

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

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
Munic: County of Simcoe

OMB Case No.: PL091167

OMB File No.: PL091167

MOTION RECORD

PHASE 1B

**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: 416-326-5370

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@feehelygastaldi.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[Appeal Withdrawn]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@feehelygastaldi.com
16	Midhurst Ratepayers ² 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

November 12, 2013

No.	Party	Lawyer/Agent*	E-mail Address
A	Ministry of Municipal Affairs and Housing	Ken Hare Ugljesa 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	<i>[Now Appellant 32]</i>		
I	<i>[Now Appellant 33]</i>		
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	<i>[Now Appellant 28]</i>		
O	No Jet Construction Inc. Remington Homes (Manhattan) Inc. <i>[Withdrawn]</i>	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	<i>U1&U2-[Now Appellant 27 a & b]</i>		
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

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,
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TAB 1

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,
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NOTICE OF MOTION

THE CORPORATION OF THE COUNTY OF SIMCOE will make a motion to the Ontario Municipal Board on **Tuesday, the 15th day of April, 2014, at 10:30 am**, 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 Portion of County of Simcoe Official Plan Schedule 5.1 - Land Use Designations Midland and Penetanguishene (being Exhibit D of the Affidavit of Nathan Westendorp found at Tab 2);
3. Deleting the Issues List approved for Phase 1b and cancelling the hearing event scheduled for June 16th through June 20th;
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 (Revised Modified Version, January 22, 2013) (herein after "Schedule 5.1"), depicts the Settlement Area Boundary for the Towns of Penetanguishene and Midland as their respective Municipal Boundaries.
6. The experts for Towns of Penetanguishene and Midland, the County of Simcoe and the Ministry of Municipal Affairs and Housing, met and supported the identification of the Settlement Area Boundary of both the Town of Penetanguishene and the Town of Midland as depicted in Schedule 5.1.
7. The foregoing parties entered into Minutes of Settlement which are attached in Tab 3 of the Motion Record.
8. Schedule 5.1, as it relates the Settlement Boundary for the Towns of Penetanguishene and 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 the Settlement Boundary for the Towns of Penetanguishene and Midland represents good planning.
10. None of the remaining parties to the Phase 1b hearing sought to change the depiction of the Settlement Area Boundary for the Towns of Penetanguishene and 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. No party to Phase 1b of the hearing, or any party to the County of Simcoe Official Plan Appeal as a whole, has put forth any opposition to the Settlement Area Boundary for the Towns of Penetanguishene and Midland as depicted on Schedule 5.1.
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).

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

1. The Affidavit of Nathan Westendorp, sworn April 10th, 2014, and the Exhibits attached thereto;
2. The Minutes of Settlement entered into between the pleadings and proceedings herein; and
3. such further and other material as counsel may advise and this Board may permit.

April 10, 2014

Edward B. Veldboom
Russell, Christie LLP
505 Memorial Ave, PO Box 158
Orillia, ON L3V 6J3

Ph. 705.325.1326 x237
Fax. 705.327.1811
Email. eveldboom@russellchristie.com
Solicitors for the Town of Penetanguishene

TAB 2

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
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Subject: Failure to announce a decision respecting Proposed Official Plan
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AFFIDAVIT OF NATHAN WESTENDORP R.P.P.

I, NATHAN WESTENDORP, R.P.P., OF THE TOWNSHIP OF CLEARVIEW, IN THE PROVINCE OF ONTARIO MAKE OATH AND SAY:

1. I have been retained by the Town of Penetanguishene as the Town's Planning Consultant since May, 2013 to administer the Town's Planning Department functions, to implement and manage its land use policies and bylaws and to complete various projects in the absence of Town Planning Staff. 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 meetings convened with respect to the Settlement Area Boundary for the Towns of Penetanguishene and Midland and the Phase 1b hearing.

