

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
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

LOOPSTRA NIXON LLP

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**Lawyers for The Corporation
of the Town of Innisfil**

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INDEX

| | TAB |
|--|-----|
| Notice of Motion | 1 |
| Affidavit of Tim Cane (Sworn March 24, 2014) | 2 |
| CV of Tim Cane | A |
| Air Photo of Fennels Corners | B |
| Excerpt from the Official Plan of the Township of West Gwillimbury 1985 | C |
| Excerpt from the Official Plan of the Town of Innisfil 1993 | D |
| Excerpt from Official Plan of the Town of Innisfil 2006 | E |

Tab 1

PL091167

ONTARIO MUNICIPAL BOARD

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**NOTICE OF MOTION OF
 THE CORPORATION OF THE TOWN OF INNISFIL
 (Modification and Partial Approval)**

TAKE NOTICE THAT THE CORPORATION OF THE TOWN OF INNISFIL (the “Town”) will make a motion to the Ontario Municipal Board (the “Board”) on Tuesday, April 15, 2014 at 10:30 a.m., or as soon thereafter as the Board may permit the motion to be heard, at the County of Simcoe, Administration Centre, Council Chambers, 1110 Highway 26, Midhurst, Ontario, L0L 1X0.

THE MOTION IS FOR:

1. An Order of the Board, pursuant to subsection 17(50) of the *Planning Act*, R.S.O. 1990, c. P.13, modifying the County of Simcoe Official Plan as adopted by the County on November 25, 2008 and as endorsed by the County to be modified on January 22, 2013 (the “County OP”) in accordance with the Affidavit of Tim Cane, sworn on March 24, 2014, and approving in part the County OP as modified.
2. Such further and other relief as the Town may seek and the Board may grant.

THE GROUNDS TO BE RELIED ON IN RESPONSE TO THE MOTION ARE:

1. The Town is a party to the appeals of the failure of the Ministry of Municipal Affairs and Housing to make a decision on the County OP. The Town is Party “D” to this proceeding.
2. Issue #1 on the Town’s Issues List asks whether the area known as Fennell’s Corners in the Town, located at approximately Highway 89 and Highway 11, should be designated as a settlement area in the County OP.
3. This motion seeks the Board’s approval of modifications to the County OP that will resolve Issue #1 on the Town’s Issues List. The proposed modifications would delineate Fennell’s Corners as a settlement area on Schedule 5.1 of the County OP and include Fennell’s Corners on the list of settlement areas in Table 5.1.
4. Fennell’s Corners consists of approximately 75 dwellings with a population of approximately 200 residents. It is bounded by County Road 89 (Shore Acres Drive) to the north and Gilford Road to the south, with Yonge Street going through the community.
5. Prior to January 1, 1991, Fennell’s Corners was situated in the Township of West Gwillimbury. Fennell’s Corners was recognized in the Township of West Gwillimbury Official Plan as a Hamlet.
6. Fennell’s Corners became part of the Town of Innisfil on January 1, 1991, pursuant to Section 2 of the *County of Simcoe Act, 1990*, S.O. 1990, c. 16.
7. Fennell’s Corners was recognized in the 1993 Town of Innisfil Official Plan as a Small Urban Policy Area. A Small Urban Policy Area was one of the designations similar to a settlement area in the 1993 Town of Innisfil Official Plan.
8. Fennell’s Corners is recognized as a Village Settlement in the 2006 Town of Innisfil Official Plan, as adopted. No decision has been made to date by the County with respect

to the recognition of Fennell's Corners as a Village Settlement in the 2006 Town of Innisfil Official Plan. The intent of a Village Settlement designation is to maintain small village character and accommodate limited new development on municipal water and private septic services where appropriate. Fennell's Corners has partial municipal servicing (water).

9. The recognition of Fennell's Corners would support the growth management strategy and framework of the County, which is to focus development within a hierarchy of large and small settlement areas.
10. Recognition of Fennell's Corners as a settlement area in the County Official Plan would recognize the historical official plan designations for the community without resulting in significant growth or expansion.
11. The proposed modifications are consistent with the 2005 Provincial Policy Statement and the 2014 Provincial Policy Statement, conform to the Growth Plan for the Greater Golden Horseshoe, and generally constitute good planning.

Generally:

12. The *Planning Act*, R.S.O. 1990, c. P.13, as amended.
13. The 2005 Provincial Policy Statement.
14. The 2014 Provincial Policy Statement.
15. The Growth Plan for the Greater Golden Horseshoe, as amended.
16. The Board's *Rules of Practice and Procedure*.
17. Such further and other grounds as counsel may advance and the Board may permit.

**THE FOLLOWING DOCUMENTARY EVIDENCE WILL BE USED AT THE HEARING
OF THE MOTION:**

1. The Affidavit of Tim Cane, Manager of Land Use Planning, Town of Innisfil, sworn on March 24, 2014, and all exhibits attached thereto.
2. The Board's records, files and exhibits in respect of these proceedings.
3. Such further and other materials as counsel may advise and the Board may permit.

DATED THIS 25th day of March, 2014.

