

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-OP-2008
 Municipality: Upper Tier of Simcoe
 OMB Case No.: PL091167
 OMB File No.: PL091167

MOTION RECORD

PHASE 2a
 (Returnable October 24, 2014)

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

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 416-868-3157
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Lawyers for the Corporation
 of the County of Simcoe

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

Oct 14, 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 Anthony-George D'Andrea	david.white@devrylaw.ca cory.estrela@devrylaw.ca Anthony-George.D'Andrea@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[Appeal Withdrawn]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 Anthony-George D'Andrea	david.white@devrylaw.ca cory.estrela@devrylaw.ca Anthony-George.D'Andrea@devrylaw.ca
12	12a Snow Valley Planning Corporation 12b 453211 Ontario Limited	David White Cory Estrela Anthony-George D'Andrea	david.white@devrylaw.ca cory.estrela@devrylaw.ca Anthony-George.D'Andrea@devrylaw.ca
13	McMahan Woods Developments Ltd.	David White Cory Estrela Anthony-George D'Andrea	david.white@devrylaw.ca cory.estrela@devrylaw.ca Anthony-George.D'Andrea@devrylaw.ca
14	Innisfil Beach Farms Inc.	David White Cory Estrela Anthony-George D'Andrea	david.white@devrylaw.ca cory.estrela@devrylaw.ca Anthony-George.D'Andrea@devrylaw.ca
15	Estate of Marie Louise Frankcom	James Feehely	jfeehely@feehelygastaldi.com
16	Midhurst Ratepayers' Association <i>[Appeal Dismissed]</i>	David Strachan* Margaret Hutchison*	davidstrachan@yahoo.com mhutchis1000@gmail.com
17	Narinder Mann	Ian Rowe	irowe@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	david.white@devrylaw.ca

		Cory Estrela Anthony-George D'Andrea	cory.estrela@devrylaw.ca Anthony-George.D'Andrea@devrylaw.ca
22	Travel-Rite Property Corp.	David White Cory Estrela Anthony-George D'Andrea	david.white@devrylaw.ca cory.estrela@devrylaw.ca Anthony-George.D'Andrea@devrylaw.ca
23	Aqua-Gem Investments Ltd.	David White Cory Estrela Anthony-George D'Andrea	david.white@devrylaw.ca cory.estrela@devrylaw.ca Anthony-George.D'Andrea@devrylaw.ca
24	442023 Ontario Limited	David White Cory Estrela Anthony-George D'Andrea	david.white@devrylaw.ca cory.estrela@devrylaw.ca Anthony-George.D'Andrea@devrylaw.ca
25	1045901 Ontario Limited	David White Cory Estrela Anthony-George D'Andrea	david.white@devrylaw.ca cory.estrela@devrylaw.ca Anthony-George.D'Andrea@devrylaw.ca
26	Kellwatt Limited	David White Cory Estrela Anthony-George D'Andrea	david.white@devrylaw.ca cory.estrela@devrylaw.ca Anthony-George.D'Andrea@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	irowe@barristonlaw.com
35	2115441 Ontario Inc.	David White Cory Estrela Anthony-George D'Andrea	david.white@devrylaw.ca cory.estrela@devrylaw.ca Anthony-George.D'Andrea@devrylaw.ca
36	Carson Trail Estates Inc.	David White Cory Estrela Anthony-George D'Andrea	david.white@devrylaw.ca cory.estrela@devrylaw.ca Anthony-George.D'Andrea@devrylaw.ca
37	Sucession Financial Group Inc.	David White Cory Estrela Anthony-George D'Andrea	david.white@devrylaw.ca cory.estrela@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 Cory Estrela Anthony-George D'Andrea	david.white@devrylaw.ca cory.estrela@devrylaw.ca Anthony-George.D'Andrea@devrylaw.ca