4. In my professional planning opinion the County of Simcoe properly identified the Settlement Area Boundary of the Towns of Penetanguishene and Midland as their respective Municipal Boundaries in Schedule 5.1 of the Simcoe County Official Plan (Revised Modified Version, January 22, 2013) (herein after "Schedule 5.1").
5. In my professional planning opinion the depiction of the Settlement Area Boundary for the Towns of Penetanguishene and Midland in Schedule 5.1 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 Penetanguishene has entered into Minutes of Settlement with the County of Simcoe and the Ministry of Municipal Affairs which Minutes form a part of the Motion Record (Tab 3).
7. The identification of the Settlement Area Boundary for the Towns of Penetanguishene and Midland is consistent with the identification of the Settlement Area Boundary for other urban municipalities in the County including the Town of Collingwood and the Town of Wasaga Beach.
8. The only party to express some opposition to the Settlement Area Boundary for the Towns of Penetanguishene and Midland shown on Schedule 5.1 was the Ministry of Municipal Affairs and Housing.
9. Aside from the parties to the Minutes of Settlement, two owners of land within the Town of Penetanguishene expressed an interest in participating in the Phase 1b hearing: 1) Janice and David Wright (Appellant Party 11); and 2) Whitewater Holdings Ltd (Party M).
10. By email dated 12/07/2013 addressed to Roger Beaman, Solicitor for the County of Simcoe, Whitewater Holdings Ltd. (through its solicitor Barry Horsko) indicated that it supported the "County regarding many matters including the urban boundary" and that it raised "no issues". Attached to this my affidavit and marked as Exhibit B is copy of the aforementioned email.
11. Janice and David Wright submitted an issues list through their solicitor Cory Estrala (Devry Frank Smith LLP) (hereinafter the "Wright Issues List"). Attached to this my affidavit and marked as Exhibit C is a copy of the Wright Issues List.
12. The only issue identified in the Wright Issues List that is relevant to the Phase 1b hearing is issue 1 which states: "Are the settlement boundaries of the Penetanguishene Settlement Area appropriate"?

13. I am advised by the Town's solicitor Edward Veldboom and I verily believe it to be true, that the Wright's solicitor Cory Estrela has stated during the OMB pre-hearing conferences that the Wrights support the identification of the Settlement Area Boundary shown on Schedule 5.1.
14. Schedule 5.1 to the County Official Plan has not yet been approved as a whole.
15. In my professional planning opinion considering that there are no parties who have identified any land use planning grounds to oppose the Settlement Area Boundary for the Town of Penetanguishene as shown on Schedule 5.1, and that such settlement boundary is consistent with the PPS and conforms to all other applicable provincial policies the Board should approve the Settlement Area Boundary for the Town of Penetanguishene as shown on the Portion of the County of Simcoe Official Plan Schedule 5.1 - Land Use Designations Midland and Penetanguishene which is attached to this my affidavit and marked as Exhibit "D".
16. In my professional planning opinion the Settlement Area Boundary for the Town of Midland is also consistent with the PPS and conforms to all other applicable provincial policies. The Town of Penetanguishene supports the approval of the Settlement Area Boundary for the Town of Midland as shown on Exhibit "D" of this, my affidavit.
17. I make this affidavit in support of the Town of Penetanguishene's Motion seeking approval of the Settlement Area Boundary for the Town of Penetanguishene as shown in Exhibit "D" to this my affidavit.

SWORN BEFORE ME at the Town)
)
 of Penetanguishene,)
)
 in the Province of Ontario)
)
 this 10th day of April, 2014)


 NATHAN WESTENDORP

Commissioner for taking Affidavits, etc.



**Carrie Robillard, CGA,
 Treasurer, Commissioner of Oaths,
 Town of Penetanguishene, County
 of Simcoe, Province of Ontario.**

This is Exhibit "A" to the
Affidavit of Nathan Westendorp
sworn before me in the Town of Penetanguishene,
in the province of Ontario
this 10th day of April, 2014



Commissioner For Taking Affidavits

**Carrie Robillard, CGA,
Treasurer, Commissioner of Oaths,
Town of Penetanguishene, County
of Simcoe, Province of Ontario.**



NATHAN WESTENDORP, MCIP, RPP

Planning Projects Manager

SKILLS OVERVIEW

Mr. Westendorp is Cambium's Planning Projects Manager with 10 years of professional experience in land development, community, and transportation planning. With a diverse skillset drafted in the municipal planning sector, Nathan's passions continue to focus recently on Transportation/Active Transportation master planning, development planning & design, and planning for open spaces, parks & trails. His added training and experience as a firefighter also allow Mr. Westendorp to engage in planning for the emergency services sector.

A seasoned development and policy planner, Mr. Westendorp has considerable experience with numerous small to large scale development applications ranging from Secondary Plans, Official Plan Amendments, Draft Plans of Subdivision, to Zoning Bylaw Amendment, Consents and Minor Variances. Nathan's well-honed communication and writing skills enhance his ability to clearly articulate planning policy and concepts to a variety of audiences. Furthermore, he has considerable background in navigating sensitive issues with the public, stakeholders, agencies, and the media.