LOOPSTRA NIXON LLP
Barristers & Solicitors
Woodbine Place
135 Queens Plate Drive
Suite 600
Toronto, Ontario
M9W 6V7

Quinto M. Annibale and
J. Mark Joblin

Telephone: (416) 746-4710
Facsimile: (416) 746-8319

**Lawyers for The Corporation
of the Town of Innisfil**

TO: ALL APPELLANTS/PARTIES LISTED IN ATTACHMENTS "A" AND "B"

AND TO: ONTARIO MUNICIPAL BOARD
655 Bay Street, Suite 1500
Toronto, Ontario M5G 1E5

Jason Kwan

Telephone: (416) 326-6775
Facsimile: (416) 326-5370
Email: jason.c.kwan@ontario.ca

ATTACHMENT “A”
LIST OF APPELLANT PARTIES– COUNTY OF SIMCOE OFFICIAL PLAN
OMB File PL091167

January 20, 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 Alcona Limited <i>[Appeal Withdrawn]</i> | Lynda Townsend Jennifer Meader | ltownsend@weirfoulds.com jmeader@weirfoulds.com |
| 10 | Tesmar Holdings Inc. | Lynda Townsend Jennifer Meader | ltownsend@weirfoulds.com jmeader@weirfoulds.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 | Caterina Facciolo | cfacciolo@bratty.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 | rowe@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 |

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| | | | |
|----|---|------------------------------------|--|
| 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

January 20, 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 | gannibale@loonix.com mjoblin@loonix.com |
| E | Town of Bradford West Gwillimbury | Tom Halinski | thalinski@airdberlis.com |
| F | Town of Midland | Paul Peterson | ppeterson@hrggp.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. [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 |

Tab 2

PL091167

ONTARIO MUNICIPAL BOARD

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AFFIDAVIT OF TIM CANE

I, TIM CANE OF THE CITY OF BARRIE, MAKE OATH AND SAY AS FOLLOWS:

1. I, Tim Cane am a land use planner with 16 years' experience working on a wide range of development proposals and policy initiatives. I am a Registered Professional Planner in the Province of Ontario. I have an Honours Bachelor of Science degree in Geomatics and a Master of Environmental Studies degree in land use planning. Attached hereto and marked as Exhibit "A" is a copy of my curriculum vitae.
2. I manage the Town of Innisfil Planning department and work directly on a day to day basis with a wide range of land use proposals. I also manage strategic planning initiatives for the Town to develop comprehensive land use policies.

Background:

3. Fennell's Corners is a settlement with a population of approximately 200 residents and 75 dwellings. It is located within the Town of Innisfil near its southern border, bounded by County Road 89 (Shore Acres Drive) to the north and Gilford Road generally to the south, with Yonge Street going through the community. The community is strategically located at the intersection of two major roads. Prior to January 1, 1991, Fennell's Corners was located in the Township of West Gwillimbury; it became part of the Town of Innisfil pursuant to the *County of Simcoe Act, 1990*. Attached hereto and marked as Exhibit "B" is a 2012 air photo of Fennell's Corners, showing the boundary proposed for the County Official Plan (as reflected in the Town's current Official Plan).
4. Fennell's Corners has historically served the role of being a "Settlement Area" within the surrounding rural community. This is reflected in the 1985 Township of West Gwillimbury


Official Plan, which listed Fennell's Corners in Section 3.1 as one of three Hamlets in the Township of West Gwillimbury "capable of sustaining limited development". The Land Use Plan map of the 1985 Township of West Gwillimbury Official Plan illustrates the designation of Fennell's Corners as a Hamlet, with a defined boundary, and a focus for development. Attached hereto and marked as Exhibit "C" are excerpts from the 1985 Township of West Gwillimbury, including Section 3.1 and the Land Use Plan map.

5. Fennell's Corners was designated in the 1993 Town of Innisfil Official Plan as one of five "Small Urban Policy Areas", intended to be "local centres servicing the existing residential and surrounding rural areas" as stated in Section 5.13.2. Attached hereto and marked as Exhibit "D" are excerpts from the 1993 Town of Innisfil Official Plan including Section 5.13 which identifies Fennell's Corners as a Small Urban Policy Area and provides for the uses within this designation, and the Fennell's Corners Land Use Plan.
6. Fennell's Corners has partial municipal servicing (water) and is identified as one of four Village Settlement Areas within the current Town of Innisfil Official Plan, as adopted in 2006. The County has not yet issued a decision with respect to the Village Settlement Area designation for Fennell's Corners in the current Town of Innisfil Official Plan. The intent of this designation is to maintain the small village character of these settlements and to accommodate limited new development on municipal water and private septic systems where appropriate. In my opinion, there are limited opportunities to accommodate development through infill in Fennell's Corners. The air photo marked as Exhibit "B" supports my opinion. Attached hereto and marked as Exhibit "E" are excerpts from the current Town of Innisfil Official Plan.
7. In my opinion, the historic precedent of the designation of Fennell's Corners in the 1985 Township of West Gwillimbury Official Plan as a "Hamlet" and the designation in the 1993 Town of Innisfil Official Plan of Fennell's Corners as a "Small Urban Policy Area" provide an adequate and appropriate basis and justification for the continued inclusion and designation of Fennell's Corners as a "Settlement Area" within the County Official Plan. It would also be consistent with and support the growth management strategy and framework of the proposed County Official Plan of focusing development within a hierarchy of large and small settlement areas.
8. The designation of a "settlement area" for Fennell's Corners would accurately reflect existing conditions. In my opinion, a settlement boundary expansion of Fennell's Corners would be unlikely as part of a comprehensive review of the Town's Official Plan. Existing proposed developments, together with the population targets in the Growth Plan for the Greater Golden Horseshoe provide limitations on future settlement boundary expansions in the Town, and future growth is likely to be concentrated on the fully serviced settlement area of Alcona, as a Primary Settlement Area pursuant to the Growth Plan. The designation of Fennell's Corners as a Settlement Area in the County Official Plan would recognize the historical official plan designations of Fennell's Corners without resulting in significant growth in Fennell's Corners for some time.

