counsel may advise and this Board may permit.

April 11, 2014

Paul J, Peterson
HGR Graham Partners LLP
518 Yonge Street
Midland, Ontario
L4R 2C5

Phone: (705)526-2231
Fax: (705)526-0313
Email: ppeterson@hgrgp.ca
Solicitors for the Town of Midland

ONTARIO MUNICIPAL BOARD
Commission des affaires municipales de l'Ontario

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AFFIDAVIT OF WESLEY R. CROWN, MCIP, RPP

1. I am the Director of Planning and Building Services for the Town of Midland and as such I have knowledge of the matters herein deposed.
2. I am a Registered Professional Planner. Attached to this my Affidavit and marked as Exhibit A is a copy of my Curriculum Vitae.
3. I participated in the experts meeting with respect to the Settlement Area boundary for the Towns of Midland and Penetanguishene and the Phase 1b Hearing. Arising from that meeting I attach as Exhibit B an extract from the County of Simcoe Official Plan Map Schedule 5.1 showing the Town of Midland Settlement Area and boundary.
4. In my professional planning opinion, the County of Simcoe properly identified the Settlement Area boundary of the Town of Midland as being co-terminus with the Municipal boundary as in Schedule 5.1 of the County Official Plan and Exhibit B.
5. In my professional planning opinion, the depiction of the Settlement Boundary for the Town of Midland is consistent with the PPS, conforms to provincial policy including the Growth Plan for the Greater Golden Horseshoe including Amendment No. 1 (Chapter 6 – the Simcoe Sub-area) and represents good and proper planning.
6. The Town of Midland is expecting to enter into Minutes of Settlement with the County of Simcoe and the Ministry of Municipal Affairs and Housing substantially in the form attached to the Motion Record (Tab 3).

7. Hanson Development Group is owner of the land within the Town of Midland that expressed an interest in participating in the Phase 1b hearing. I am advised and do understand that Hanson Development Group are now prepared to modify and scope their issues list to delete the location of the Town of Midland Settlement boundary.
8. There are no other parties who have identified any issue or land use planning grounds to oppose the Settlement Area boundary for the Town of Midland as shown on Schedule 5.1 as adopted.
9. As the Settlement Area boundary shown on Schedule 5.1 is consistent with the PPS and conforms to all other applicable provincial policies, the Board should, in my professional planning opinion, approve the Settlement Area and the location of the Settlement Area boundary for the Town of Midland as shown on Schedule 5.1 and more particularly as shown in Exhibit "B".
10. I make this Affidavit in support of the Motion by the Town of Midland seeking approval of the Settlement Area boundary for the Town of Midland as shown on Schedule 5.1 of the County of Simcoe Official Plan.

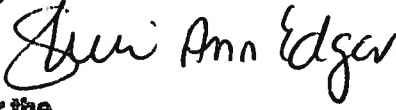
SWORN BEFORE ME at the Town)
)
 of Midland,)
)
 in the Province of Ontario)
)
 this 11th day of April, 2014)



 Wesley R. Crown, MCIP, RPP

A Commissioner for taking Affidavits etc.

Sherri Ann Edgar
 a Commissioner, etc.,
 Province of Ontario, for the
 Corporation of the Town of Midland
 Expires June 26, 2016



WESLEY R. CROWN, BES, MCIP, RPP

Sherri Ann Edgar *Sherri Ann Edgar*
a Commissioner, etc.,
Province of Ontario, for the
Corporation of the Town of Midland
Expires June 26, 2016

EDUCATION

1984 BES, University of Waterloo
1993 Certificate, Municipal Class Environmental Assessment, Sheridan College
1999 Sewage System Inspector, OBC, MMAH

April 11, 2014

PROFESSIONAL ACCREDITATION

Registered Professional Planner (RPP) - Ontario Professional Planners Institute
Full Member, Canadian Institute of Planners

EMPLOYMENT PROFILE

July 2008 to present Director of Planning and Building Services, Town of Midland
June 2006 to June 2008 Director of Planning, Township of Seguin
May 2003 to May 2006 Associate, Meridian Planning Consultants
January 1988 to May 2003 Director of Planning & Development, Township of Tay

RELEVANT EXPERIENCE

General

Responsible for the coordination and provision of planning services in the Town of Midland, including policy formulation and implementation, development and land use control and regulation (Applications to amend the Official Plan and General Zoning By-law, site plan control, subdivision and condominium, etc.)