40	Rayville Developments (Alliston) Inc.	David White Cory Estrela Anthony-George D'Andrea	david.white@devrylaw.ca cory.estrela@devrylaw.ca Anthony-George.D'Andrea@devrylaw.ca
41	Copperglen Estates Inc.	David White Cory Estrela Anthony-George D'Andrea	david.white@devrylaw.ca cory.estrela@devrylaw.ca Anthony-George.D'Andrea@devrylaw.ca

ATTACHMENT "B"
LIST OF PARTIES- COUNTY OF SIMCOE OFFICIAL PLAN PL091167

Oct 14, 2014

No.	Party	Lawyer/Agent*	E-mail Address
A	Ministry of Municipal Affairs and Housing	Ken Hare Ugo Popadic	ken.hare@ontario.ca Ugo.Popadic@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	irowe@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	mbull@woodbull.ca
K	Georgian International Land Corp.	Mary Bull	mbull@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	U1&U2 <i>[Now Appellant 27 a & b]</i>		
V	1651012 Ontario Ltd. now Sandy Cove Acres Limited	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

Oct 14, 2014

No.	Participant or Interest	Lawyer*/Agent	E-mail Address
1*	<i>AWARE Simcoe</i>	<i>Sandy Agnew Ann Truyens</i>	sagnew@ecomedic.ca at@iglide.net
2*	<i>PURE now ERA - Everett Ratepayers Association</i>	<i>Chantale Gagnon Linda Gaspar David Perryman</i>	chantalegagnon@bell.net chickenqueen17@yahoo.ca dperryman43@sympatico.ca
3	Midhurst	Anna Romano	am_romano@hotmail.com
4	[Now Party W]		
5	<i>Tsam Investments Ltd. [Now Party Y]</i>	<i>Raivo Uukkivi Signe Leisk</i>	ruukkivi@casselsbroek.com sleisk@casselsbroek.com
6	Walton Development and Management L.P.	Paolo Sacilotto Ed Steffelin	psacilotto@walton.com esteffelin@walton.com
7	(Midhurst) [Withdrawn]	Paul Frankeom	
8*	<i>Ontario Farmland Preservation</i>	<i>Bernard Pope</i>	bernard@ontariofarmlandpreservation.org
9*	<i>Simcoe County Federation of Agriculture</i>	<i>Colin Elliott Anne Ritchie-Nahius</i>	rockeyno132@gmail.com nahuis@csolve.net
10*	<i>Angus Ratepayers Association</i>	<i>Wendy Harry Archie Duckworth</i>	TCB4E@primus.ca marg-archie@hotmail.com
11	11a Nutristock Corporation 11b Solmar (Healy) Corporation (App 27a, 27b)	Michael Melling Meaghan McDermid	michaelm@davieshowe.com meaghanm@davieshowe.com
12	Township of Severn	Henry Sander	hsander@townshipofsevern.com
13	K. Winter Sanitation Inc. Kenneth and Ruth Winter	Marvin Geist [Concern Resolved]	marvin@marvingeist.ca
14	ANSI – Oro-Medonte	Joe & Ruth-Ann Langman	ruthannlangman@gmail.com
15	ANSI – Severn	Don & June Bickell	paniswickweld@aol.com
16*	<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	Appeal 27a, 27b	Ralph MacKenzie	905-729-3984
19	Kevin Newman	Kevin Newman	k.newman@rogers.com
20	Jill Appleby	Jill Appleby	
21	Midhurst	Sandy Buxton	s.buxton@rogers.com
22	R & M Homes Ltd. (Everett)	David White Cory Estrela Anthony-George D'Andrea	david.white@devrylaw.ca cory.estrela@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	
25	Debbie Major	Debbie Major	Debbie@datadirect.ca

* Participant has Testified

PL091167

Ontario Municipal Board

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

Appellant: 451082 Ontario Limited
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NOTICE OF MOTION

PHASE 2a

THE CORPORATION OF THE COUNTY OF SIMCOE will make a motion to the Ontario Municipal Board on **Friday, the 24th day of October, 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) Allowing the Official Plan appeal in part and approving, and modifying and approving, several policies for Phase 2a;
- (b) for such further and other relief as may seem just and appropriate.