Summary of Opinion:

9. In my opinion, the County Official Plan should be modified to:
 - a. Add “Fennell’s Corners” to the list of settlement areas in Table 5.1; and
 - b. Add “Fennell’s Corners” as a settlement area on Schedule 5.1, delineated with the same settlement area boundary as shown on Exhibit “B”.
10. In my opinion, the proposed modifications to the County Official Plan are consistent with applicable provincial policies, including the Provincial Policy Statement, 2005 and the Provincial Policy Statement, 2014.
11. In my opinion, the proposed modifications to the County Official Plan comply to the Growth Plan for the Greater Golden Horseshoe.
12. In my opinion, the proposed modifications to the County Official Plan are consistent with, and maintain the intent of the remainder of the County Official Plan.
13. In my opinion, the proposed modification to the County Official Plan are appropriate and represent good planning.
14. I make this affidavit in support of the Town’s motion for modification and partial approval returnable Tuesday, April 15, 2014 and for no other or improper purpose.

Sworn before me at the Town of)
 Innisfil in the PROVINCE)
 OF ONTARIO, this 24th day of)
 March, 2014.)


 _____)
 Karen Fraser)
 A Commissioner, etc.)



TIM CANE

**Karen Fraser, Acting Clerk
 A Commissioner, etc., for The
 Corporation of the Town of Innisfil
 in the County of Simcoe**

Tab A

This is Exhibit "A" referred to in the affidavit of
Tim Cane sworn before me, this 24th day of March,
2014.



Karen Fraser

A Commissioner for taking affidavits, etc.

**Karen Fraser, Acting Clerk
A Commissioner, etc., for The
Corporation of the Town of Innisfil
in the County of Simcoe**



Tim Cane B.Sc., M.E.S., MCIP, RPP
Manager of Land Use Planning, Town of Innisfil

EDUCATION & MEMBERSHIPS

- Masters of Environmental Studies (Regional Planning & Resource Development) University of Waterloo, 1997
- Honours Bachelor of Science, University of Toronto, 1995
- Registered Professional Planner (RPP), Ontario Professional Planning Institute (OPPI)
- Full Member, Canadian Institute of Planners

PROFESSIONAL DEVELOPMENT

- Low Impact Development Design - 2013
- Planning & Development Forum - 2012
- Wind Farm Development & Design, 2009
- Ontario Green Energy Act, 2009
- OPPI Conference Presenter, 2007
- Growth Plan Workshop, 2006
- Municipal Planning Reform, 2005
- Long Range Strategic Planning, 2004
- Class EA Workshop, 2004
- Facilitator Skills for Planners, 2004
- Planner at the OMB, 2004.
- Certification to ISO9001:2000, 2003
- Project Management Training, 2002
- Quality Assurance Auditing, 2002
- Expert Evidence Submissions, 2002

EMPLOYMENT HISTORY

- **Town of Innisfil**
 Manager of Land Use Planning, 2012 to present.
- **Huon Group Inc.**
 Principal/Senior Planner, 2010 to 2011
- **The Jones Consulting Group Ltd.,**
 Barrie ON: Partner/Senior Planner, 2003 to 2010.
- **Environmental Resources Management,**
 Melbourne, Australia:
 National Quality Assurance Manager, 2002 to 2003
 Senior Town Planner, 2001 to 2003
 Town Planner, 1997 to 2000

POLICY EXPERIENCE

Policy Initiatives, Town of Innisfil.

Project manage and coordinate various policy initiatives including Official Plan update, comprehensive zoning by-law, second dwelling units, telecommunications siting policy and urban design guidelines.

Qualification for Standing Offer Consulting Services, Métis Nation of Ontario (MNO).

Qualified by the MNO to provide Standing Offer services for the evaluation of development proposals and policy initiatives that have the ability to impact on Métis rights, interests or way of life.

Renewable Energy Planning Approval Framework, Municipality of Grey Highlands.

Responsible for the significant researching of renewable energy sources, impacts of wind energy turbines, review of existing and proposed land use planning policies in Ontario and Internationally, assessment of agency approvals, stakeholder consultation, public open houses, and integration of a landscape character assessment. This background work provided for the formulation of land use policies and a planning approval framework for renewable energy facilities.

Renewable Energy Planning Approval Framework, Town of the Blue Mountains.

Research and policy development for renewable energy uses with a focus on wind energy systems. The process included a cultural heritage landscape assessment together with public information sessions and a constraint analysis process to identify a preferred policy approach.

Wind Energy, Planning Policy, Town of Niagara-on-the-Lake. Development of planning policies for all scales of wind energy facilities incorporating the community's unique characteristics. This work included researching wind turbine mechanics, public open houses, facilitated workshops and the assessment of policy options and other jurisdictional examples.

Wind Energy, Planning Policy, Region of Niagara. Assisted with the development of regional planning policies for wind energy facilities. The process to date has included assessment of provincial, regional and local policies, landscape character overview, and the preparation of draft policies. Local municipal guidelines for wind energy development have also been drafted to assist member municipalities.