Official Plans

Mr. Crown has prepared or assisted in the preparation of the following Official Plans in Ontario, including:

- Town of Blind River
- Township of Severn
- Town of Markham (Secondary Plans)
- Township of Tay (2)
- Township of Seguin

Zoning By-laws

Mr. Crown has prepared or assisted in the preparation of Comprehensive Zoning By-laws, General Standards By-laws and By-law updates for a number of municipalities including:

- Town of Blind River
- Central Almaguin Planning Board
- Township of Tay (2)
- Township of Seguin
- Town of Caledon (ORM Conformity By-law)
- Town of East Gwillimbury
- Municipality of Callander
- Town of Caledon (New Zoning By-law)

Development Applications

As a Municipal Planner, Mr. Crown has written detailed professional planning reports on hundreds of Official Plan Amendment applications, Rezoning Applications, Consent and Minor Variance applications, Site Plan Applications and Plan of Subdivision applications covering a range of development proposals.

As a Private sector Planner, Mr. Crown has prepared and submitted numerous development applications including:

- Szaowski Condominium Development - Town of Huntsville
 - Coordinated the submission of development applications for the approval of a 29 unit condominium building on Fairy Lake in the Town of Huntsville, including the retention and management of sub-consultants. The rezoning was approved by Council.
- Parkbridge Communities Development – Town of Penetanguishene
 - Coordinated the applications for Official Plan and Zoning By-law amendments for the 125 unit "Bay Moorings Community" in the Town of Penetanguishene. The development entails 125 units, both single detached and towns, in a leasehold development associated with the Bay Moorings Marina on Penetanguishene Bay. The development applications were approved and the project is now under construction.

Management Activities

Mr. Crown managed a staff of 7 FTE in the Township of Tay with respect to Building Inspection services, By-law Enforcement Services and Planning Services. As a private consultant, in addition to managing subordinate staff, regularly managed planning studies teamed by a range of professionals from the economic, engineering, urban design and environmental fields. Mr. Crown currently manages a staff of 7 FTE in both Planning and Building Services.

PROFESSIONAL AFFILIATIONS

- Member of the Ontario Professional Planners Institute's 1999 Conference Organizing Committee
 - Acted as a Facilitator in the delivery of the Provincial "Planning in Action" Course offered to non-planning professionals in the municipal field by the Ministry of Municipal Affairs from 1992-1996.
 - Member of the AMO Sub-committee on Planning Reform 1995-1996
-