THE GROUNDS FOR THE MOTION ARE:

- (a) The experts for parties involved in Phase 2a of the hearing met and supported or did not oppose or had no opinion on certain policies and modified policies resolving concerns for several matters to be considered in the Phase 2a hearing.
- (b) The policies as modified provide a suitable policy framework for implementation of the Growth Plan.

- (c) The policies and modified policies are consistent with the PPS 2014, conform with relevant Provincial policy and represent good planning.
- (d) Approval as sought would resolve appeals and concerns of specific parties.
- (e) Such further and other grounds as counsel may advise and this Board may deem necessary.
- (f) *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:

- (a) the Affidavit of Kathy Suggitt, sworn October 14, 2014, and the Exhibits attached thereto;
- (b) the Report of Meetings of Expert Witnesses on Phase 2a contained in the said Affidavit;
- (c) the pleadings, proceedings and exhibits filed herein;
- (d) such further and other material as counsel may advise and this Board may permit.

OCTOBER 14, 2014

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ROGER T. BEAMAN
416-868-3157
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Lawyers for the Corporation
of the County of Simcoe

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
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 Appellant: County of Simcoe
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 Subject: Failure of to announce a decision respecting Proposed
 Official Plan Amendment No. 43-OP-2008
 Municipality: Upper Tier of Simcoe
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AFFIDAVIT OF KATHY SUGGITT, MCIP, RPP

**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.

Growth Management Policies – Phase 2a

4. In an oral decision on April 19, 2013 and confirmed in a memorandum dated June 13, 2013 the Board approved parts of the County Official Plan with the exception of sections that remain under appeal either County-wide or on a site-specific basis. A major area that remains under appeal is the growth management policies and the "Settlement" designation regarding all lands within settlement areas.
5. The Growth Plan Amendment 1 was introduced on January 19, 2012. The amendment added a new chapter to the Growth Plan, section 6 – Simcoe Sub-Area. The policies in section 6 provide specific direction on how the Growth Plan's vision is

to be achieved in the Simcoe Sub-Area. Specifically it directs that a significant portion of growth is to be directed to settlement areas where it can be most effectively serviced and contribute to the achievement of complete communities, with particular emphasis on the primary settlement areas.

6. The expert witnesses for the parties involved in this phase of the hearing met on several occasions to try to resolve issues and/or reduce the number of issues. Arising from the meetings, a First Experts' Report was provided to the County solicitor, who has circulated the report to the Board and to all parties and participants. Attached as **Exhibit "A"** is a copy of the experts' report dated October 10, 2014.

Policies with No Modifications

7. The experts who participated in the discussions either support or do not oppose/have no opinion with the current wording of certain policies as they appear in the updated County Official Plan, Exhibit 72 of these proceedings.
8. Having achieved agreement or no opposition from the experts, the County seeks approval of the following policies as they appear in the updated Official Plan, with no proposed modifications:
 - 3.2.1
 - 3.2.5
 - 3.2.6
 - 3.2.7
 - 3.2.8
 - 3.2.9
 - 3.2.10
 - 3.2.12
 - 3.2.13
 - 3.4 Land Use Designations
 - 3.4.1
 - 3.5.2
 - 3.5.3
 - 3.5.4
 - 3.5.19
 - 3.5.23 including table
 - 3.5.26
 - 3.5.27
 - 3.5.29
 - 3.5.32
 - 3.5.33

- 3.2 Population and Employment Projections/Allocations (including Table 1 – Projections by Municipality for the Year 2031)

**** Note: Party 33 agrees with the policy but reserves its right to request additions to the last paragraph of this policy**

9. It is my opinion that the policies listed in paragraph 8 above are consistent with the Provincial Policy Statement 2014, conform to the Growth Plan and represent good planning.