Wind Power and Renewable Energy Planning Study, County of Essex. Provision of planning services to the County of Essex for the development of renewable energy policies. This project included a comparative analysis of wind energy policies, coordination of a bird impact study, establishment of a planning approval process, constraint analysis for large scale wind turbines, policy integration with applicable EA processes, and the development of a regulatory framework at the County and local municipal levels.

Renewable Energy & Utilities Policies, Township of East Garafraxa. Undertook local background research and a constraint analysis to develop local land use policies for renewable energy systems and linear transmission infrastructure.

Leonard's Beach Secondary Plan. Preparation of a secondary plan framework for the extension of an existing settlement area adjacent to Lake Simcoe incorporating 1800 acres for future residential, commercial and institutional uses.

Settlement Area Boundary Expansion, Township of Essa. Planning application, policy review, justification report growth management study for the expansion of a settlement boundary to reincorporate lands previously designated for urban uses.

- **Burdett Quarry Redevelopment; Victoria Australia.** Responsible for preparing and coordinating a 400 lot residential community. The plan included rehabilitation of the existing quarry, residential lots, storm water treatment facilities and significant vegetation reserves. The project required local planning approval, policy amendments, and an amendment to the state's urban growth boundary.

City of Glen Eira, Melbourne Australia. Provision of town planning services for a local municipality. This role encompassed local policy assessments for development applications, input into strategic planning processes, reports to Council, representation at the planning appeals board and public consultation.

Mobil Networks, Exxon Mobil, Australia. Sole responsibility for the design and implementation of a service station database for primary transportation routes in eastern Australia. This database was used for feasibility assessments, coordination of national roll-outs, divestment strategies and formulation of development policies in both Australia and the United States.

DEVELOPMENT EXPERIENCE

Development Review and approvals, Town of Innisfil. Project managed and responsible for staff review and recommendations related to official plan amendments, zoning by-law amendments, Committee of Adjustment applications, Plans of subdivision and site plan control.

Victoria Harbour Resort, Township of Tay. Project manager for the feasibility assessment and approval process associated with a hotel, resort and residential development totaling in excess of 500 units.

Starport Resort, Township of Ramara. Project manager for the redevelopment of an

existing marina into a four-season resort encompassing approximately 250 units and 210 marina slips. Activities included the formulation and design of a development concept plan, stakeholder negotiation, and management of the planning approval process.

Spring Lakes Adult Lifestyle Community, Township of Springwater. Project manager for the development of a free standing 800 unit adult lifestyle community encompassing residential, commercial and institutional land uses. Tasks included management of the Official Plan, Zoning Bylaw, Subdivision, Condominium and Site Plan approval processes together with the coordination of various subconsultants and public consultation.

Baywinds Adult Lifestyle Community, Township of Oro-Medonte. Project managed the planning approvals process for a adult lifestyle residential development and 18 hole golf course.

Petro-Canada Neighbours Convenience Stores, Barrie. Project manager for the redevelopment of Petro-Canada service station sites in Barrie to accommodate the national roll-out of the new "Neighbours" convenience concept.

Northern Ethanol, City of Barrie. Project managed the planning approvals process for a large industrial ethanol production facility.

Commercial Plaza, City of Brampton. Project manager of the planning approval process for a neighbourhood shopping plaza located in an existing estate residential designation.

Industrial Condominium Development, City of Toronto. Project manager for the planning approval process to accommodate a 100 unit industrial condominium on a brown field site. Tasks included the formulation and design of a development concept plan.

National Digital Television Broadcasting Upgrade, Australia. Project manager for coordinating planning approvals for television transmission tower upgrades associated with the national roll-out of digital television. Clients

included all five of Australia's major broadcast companies. Responsibilities included preliminary stakeholder consultation, strategizing approval processes, preparation of planning applications, presentations at public and council meetings, securing approvals at the local, state and national level, and supervising construction activities to ensure compliance.

Wind Farm Development, Niagara Region. Assisted with the site selection, constraint analysis and project feasibility aspects of a large scale wind farm development.

Commercial Wind Turbine Developments, Victoria Australia. Services were provided to two wind energy project proponents including planning policy assessment, land acquisition and siting, coordinate environmental effects statement processes, and consideration of possible visual impact issues. Projects include:

- Nirranda South Wind Farm, 2003
- Dollar Wind Farm, 2003

Commercial, Industrial and Institutional Site Plans, Australia. Obtained approval for numerous developments ranging from small single use operations to large multi-tenanted centre's including:

- Langwarrin Neighbourhood Shopping Centre, Australia.
- Mobil Service Stations, Australia.
- Tobin Funeral Homes, Australia.
- Driver training facility, Lara, Australia.
- Jet fuel storage facility, Somerton, Australia.
- Swimming Centre, Brighton, Australia.
- Red Rooster Restaurants, Australia.
- Burger King and KFC Restaurants, Australia
- Jindalee Winery, Batesford, Australia.