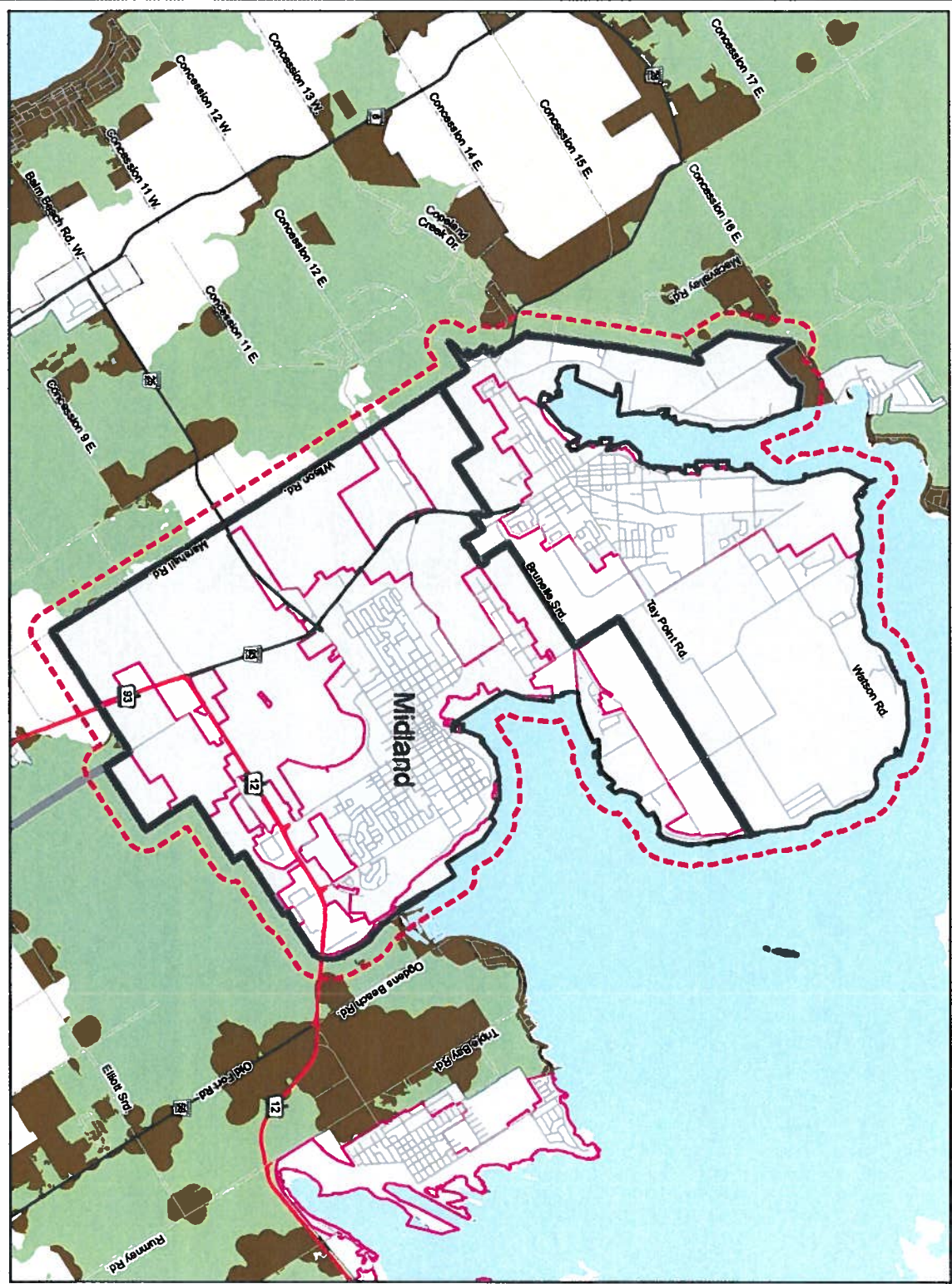
Exhibit B
To Affidavit of Wesley Crown

Sherril Ann Edgar
 a Commissioner, etc.,
 Province of Ontario, for the
 Corporation of the Town of Midland
 Expires June 26, 2016

Sherril Ann Edgar
 PL091167

April 11, 2014

Portion of the County of Simcoe Official Plan Schedule 5.1 - Land Use Designations
Midland and Penetanguishene



Designations

- Settlements
- Greenlands
- Agricultural
- Rural
- Economic District
- Lands not subject to this plan

Reference Data

- Settlement Area Boundary
- Built Boundaries
- Simcoe Uplands / Lowlands Boundaries
- Special Development Area: Big Bay Point
- Greenbelt Plan - Protected Countryside
- (Refer to Schedule 5.3.3 For Details)
- Niagara Escarpment Plan Area
- (Refer to Schedule 5.3.1 For Details)
- Oak Ridge Moraine Conservation Plan Area
- (Refer to Schedule 5.3.2 For Details)
- Provincial Highway
- County Road
- Local Road
- Trans Canada Pipeline
- Lake Simcoe Protection Plan - Waterbed Boundary

This map must be referred to in conjunction with the text of the County of Simcoe Official Plan

Printed: 4/3/2014

GIS
 GEOGRAPHICAL INFORMATION SYSTEMS

This map was created using the following data sources:
 - Land Use Designation: County of Simcoe, 2014
 - Road Network: County of Simcoe, 2014
 - Water Features: County of Simcoe, 2014
 - Settlement Boundaries: County of Simcoe, 2014
 - Greenbelt Plan: Ministry of Natural Resources and Forestry, 2014
 - Niagara Escarpment Plan: Ministry of Natural Resources and Forestry, 2014
 - Oak Ridge Moraine Conservation Plan: Ministry of Natural Resources and Forestry, 2014
 - Provincial Highway Network: Ministry of Transportation, 2014
 - County Road Network: County of Simcoe, 2014
 - Local Road Network: County of Simcoe, 2014
 - Trans Canada Pipeline: Trans Canada Pipeline, 2014
 - Lake Simcoe Protection Plan: County of Simcoe, 2014

MINUTES OF SETTLEMENT

PARTIES

Town of Midland
(the "Town")

and

County of Simcoe
(the "County")

and

Ministry of Municipal Affairs and Housing
(the "Ministry")