Policies with Proposed Modifications

10. As reflected in Exhibit "A", the experts reached further agreement on certain policies based on proposed modifications. Exhibit "B" attached contains the proposed modified policies. The experts either support or do not oppose/have no opinion on the proposed modifications to policies 3.2.2, 3.2.7, 3.2.11, 3.2.14, 3.2.15, 3.2.16, 3.5.9, 3.5.20, 3.5.22, 3.5.28, 3.5.30 and the definition of "*settlements or settlement areas*".
11. Several of the proposed modifications are very minor wording changes to either clarify the policy or add emphasis such as including the words "land use designations and" and "including affordable housing" to policy 3.2.11 for example or deleting or replacing words such as replacing the words "By February 28th of each year" with the words "At least annually" in policy 3.2.16 for example.
12. The experts discussed the requirement for the measurement and on-going monitoring of certain parameters according to the Growth Plan and how that translates into the proposed Official Plan. Policies 3.2.14 through 3.2.16 address this aspect at the County Plan. Policy 3.2.14 is proposed to be replaced entirely with a newly worded policy to capture the intent of a County land budget and how it is to be used as a tool to assist and inform and monitor progress. Policy 3.2.15 is also proposed to be replaced with a more clearly worded policy that explains that the County, in consultation with the local municipalities, will establish a land budget guideline. This guideline will list the type of parameters that might be captured or measured. These two reworded policies reflect the original intent of the adopted policies and help to clarify the use of the land budget and what type of parameters will be monitored. ** As noted in Exhibit "A" Party 33 agrees with the modifications but is reserving its right to request identification of additional items for the land budget.
13. Sub-section d) of policy 3.5.9 is proposed to be deleted as it was not consistent with the Growth Plan and other policies of the Plan reflect the consideration for phasing of development.

14. Policy 3.5.28 is proposed to be deleted in its entirety and not replaced. This policy is more clearly addressed in policy 4.2 and is not necessary in section 3.5 of the Plan.
15. The proposed new wording for policy 3.5.20 is a clearer statement of the preferred method of servicing and is consistent with the Provincial Policy Statement, 2014.
16. Policy 3.5.30 is proposed to be replaced with a more descriptive policy that addresses how development within built up areas and designated greenfield areas within settlement areas will achieve the policy directives of the Official Plan and be in conformity with the Growth Plan. A more explicit policy is appropriate to describe that new development should be compatible with adjacent residential areas, while recognizing that it may be at higher densities and in forms that are different from the existing development in order to achieve the directives of the Growth Plan.
17. The definition of "*settlements* or *settlement areas*" is simply proposed to be updated to reflect the Provincial Policy Statement, 2014 rather than 2005.


Policies the Remain Under Appeal with No Agreement to Date

18. Although the experts have made progress in their discussions to date, there are some policies that remain under appeal and are subject to further consideration. The experts have agreed to continue discussions with the prospect of further refining the issues to be addressed at the hearing. As noted in Exhibit "A" the experts are meeting again on October 15th and a further report of progress will be provided to the Board as soon as possible.
19. The policies that remain under appeal in this Phase with no agreement to date include the following: 3.1, 3.1.1, 3.1.2, 3.1.3, 3.1.4, 3.2.3, 3.2.4, 3.5.5, 3.5.6, 3.5.7, 3.5.8, 3.5.17, 3.5.18, 3.5.21, 3.5.24 (not 3.25.24 as was shown in error in the experts' report), 3.5.25 and 3.5.31.

Summary Opinion

20. It is my professional planning opinion that the proposed modifications to the policies listed in paragraph 10 and contained in Exhibit "B" accurately reflect the agreement reached by the experts involved in Phase 2a of this hearing, on the understanding that the experts either support or do not oppose/have no opinion on the proposed modifications. There are two specific points noted above and in Exhibit "A" that Party 33 is reserving its right to further address. The policies addressed in this Affidavit and the County's motion seeking approval of this set of the Phase 2a policies including the proposed modifications would bring the policies into conformity with relevant Provincial policy. The modifications are consistent with the Provincial Policy Statement, 2014 and represent good planning.