Residential Development, Summary Overview. Project managed a variety of residential developments. Tasks included providing design advice to architects, coordinating heritage, traffic, landscape and acoustic consultants, assessing local planning provisions and policies, preparation and lodgment of planning applications, public consultation, and Council presentations. Projects included (unit/lot numbers):

- Sherwood Estates, Oro-Medonte (26)
- Pro-Elm Estates, Elmvale (76)
- Diamond Valley Estates, Oro-Medonte (128)
- Cheltenham Road, Barrie (30)
- Harrogate Court, Barrie (32)
- Mansfield Estates, Mulmer (198)
- Manors of Colgan, New Tecumseth (330)
- Clendon Road, Toorak, Australia. (6)
- Park Road Retirement Village, Donvale, Australia. (282)
- Applewood Retirement Village, Doncaster, Australia. (320)
- Ryans Road, Eltham, Australia. (19)
- William Street, McCrae, Australia. (4)
- Devon Street, Caulfield, Australia. (4)
- Hornby Street, East Brighton, Australia. (4)

- Charles Street, East Brighton, Australia. (5)
- Grenville Street, Hampton, Australia. (22)
- Kambrook Road, Caulfield, Australia. (3)

Planning Appeals. Successful representation, including expert evidence, for developers, Councils and stakeholders at the Ontario Municipal Board and Victorian Civil & Administrative Tribunal.

Tab B

This is Exhibit "B" referred to in the affidavit of
Tim Cane sworn before me, this 24th day of March,
2014.



.....

Karen Fraser

A Commissioner for taking affidavits, etc.

**Karen Fraser, Acting Clerk
A Commissioner, etc., for The
Corporation of the Town of Innisfil
in the County of Simcoe**

Fennel's Corner Settlement Area Boundary

(As identified in current Town of Innisfil Official Plan (non-decision))



Scale: 1:4000
County of Simcoe Aerial Photo, 2012

Tab C

This is Exhibit "C" referred to in the affidavit of
Tim Cane sworn before me, this 24th day of March,
2014.



.....
Karen Fraser

A Commissioner for taking affidavits, etc.

**Karen Fraser, Acting Clerk
A Commissioner, etc., for The
Corporation of the Town of Innisfil
in the County of Simcoe**

THE OFFICIAL PLAN

OF THE

TOWNSHIP OF WEST GWILLIMBURY

ORDER MADE UNDER THE
PLANNING ACT, 1983

CONTINUATION AND ALLOCATION OF JOINT OFFICIAL PLAN
UNDER SUBSECTION 71(3)

THE TOWNSHIP OF WEST GWILLIMBURY

1. That part of the official plan for the former Bradford and West Gwillimbury set forth in Schedule A to F hereto (with the inclusion of certain minor revisions to the form and terminology thereof to provide a cohesive plan) shall remain in force on and after the 1st day of August, 1985 and is hereby allocated to the Township of West Gwillimbury as the official plan for the Township of West Gwillimbury.
2. This Order comes into force on the 1st day of August, 1985.

L. J. Fincham
Director
Plans Administration Branch
Central and Southwest
Ministry of Municipal Affairs

Dated at Toronto
this 29th day of
July, 1985.

3

BASIS OF THE PLAN

The Bradford-West Gwillimbury Official Plan was approved by the Ministry of Housing in March 1975. Following the completion of the Simcoe - Georgian Area Task Force Report in 1976 and in accordance with the intent of the Basis of the Approved Plan*, the Official Plan was reviewed and updated to reflect the recommendations of the Simcoe - Georgian Area Task Force Report and current thinking of the Council of the Township of West Gwillimbury.

3.1

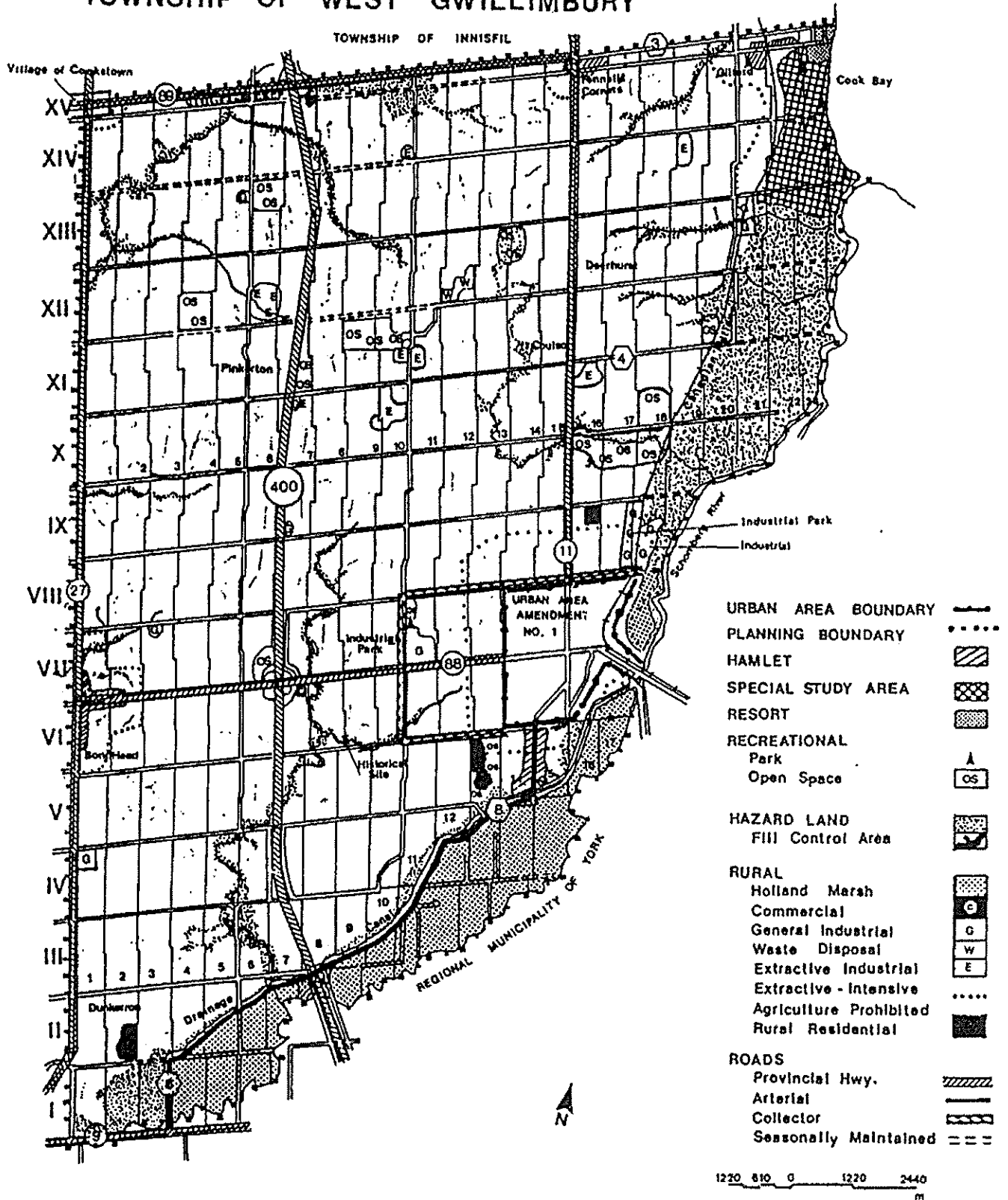
The Township of West Gwillimbury will continue as a predominantly rural community. Areas of concentrated development in the township, including the Hamlets of Green Valley, Bond Head, Fennels Corners, and Gilford, are capable of sustaining limited development. A limited amount of commercial development will also be permitted in properly located and planned areas.