Nathan is a full member of the Canadian Institute of Planners (CIP) and a Registered Professional Planner (Ontario). He is also an active volunteer in his community including hockey and soccer associations, as well as various humanitarian projects in both Paraguay and Haiti.

SUMMARY OF PROFESSIONAL EXPERIENCE

- | | |
|----------------|--|
| 2012 - Present | <p>Planning Projects Manager. Cambium Planning (A Division of Cambium Inc.)
Barrie, Ontario, Canada</p> <p><i>Mr. Westendorp currently provides project management in the form of client management, budgeting and analysis, project scheduling, invoicing, and evaluation of the status of project deliverables. Additional responsibilities include technical participation in projects, supervision and coordination of project staff and contractors. Mr. Westendorp's duties also include business development, proposal and report writing including data compilation, interpretation and senior level review of deliverables.</i></p> |
| 2008 - 2012 | <p>Senior Planner, County of Simcoe
Midhurst, Ontario, Canada</p> <p><i>As a senior member of the department, Mr. Westendorp was the staff lead and project manager for the County of Simcoe Transportation Master Plan as well as for the Simcoe County Trails Strategy. He was also responsible for managing the review and processing of development and policy amendment applications. A large component of Mr. Westendorp's role included liaising & consulting with the public, stakeholders, agencies, and political representatives while managing a variety of special projects for the municipality. These included negotiations involving the Ontario Provincial Development Facilitator for the creation of a strategic employment area. In addition, Nathan also provided mentorship and leadership to junior staff related to daily file management.</i></p> |



2003 - 2005

Intermediate Planner, County of Simcoe
Midhurst, Ontario, Canada

Mr. Westendorp's primary role was related to the review of proposed development applications for conformity with planning policy. He also assisted senior staff and consultants with the development of growth management studies & associated policies. provided project management and business development services to principally internal clients. In addition, Mr. Westendorp was integral to facilitating public open houses and multi-stakeholder meetings. Finally, Nathan was responsible for the development and implementation of a computer-based development application tracking system.

2001 - 2003

Assistant Land Coordinator, Terratec Environmental Ltd.
Kitchener, Ontario, Canada

Mr. Westendorp promoted a regional program for the application of environmental biosolids on agricultural land. His duties included land evaluation, field mapping, soil sampling, and database maintenance. Nathan was also a primary contact person for various governmental agencies, clients, and the public.

PROFESSIONAL ASSOCIATIONS

- Registered Professional Planner (Ontario)
- Ontario Professional Planners Institute
- Canadian Institute of Planners
- Institute of Transportation Engineers
- Urban Land Institute
- Association of Bicycle and Pedestrian Professionals

PRESENTATIONS

Guest lecturer, Georgian College Engineering program, "Planning and Standards & Guidelines". Recurring (2010-Present).

Institute of Transportation Engineers/Ontario Traffic Council, presentation at the Active Transportation Workshop "Simcoe County Trails Strategy", Richmond Hill, Ontario, November 2011.

Regional Planning Commissioners of Ontario, presentation at bi-monthly meeting, "Simcoe County Trails Strategy", Midhurst, Ontario, September 2011.

Simcoe County Access Network, presentation at Annual General Meeting, "Simcoe County Trails Strategy", Orillia, Ontario, September 2011.

Guest lecturer, Georgian College Recreation & Leisure program, "Simcoe County Trails Strategy", January 2012.



EDUCATION

2002 Bachelor of Environmental Studies (B.E.S.): Urban & Regional Planning, University of Waterloo
Waterloo, Ontario

PROFESSIONAL DEVELOPMENT

2011-2012 Mentor Training: Complete Streets, Walkable & Livable Communities Institute

2009 Firefighter Recruit Training Course, Township of Clearview/Ontario Fire College

2003 Course: Planner at the OMB, Ontario Professional Planners Institute
Ontario

SELECTED PROJECT EXPERIENCE

Town of Penetanguishene – General Planning Services (2013-Present)

County of Simcoe Transportation Master Plan Update -- Subconsultant (2013-Present)

Township of Oro-Medonte – Active Transportation Official Plan Policy Framework (2013)

North Simcoe Active Transportation Workshop – Facilitator and Presenter (2013)

County of Simcoe Trails Strategy – Project Manager (2010-2012)

Barrie-Innisfil Boundary Adjustment Act – Background Researcher (2009)

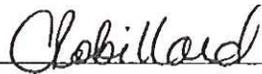
Bradford West Gwillimbury Strategic Settlement Employment Area – Project Lead (2008-2009)