21. I make this Affidavit in support of the County's request for an order of the Board to allow the appeal in part of the Official Plan to approve policies 3.2 including Table 1, 3.2.1, 3.2.5, 3.2.6, 3.2.7, 3.2.8, 3.2.9, 3.2.10, 3.2.12, 3.2.13, 3.4, 3.4.1, 3.5.2, 3.5.3, 3.5.4, 3.5.19, 3.5.23 including the table, 3.5.26, 3.5.27, 3.5.29, 3.5.32, 3.5.33, without modifications; and to modify and approve policies 3.2.2, 3.2.7, 3.2.11, 3.2.14, 3.2.15, 3.2.16, 3.5.9, 3.5.20, 3.5.22, 3.5.28, 3.5.30 and the definition of "settlements or settlement areas" as detailed in Exhibit "B", while retaining the two specific points that Party 33 seeks to address later.

SWORN BEFORE ME
at the Township of Springwater)
in the County of Simcoe)
this 14th day of October, 2014.)
)
)
)
)
)
)


Commissioner for Taking Oaths, etc.



KATHY SUGGITT

**Brenda Clark, County Clerk
A Commissioner for the
Corporation of the
County of Simcoe**

THIS IS EXHIBIT "A" REFERRED TO IN THE AFFIDAVIT
OF KATHY SUGGITT SWORN BEFORE ME THIS
14th DAY OF OCTOBER, 2014.



A Commissioner, etc.

**Brenda Clark, County Clerk
A Commissioner for the
Corporation of the
County of Simcoe**

OMB File No: PL091167

County of Simcoe Official Plan

Experts' Report on Phase 2a (Growth Management)

Dated October 10, 2014

Expert Planning Witnesses Registered for Phase 2a of the Hearing:

- Tony Biglieri – Tesmar Holdings Inc. (Appellant Party 10)
 Tim Cane – Town of Innisfil (Party D)
 Wes Crown – Town of Midland (Party F)
 Mark Dorfman – Township of Ramara (Party C2)
 Brian Goodreid – Estate of Marie Louise Frankcom (Appellant Party 15)
 Bob Lehman/Alison Luoma – San Marco in Lamis Ltd. (Party L), 2133952 Ontario Inc. (Party S),
 Talisker Corporation (Party T)
 Andria Leigh – Township of Oro-Medonte (Party W)
 Paul Lowes – Carson Road Development Inc. (Appellant Party 2a), Midhurst Development
 Doran Road Inc. (Appellant Party 2b), Craighurst Land Corp. (Appellant Party 3),
 Bond Head Properties Inc. (Appellant Party 38), Rayville Developments (Alliston)
 Inc. (Appellant Party 40a), Copperglen Estate Inc. (Appellant Party 40b)
 Darryl Lyons – Ministry of Municipal Affairs and Housing (Party A)
 Geoff McKnight – Town of Bradford West Gwillimbury (Party E)
 Kris Menzies – 998991 Ontario Inc. (Party X)
 Nicola Mitchinson – Mark Rich Homes Limited (Appellant Party 8c), Silver Spring View Estates
 Limited (Appellant Party 8d), Simcoe Estates Limited (Appellant Party 8e)
 Royal Heights Estates Limited (Appellant Party 8f), 2115441 Ontario Inc.
 (Appellant Party 35)
 Josh Morgan – Nicole and Brent Fallman (Appellant Party 21) and 442023 Ontario Limited
 (Appellant Party 24)
 Celeste Phillips – Yorkwood Group of Companies (Appellant Party 18)
 Jamie Robinson – Sucession Financial Group Inc. (Appellant Party 37)
 Tim Schilling – Town of New Tecumseth (Appellant Party 32)
 Michael Smith – Tsam Investments (Party Y)
 Brent Spagnol – Township of Springwater (Appellant Party 6)
 Kathy Suggitt – County of Simcoe (Appellant Party 1)
 Jacquele Tschekalin/Ron Palmer – Township of Adjala-Tosorontio (Appellant Party 33)
 Darren Vella – Innisfil Mapleview Developments Ltd. (Party R), McMahon Woods
 Developments Ltd. (Appellant Party 13)
 Peter Walker – Ontario Potato Distributing Inc. (Appellant Party 27a), 1567219 Ontario Ltd.
 (Appellant Party 27b)
 Michael Wynia – Township of Clearview (Party G1)