RECITALS

- A. The County adopted its new Official Plan ("New County OP") on November 25, 2008. The first of the 36 appeals of the New County OP to the Ontario Municipal Board (the "Board") due to the lack of decision by the Minister of Municipal Affairs and Housing was on December 7, 2009.
- B. The Town, County and Ministry are parties in Phase 1B of the Board hearing of the New County OP which Phase addresses, amongst other things, the settlement area boundary of the Town of Midland. The Ministry and Hanson Development Group are the only parties that filed issues with respect to the settlement area boundary.
- C. Amendment No. 1 to the Growth Plan for the Greater Golden Horseshoe in effect on January 19, 2012 ("Growth Plan") added a new Chapter 6 entitled "Simcoe Sub-area" to the Growth Plan. The unique provisions of Chapter 6 only apply within the County of Simcoe.
- D. Pursuant to the "Settlement Areas" provisions in Growth Plan policy 6.3.2, existing settlement areas in the County of Simcoe may be comprised of "*lands for urban uses*" and "*lands not for urban uses*".
- E. Policy 6.3.2.1 of the Growth Plan provides that subject to meeting certain requirements, lands that are "*lands for urban uses*" as of January 19, 2012 can be developed even if the development will result in more population or jobs than identified in Schedule 7 of the Growth Plan.
- F. Policies 6.3.2.2 and 6.3.2.3 provide that subject to meeting certain requirements, the County can approve a total population growth of 20,000 persons on "*lands not*

for urban uses” across the County beyond what is identified in Schedule 7 of the Growth Plan.

- G. The County and the Town have determined that the Town of Midland settlement area on “Schedule 5.1 – Land Use Designations” in the New County OP, which includes the historic municipal area and amalgamation lands, is a settlement area comprised of both “*lands for urban uses*” and “*lands not for urban uses*” as defined by the Growth Plan.
- H. The solicitors for the Town of Penetanguishene have indicated to the parties that they do not oppose these Minutes of Settlement.

NOW THEREFORE, the parties to these Minutes of Settlement agree to the following:

- 1. The recitals above are true.

Settlement Area

- 2. For the purposes of implementing the Growth Plan including the Simcoe Sub-area policies, the County and the Town confirm that the Town's settlement area is comprised of the “*lands for urban uses*” and the “*lands not for urban uses*” shown on Attachment 1 to these Minutes.
- 3. When the Town is updating its official plan to reflect Attachment 1 or when it is responding to a development application, minor adjustments in accordance with section 9.1.1 of the Interpretation section of the Official Plan of the Town of Midland may be made to the areas delineated as “*lands for urban uses*” and “*lands not for urban uses*” on Attachment 1.
- 4. Other than the minor adjustments addressed in paragraph 3 above, any proposal to re-designate lands from *lands not for urban uses* to *lands for urban uses* for the purposes set out in Section 6.3.2 of the Growth Plan shall require an official plan amendment.

Board Proceedings

- 5. Given the terms of these Minutes, and the Ministry reliance on the County and Town to implement these Minutes of Settlement, upon execution of these Minutes the Ministry hereby withdraws its Phase 1B issue (Exhibit 54, pg. 48, Issue #1) relating to the Town of Midland settlement area.
- 6. Should a non-signatory to these Minutes seek in the appeal of the New County OP (PL091167) or an appeal of the next update to the Town official plan to increase the area of the “*lands for urban uses*” delineated on Attachment 1 for the

purposes set out in Section 6.3.2 of the Growth Plan, the County and the Town will attend at the Board in defence of the delineation of the "lands for urban uses" shown on Attachment 1. However, this clause is not meant to restrict the Town from approving an official plan amendment to re-designate additional lands for urban uses if they are required to accommodate the population or employment growth within Schedules 3 and/or 7 of the Growth Plan.

Other

- 7. These Minutes are binding upon the parties with respect to the matters set out herein.
- 8. These Minutes are not an agreement to avoid the application of current or future laws, regulations, policies, plans or other applicable documents to the lands and matters addressed herein.
- 9. Each of the parties shall bear their own costs with respect to the matters addressed in these Minutes of Settlement and no party shall seek or request an Order from the Board for costs against another party to these Minutes of Settlement.
- 10. These Minutes may be signed in counterparts.

IN WITNESS WHEREOF the parties have executed these Minutes of Settlement.

April , 2014

COUNTY OF SIMCOE

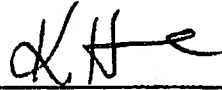
Name:
Title:

TOWN OF MIDLAND



 Name: **WESLEY R. CROWN**
 Title: **DIRECTOR OF PLANNING & BUILDING SERVICES / DEPUTY C.A.O.**

**MINISTRY OF MUNICIPAL AFFAIRS
AND HOUSING**

A handwritten signature in black ink, appearing to read 'KH' followed by a stylized flourish.

Name: Ken Hare
Title: Counsel