County of Simcoe New Official Plan – Policy Preparation (2007-2008)

County of Simcoe Transportation Master Plan – Project Manager (2006 – 2008)

Oro Moraine Official Plan Amendment – Project Planner (2004-2005)

This is Exhibit "B" to the
Affidavit of Nathan Westendorp
sworn before me in the Town of Penetanguishene,
in the province of Ontario
this 10th day of April, 2014



Commissioner For Taking Affidavits

**Darrie Robillard, CGA,
Treasurer, Commissioner of Oaths,
Town of Penetanguishene, County
of Simcoe, Province of Ontario.**

PARTY M

79



County of Simcoe OP
Barry Horosko to: Beaman, Roger
Cc: Caterina Facciolo

12/07/2013 03:39 PM

From: Barry Horosko <bhorosko@bratty.com>
To: "Beaman, Roger" <rbeaman@thomsonrogers.com>
Cc: Caterina Facciolo <CFacciolo@bratty.com>

We act for White Water Holdings Inc., an appellant to the OP.
Our appeal is protective and we support the County regarding many matters including the urban
boundary in Penetanguishene.
We raise no issues at this stage.

Barry Horosko
B.E.S., J.D.



BRATTYS ^{LLP}
BARRISTERS AND SOLICITORS

P (905) 760-2600 ext 339
F (905) 760-2900
bhorosko@bratty.com

7501 Keele Street, Suite 200
Vaughan, Ontario L4K 1Y2
www.bratty.com

"Ranked by Canadian Lawyer as one of Canada's top 5 Commercial Real Estate Boutiques"
This email is confidential. Please destroy all copies if you are not an intended recipient. Visit www.bratty.com for our
privacy policy.

**This is Exhibit "C" to the
Affidavit of Nathan Westendorp
sworn before me in the Town of Penetanguishene,
in the province of Ontario
this 10th day of April, 2014**



Commissioner for Taking Affidavits

**Carrie Robillard, CGA,
Treasurer, Commissioner of Oaths,
Town of Penetanguishene, County
of Simcoe, Province of Ontario.**

ONTARIO MUNICIPAL BOARD

Case Number: PL091167
File Number: PL091167
Municipality: County of Simcoe
Official Plan Number: 43-OP-2008
Property Location: Entire County of Simcoe
Appellant(s): 451082 Ontario Limited, County of Simcoe
Midhurst Development Doran Road Inc.
Carson Road Development Inc.
Midhurst Rose Alliance Inc.
Re: County of Simcoe Official Plan

FINAL
ISSUES LIST FOR

JANICE AND DAVID WRIGHT (appellant 11)

Re: Penetanguishene Settlement Area

1. Are the settlement boundaries of the Penetanguishene Settlement Area appropriate?
2. Are the Natural Heritage Policies of the County Official Plan appropriate for settlement areas?
3. Is the definition of Significant Woodlands appropriate for settlement areas in the Simcoe Uplands?
4. Notwithstanding Section 3.4.6 of the County Official Plan, are approved developments subject to the policies of the County Plan; specifically, are they subject to the Natural Heritage Policies.
5. Notwithstanding Section 3.4.6 of the County Official Plan, if additional approvals are required for approved developments, are these additional approvals subject to the policies of the County Plan and specifically the Natural Heritage Policies; and, if so, is this appropriate?

This is Exhibit "D" to the
Affidavit of Nathan Westendorp
sworn before me in the Town of Penetanguishene,
in the province of Ontario
this 10th day of April, 2014



Commissioner For Taking Affidavits

**Carrie Robillard, CGA,
Treasurer, Commissioner of Oaths,
Town of Penetanguishene, County
of Simcoe, Province of Ontario.**

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 Ridges 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 - Watershed Boundary