Phase 2a Policies:

The policies included in Phase 2a of the hearing include: Section 3.1 Strategy, and sub-sections 3.1.1 through 3.1.4; Section 3.2 Population and Employment Projections/Allocations, Table 1 and sub-sections 3.2.1 through 3.2.16; Section 3.4 Land Use Designations and sub-section 3.4.1; and Section 3.5 Settlements including sub-sections 3.5.1 to 3.5.9 and 3.5.17 to 3.5.33.

The expert witnesses have met several times to date to consider the adopted policies and discuss the issues.

Experts Agreement

The experts agreed that supporting or not opposing/having no opinion on a particular policy in Phase 2a that includes cross reference to other policy(ies) in the Plan should not prejudice or infer support of the cross referenced policy.

The experts who have participated in the meetings either support or do not oppose/have no opinion on the following Policies as they appear in the New OP submitted to the Board as Exhibit 72 on June 2, 2014 (with no modifications):

- 3.2 Population and Employment Projections/Allocations (including Table 1 -- Projections by Municipality for the Year 2031) ** Party 33 agrees with the policy, but would like to reserve its right to request additions to the last paragraph
- 3.2.1
- 3.2.5
- 3.2.6
- 3.2.7
- 3.2.8
- 3.2.9
- 3.2.10
- 3.2.12
- 3.2.13
- 3.4 Land Use Designations
- 3.4.1
- 3.5.2
- 3.5.3
- 3.5.4
- 3.5.19
- 3.5.23 including table
- 3.5.26
- 3.5.27
- 3.5.29
- 3.5.32
- 3.5.33

The experts who have participated in the meetings either support or do not oppose/have no opinion on the following Policies with the Proposed Modifications:

- 3.2.2 – **Modification:** In the last sentence, replace the words “five year” with “municipal”
- 3.2.7 – **Modification:** Insert the words “, including *affordable* housing,” after “housing types and densities”

- **3.2.11 – Modifications:**
 - In the first sentence insert the words “land use designations and” after “Schedule 5.1 of this *Plan*, and establish”
 - In part d) insert the words “, including *affordable housing*,” after “housing types”
- **3.2.14 – Modification:** Replace the policy in its entirety with the following:

“3.2.14 The *County* will maintain a land budget for the entire *County*. The land budget will provide a comprehensive basis of information to assist, inform and monitor progress towards the forecasts and targets established by this *Plan*.”
- **3.2.15 – Modification:** Replace the policy in its entirety with the following:

“3.2.15 The *County* in consultation with the *local municipalities* will establish a land budget guideline to identify amongst other things: the land area within each *settlement area*, the amount of land currently developed, the amount of land designated as *lands for urban uses* but vacant, the status of planning approvals on vacant parcels, the amount of land within *settlement area* boundaries but outside of the *built boundary*, the amount of development within the *built boundary*, the amount of undevelopable lands based on physical or other constraints, the amount of land within *settlement area* boundaries *not for urban uses*, and defined reporting period.”