3.2

The Simcoe - Georgian Area Task Force Strategy has been incorporated into this updated Plan as it applies to the Township of West Gwillimbury. Should an Official Plan be prepared for the County of Simcoe at some time in the future this Plan will be reviewed in the context of the County Plan.

* Bradford - West Gwillimbury Official Plan approved March 1975.

OFFICIAL PLAN OF THE TOWNSHIP OF WEST GWILLIMBURY



LAND USE PLAN

Schedule A

Tab D

This is Exhibit "D" referred to in the affidavit of
Tim Cane sworn before me, this 24th day of March,
2014.



.....
Karen Fraser

A Commissioner for taking affidavits, etc.

**Karen Fraser, Acting Clerk
A Commissioner, etc., for The
Corporation of the Town of Innisfil
in the County of Simcoe**

2.4 Future Population

For the purposes of this Plan, a selected population target has been used based on an average growth pattern experienced in the Town during the 1980s.

Referral #18

Mod 7

The population target for the Town to the year 2011 is approximately 45,200 (*Ninth Line Innisfil Limited*) persons. This target represents slightly more than a doubling of the Town's total 1991 population of 20,618.

Referral #18

The majority of the anticipated population increase will be generated within and adjacent to the growth centres of Alcona, Lefroy and Cookstown to facilitate the provision of municipal services. (Insofar as the Community of Stroud is not included, 81235 Ontario Limited)

The communities of Stroud, Thomson, Churchill, Bell Ewart, Gilford and Fennell's Corners will be encouraged to maintain the role of local centres servicing the existing residential and surrounding rural areas.

5.13 Small Urban Policy Area

5.13.1 Area of Application

The following areas are designated as Small Urban Policy Areas – Churchill, Stroud, Thornton, Gilford, Fennell's **Corners** and are subject to the following policies.

5.13.2 Uses

Within the Small Urban Policy Areas the uses permitted shall be limited to residential, commercial, industrial, institutional and recreation to serve the residents of each community and the surrounding agricultural/rural/resort community and uses that are accessory to a permitted use.

5.13.3 Policies

Each of the Small Urban Policy Areas has a Schedule which identifies a variety of land uses.

Mod 44(a)(b) Development shall occur in accordance with those land use designations. Any changes to the land uses shall be in the form of an amendment to this Plan and shall be subject to the policies and procedures associated with Plan amendments as stated in this Plan including the provision of an Environmental Impact Analysis. The Plan designates sufficient land with the Town as Small Urban Policy Areas to accommodate future the population of these areas over the life time of the Plan. It is anticipated that the population for the Small Urban Areas will increase by approximately 11 50 persons. In keeping with the municipal strategy to direct growth to fully serviced areas, it is not intended that any additional lands will be designated for development within the planning period.

Residential

Residential development in the form of single detached dwelling units shall occur within the areas identifies as Residential on Schedules C, D, E, F and I. This existing apartment block in Stroud is recognized as an exception to this policy.