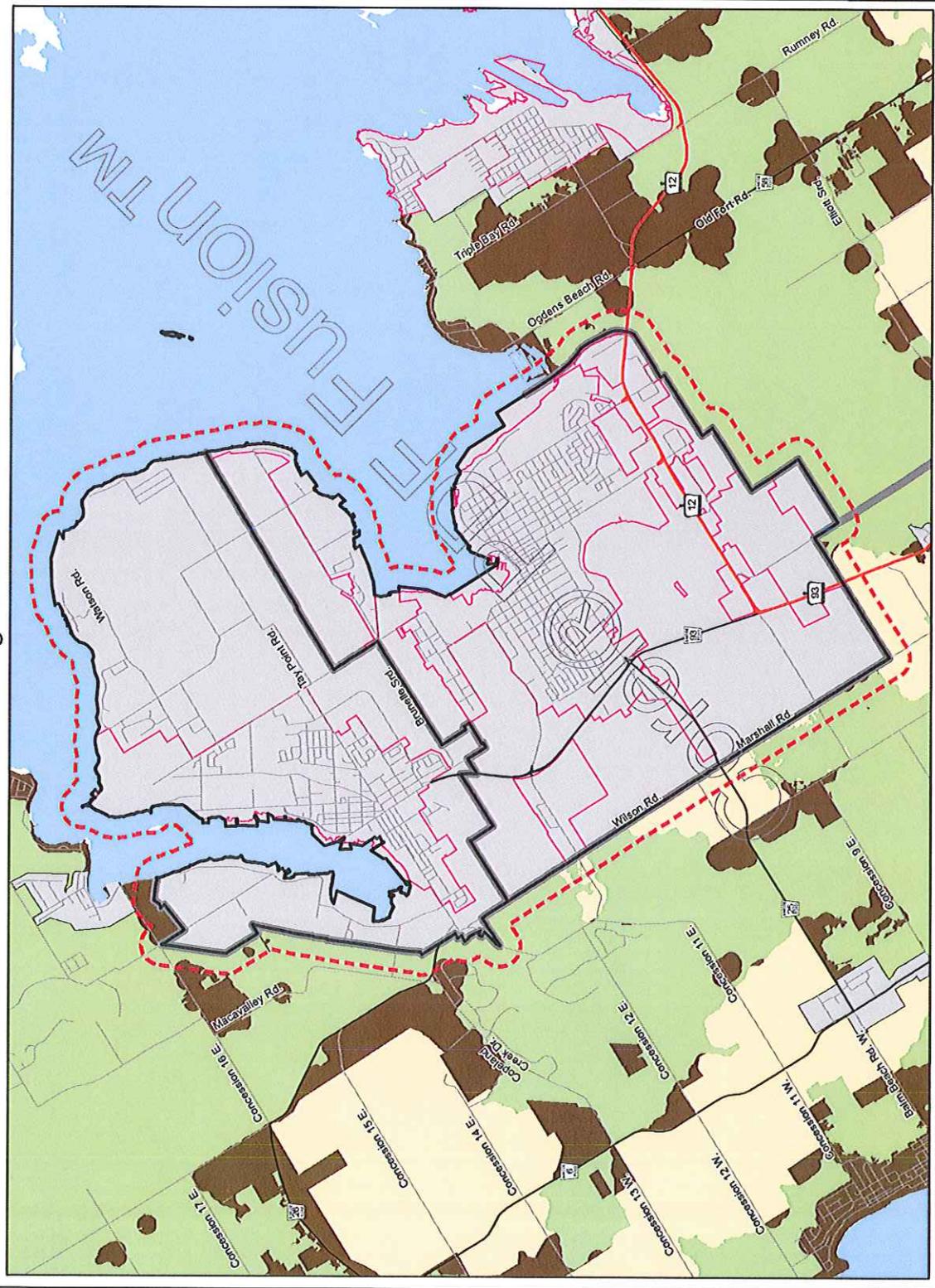
This map must be referred to in conjunction with the text of the County of Simcoe Official Plan



Printed: 4/3/2014



This map is subject to the provisions of the Access to Information Act and the Privacy Act. It is not intended to be used for navigation. The County of Simcoe is not responsible for any errors or omissions. The County of Simcoe is not responsible for any errors or omissions. The County of Simcoe is not responsible for any errors or omissions.



TAB 3

MINUTES OF SETTLEMENT

PARTIES

Town of Penetanguishene
(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 Penetanguishene. The Town, Ministry, and Janice and David Wright are the only parties that filed issues with respect to the Town of Penetanguishene 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 Penetanguishene 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 Midland 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 5.10 of the Interpretation section of the Official Plan of the Town of Penetanguishene 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 amendment to the Town of Penetanguishene Official Plan.