** Party 93 agrees with the proposed modifications but would like to reserve its right to request identification of additional items for the land budget
- **3.2.16 – Modification:** Replace the words “By February 28th of each year” with “At least annually” and delete the words “for the previous year”.
- **3.5.9 – Modification:** Delete part d) in its entirety and reorder subsequent parts of the policy
- **3.5.20 – Modification:** Replace the policy in its entirety with the following:

“3.5.20 The preferred form of servicing for major long-term expansion of *settlement areas* is *full municipal sewage services and municipal water services*, in accordance with Section 4.7 of this *Plan*.”
- **3.5.22 – Modification:** Delete the words “during the creation of a land budget”
- **3.5.28 – Modification:** Delete the policy in its entirety and renumber the subsequent policies accordingly.
- **3.5.30 – Modification:** Replace the policy in its entirety with the following:

“3.5.30 *Development* within the *built up areas* and *designated greenfield area* of *settlement areas* may be of higher density to achieve the policy directives of this *Plan* but should be compatible with adjacent residential areas. The *local municipalities* may explore means to ensure compatibility through such measures as transitional densities, built form and land uses.”

- Definition of "*Settlements or Settlement Areas*" – Modification: Replace "Provincial Policy Statement, 2005" with "Provincial Policy Statement, 2014"

Policies that remain under appeal with no agreement to date:

- 3.1
- 3.1.1
- 3.1.2
- 3.1.3
- 3.1.4
- 3.2.3
- 3.2.4
- 3.5.5
- 3.5.6
- 3.5.7
- 3.5.8
- 3.5.17
- 3.5.18
- 3.5.21
- 3.25.24
- 3.5.25
- 3.5.31

The expert witnesses have agreed to meet again to further discuss the policies "that remain under appeal with no agreement to date" on Wed. October 15, 2014. Any further progress made arising from that meeting will be reported to the Board.

There has also been some discussion amongst the experts at the meetings regarding whether some of the policies that 'remain under appeal with no agreement' should be deferred to future phases of the hearing to more closely align, or be informed by resolution of related policies. This will be discussed further at the meeting of the expert witnesses on October 15, 2014.

Report prepared by Kathy Suggitt, County of Simcoe
On behalf of the expert witnesses.



THIS IS EXHIBIT "B" REFERRED TO IN THE AFFIDAVIT
OF KATHY SUGGITT SWORN BEFORE ME THIS
14th DAY OF OCTOBER, 2014.



A Commissioner, etc.

**Brenda Clark, County Clerk
A Commissioner for the
Corporation of the
County of Simcoe**

Proposed Modifications

- 3.2.2** The *County*, in collaboration with the *local municipalities*, will review the population and employment forecasts, in conjunction with any reviews undertaken by the *Province*. If necessary, any revisions to the forecasts, including the *local municipalities'* allocations, will require an amendment to this *Plan* and will only be considered as part of a five-year municipal comprehensive review.
- 3.2.7** The *County* will manage the approvals of planning applications for which the *County* is the approval authority, and direct the *local municipalities* to manage the approvals of planning applications for which they are the approval authority, to provide for an appropriate range of housing types and densities including affordable housing, to meet the population projections in keeping with the population/employment allocations to the *local municipalities* as detailed in Table 1 and the *density targets* and *intensification targets* as outlined in Section 3.5.
- 3.2.11** *Local municipalities* will delineate the boundaries of *settlement areas* in their official plans based on what is shown on Schedule 5.1 of this *Plan*, and establish land use designations and policies to ensure that new *development* occurring within these *settlements* is planned in a manner that:
- a) Provides for a mix of land uses, including residential, employment, recreational and human services as appropriate based on the *settlement* hierarchy and role of each *settlement area* as determined by the *local municipality*, to enable people to live, work and play in close proximity;
 - b) Provides for enhanced transportation opportunities for pedestrians and cyclists;
 - c) Provides for densities and land use patterns supportive of transit service where planned to be available in the future;
 - d) Provides for a variety of housing types, including affordable housing; and
 - e) Is phased according to the availability and provision of *infrastructure* and *public service facilities* and the phasing policies of this *Plan*.

Land Budget

- 3.2.14** ~~The *County* will maintain its land budget for the entire *County*. The land budget will provide a comprehensive approach to growth management and the phasing of development across the *County*. The *County* will maintain a land budget for the entire *County*. The land budget will provide a comprehensive basis of information to assist, inform and monitor progress towards the forecasts and targets established by this *Plan*.~~
The *County* will maintain a land budget for the entire *County*. The land budget will provide a comprehensive basis of information to assist, inform and monitor progress towards the forecasts and targets established by this *Plan*.