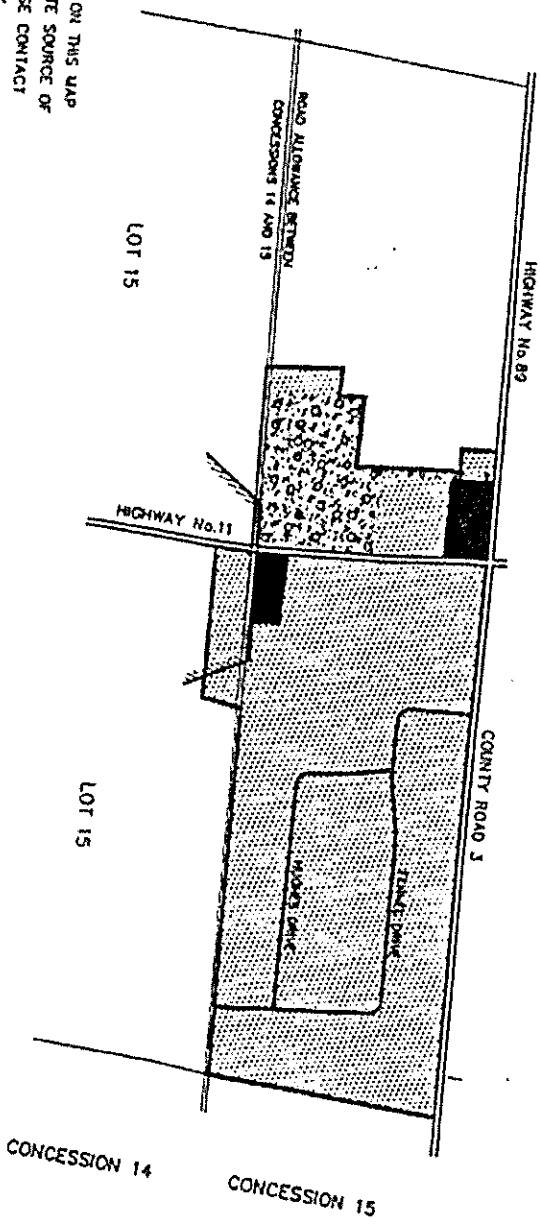
Development may take the form of infilling on individual lots or plans of subdivision.

Commercial








Commercial development which serves the needs of the local area shall occur within the areas identified as Commercial on Schedules C, D, E, F and I. When adjacent to residential or institutional uses, the commercial use shall provide screening in the form of landscaping or fencing to minimize possible conflicts.

SCHEDULE F
FENNEL'S CORNERS LAND USE PLAN
 OF THE
OFFICIAL PLAN
INNISFIL PLANNING AREA

THE FILL REGULATED AREAS SHOWN ON THIS MAP
 ARE APPROXIMATE FOR AN ACCURATE SOURCE OF
 FILL AND FLOOD LINE MAPPING PLEASE CONTACT
 THE LOCAL CONSERVATION AUTHORITY.



POLICY AREA LEGEND

| | |
|---|---|
|  | RESIDENTIAL |
|  | COMMERCIAL |
|  | INSTITUTIONAL |
|  | OPEN SPACE |
|  | NATURAL ENVIRONMENT |
|  | FILL REGULATED AREA |
|  | POLICY AREA BOUNDARY (EXCEPT TO SCHEDULE F LOT BOUNDARY WHICH IS TO BE SHOWN WITHIN BOUNDARY AREA) |

(IN METERS)



Tab E

This is Exhibit "E" referred to in the affidavit of
Tim Cane sworn before me, this 24th day of March,
2014.



Karen Fraser

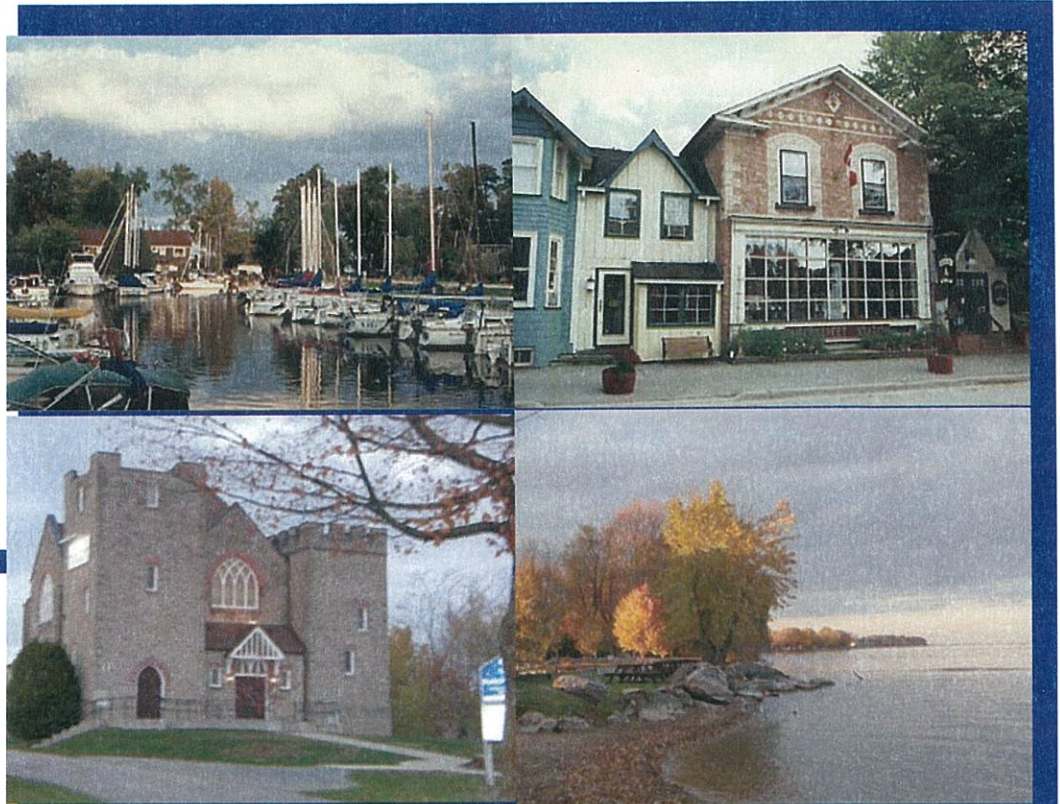
A Commissioner for taking affidavits, etc.