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 Penetanguishene 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 8, 2014

COUNTY OF SIMCOE

Name:

Title:

TOWN OF PENETANGUISHENE



Name: Holly Bryce

Title: CAO/Town Clerk

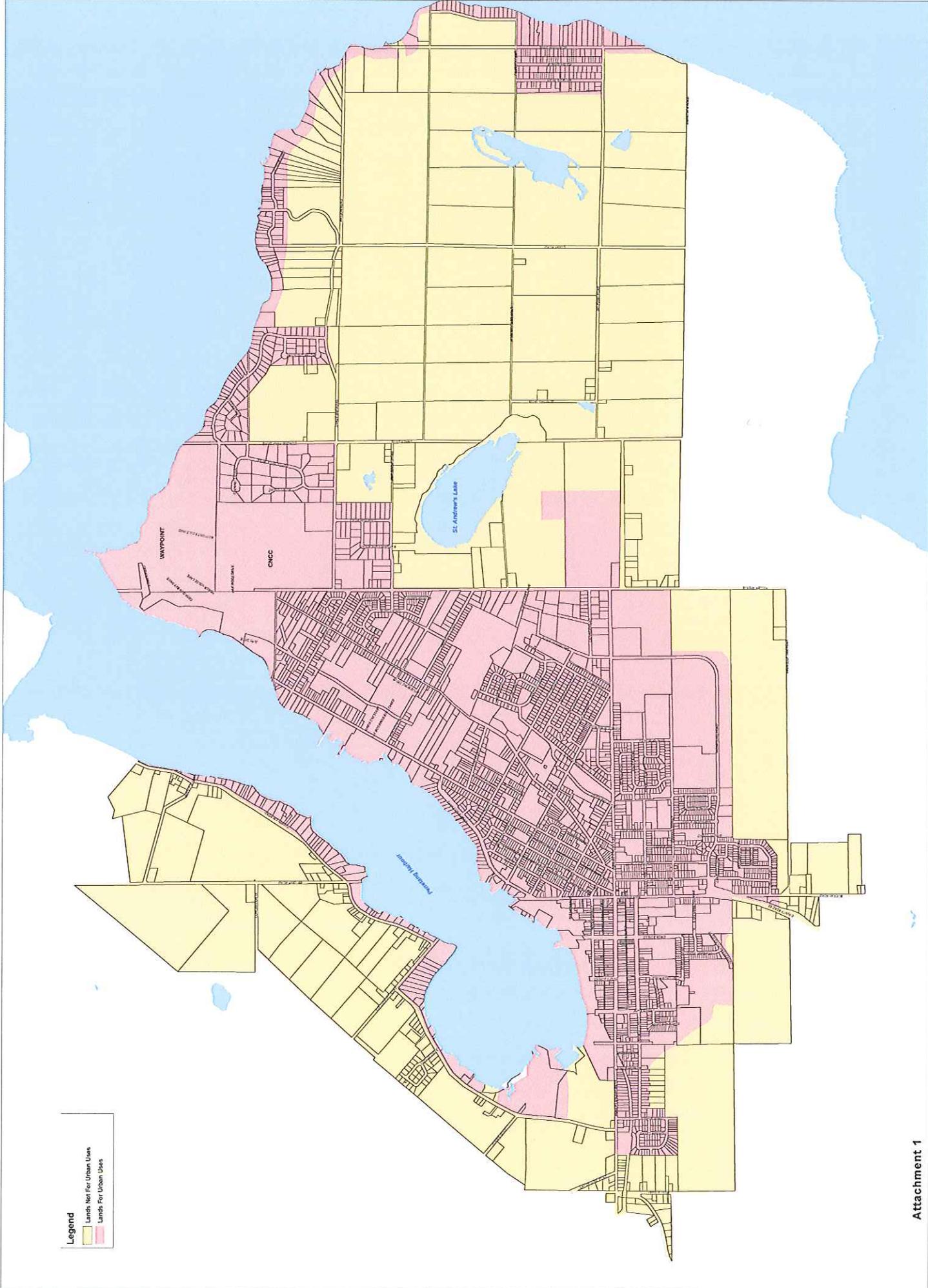
**MINISTRY OF MUNICIPAL AFFAIRS
AND HOUSING**

Name:

Title:

ATTACHMENT 1

**Town of Penetanguishene Settlement Area delineating
*Lands for Urban Uses and Lands Not for Urban Uses***



Legend

- Lands Not For Urban Uses
- Lands For Urban Uses

Attachment 1

1:1,000
 Prepared 02/2014 by: gnd@penetanguishene.ca
 File: 032002014PenetanguisheneLULUforUrbanUses.mxd

**Town of Penetanguishene Settlement Area delineating
 Lands for Urban Uses and Lands Not for Urban Uses**



Penetanguishene, Ontario
 416-885-2222
 www.penetanguishene.ca