3.2.15 ~~The land budget for the County will identify amongst other things: the land area within each settlement area, the amount of land currently developed, the amount of land designated as lands for urban uses but vacant, the status of planning approvals on vacant parcels, the amount of land within settlement area boundaries but outside of the built boundary, the amount of development within the built boundary, the amount of undevelopable lands based on physical or other constraints, and the amount of land within settlement area boundaries lands not for urban uses.~~

The County in consultation with the local municipalities will establish a land budget guideline to identify amongst other things: the land area within each settlement area, the amount of land currently developed, the amount of land designated as lands for urban uses but vacant, the status of planning approvals on vacant parcels, the amount of land within settlement area boundaries but outside of the built boundary, the amount of development within the built boundary, the amount of undevelopable lands based on physical or other constraints, the amount of land within settlement area boundaries not for urban uses, and defined reporting period.

3.2.16 ~~By February 28th of each year~~ At least annually, each local municipality will provide a report to the County detailing and tracking the amount of land in each category of the land budget that will be in place including employment areas and employment lands, as well as the amount of building permits issued for new residential units by type and the number of occupancy permits for new residential units by type for the previous year.

3.5.9 Development may be approved in settlement areas in excess of what is needed to accommodate the forecasts in Table 1, provided the development:

- a) Contributes to the achievement of the density targets or intensification targets as applicable, in accordance with sections 3.5.23 and 3.5.24 of this Plan;
- b) Is on lands for urban uses as of January 19, 2012;
- c) Can be serviced in accordance with applicable provincial plans, provincial policies and section 4.7 of this Plan; and
- ~~e) Is phased in accordance with Sections 3.2 and 3.5.14 through 3.5.16 of this Plan;~~
and

Is in accordance with the requirements of the Lake Simcoe Protection Plan, 2009, if applicable.

3.5.20 ~~Settlement areas identified for major long-term expansion should be serviced by full municipal sewage services and municipal water services or be considered suitable for~~

~~the installation or expansion of *municipal sewage services and municipal water services* in accordance with Section 4.7 of this *Plan*. The preferred form of servicing for major long-term expansion of *settlement areas* is *full municipal sewage services and municipal water services*, in accordance with Section 4.7 of this *Plan*.~~

3.5.22 ~~Local municipalities will work with the County during the creation of a land budget to manage the land inventory within *settlements* across the County to include sufficient land for residential, commercial, industrial, institutional, and recreational growth for a period of up to 20 years, including opportunities for *intensification*, redevelopment, and future growth areas including those urban areas listed in 3.5.23. The timing and availability of *municipal water services* and sanitary sewage treatment capacity to service up to the 20 year growth projection shall be considered and may require phasing of the *development* in accordance with service availability.~~

3.5.28 ~~Subject to Section 4.2, social services and *community facilities* shall be located in *settlement areas*.~~

3.5.30 ~~*Development* within *settlement areas* should be compatible with the character and features of the existing community.~~

Development within the *built up areas* and *designated greenfield areas* of *settlement areas* may be of higher density to achieve the policy directives of this *Plan* but should be compatible with adjacent residential areas. The *local municipalities* may explore means to ensure compatibility through such measures as transitional densities, built form and land uses.

SETTLEMENTS or **SETTLEMENT MENT AREAS** means urban areas and rural *settlement areas* within municipalities (such as cities, towns, villages and hamlets) where:

- a) *Development* is concentrated and which have a mix of land uses; and
- b) Lands which have been designated in an official plan for *development* over the long-term planning horizon provided for in policy 1.1.2 of the Provincial Policy Statement, 2005 2014,. Where there are no lands that have been designated over the long-term, the *settlement area* may be no larger than the area where *development* is concentrated.

ONTARIO MUNICIPAL BOARD

MOTION RECORD
Phase 2a
(Returnable October 24, 2014)

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