**Karen Fraser, Acting Clerk
A Commissioner, etc., for The
Corporation of the Town of Innisfil
in the County of Simcoe**



TOWN OF INNISFIL OFFICIAL PLAN

*Adopted July 26, 2006
Approved by OMB May 2009, March 2010 & April 8, 2011*



*Prepared by
Sorensen Gravely Lowes Planning Associates Inc.*

*In association with
AgPlan Ltd.
Cumming + Company
Joseph Bogdan & Associates Inc.
LEA Consulting Ltd.
N. Barry Lyon Consultants Ltd.
Norbert Woerns
North-South Environmental Inc.*

- vi) Within the lands designated as Sandy Cove Future Expansion Area on Schedule B-5, studies shall be undertaken prior to Secondary Plan approval to address matters of required servicing infrastructure, stormwater management, transportation and transit infrastructure, and environmental features to be protected as more specifically set out in Section 3.3.4.19.

This policy is not intended to delay any applications for rezoning or plan of subdivision that are implementing the current Official Plan designations in the settlement area.

Appeal #18 only insofar as it relates to the lands located at the southeast corner of 25th Sideroad and Mapleview Drive.

2.6 VILLAGE SETTLEMENTS

Intent:

The Village Settlements include the small historic settlements along Yonge Street and Lake Simcoe, which are partially serviced. It is intended that these areas retain their current small village character and accommodate limited new development on municipal water and private septic systems.

Goals:

- To maintain the small village character of the Village Settlements while permitting limited growth.

Objectives:

1. To permit limited residential, commercial, industrial, institutional and recreation uses to serve the residents of each village settlement and the surrounding agricultural / rural / resort community.
2. To permit limited infilling and rounding out of Village Settlements subject to the policies of this Plan.

Policies:

2.6.1 The following areas are delineated as Village Settlements on Schedule A: Stroud, Churchill, **Fennell's Corners** and Gilford.

Non Decision insofar as it applies to the bolded text.

2.6.2 Village Settlements will primarily be comprised of large lot single detached dwellings on partial services, small scale local serving commercial uses, churches, schools and other local institutional uses and parks, open space and recreational uses.

2.6.3 Development shall occur in accordance with the specific policies in the Village Residential, Village Commercial and Institutional designations set out in Section 3 and the detailed mapping of land uses within each Village Settlement delineated on Schedules B7, B8, **B9** and B10.

Non Decision insofar as it applies to the bolded text.

2.6.4 In keeping with the municipal strategy to direct growth to fully serviced Urban Settlements, growth in Village Settlements will be limited to infill, minor expansions and rounding out of the boundaries of the settlement area, as per Section 2.6.5.

- 2.6.5 Minor expansions and rounding out of a Village Settlement shall be considered as part of a municipal comprehensive review which shall consider the following matters prior to adoption of an Official Plan Amendment:
- i) a settlement capability study to evaluate servicing alternatives and demonstrate that development on private or communal services is feasible, provided;
 - a) a maximum of 5 new lots are permitted where private septic services are the preferred servicing alternative;
 - b) communal sewage disposal is the preferred servicing option for more than 5 lots;
 - c) in the case of rounding out of existing partially serviced Village Settlements, more than 5 lots on private septic services may be permitted provided the settlement capability study determines these privately serviced lots are feasible; and
 - d) for all private septic serviced or partially serviced lots, sufficient reserve sewage system capacity is confirmed within the Town's municipal sewer treatment systems to treat for hauled sewage from the private systems or partial services;
 - e) where municipal water is provided, confirmation of sufficient capacity.
 - ii) demonstration that the expansion area can be serviced by transportation infrastructure, water services and storm water management in an efficient and cost-effective manner; and
 - iii) matters set out in Section 2.3.9 (i) first and 4th bullets, (ii), (iii), (iv), (v), (vi), (viii), (ix), (x), (xi), and (xiv).
- 2.6.6 It is anticipated that all new plans of subdivision will be serviced with municipal water and private septic or communal services. New residential and commercial growth, including new infill lots, will not be permitted unless accompanied by a hydrogeological study to the satisfaction of the Town indicating that the MOE reasonable use guidelines for septic systems can be achieved. Unless a settlement capability study under Section 2.6.5 has been conducted, applications for multi-lot development shall also be accompanied by an evaluation of servicing alternatives (i.e. communal or individual) including justification for the proposed form of servicing.
- 2.6.7 Despite the policies of Section 2.6.5 (i) and 2.6.6, it is the policy of the Town not to assume ownership of communal sewage servicing systems. The effect of this policy may be to preclude future proposed development.
- 2.6.8 Commercial uses sufficient to support the convenience and day-to-day needs of the Village Settlement and the surrounding agricultural/rural community should be encouraged.
- 2.6.9 If full municipal services are extended to any of the Village Settlements, the Village Settlement shall be redesignated as an Urban Settlement and a secondary plan shall be prepared addressing the matters set out in Section 9.18. The secondary plan study shall also delineate a built boundary for the settlement area.

2.6.10 The Village Settlements are identified as undelineated built up areas by the *Built Boundary for the Growth Plan for the Greater Golden Horseshoe*. As such, all residential growth within the Village Settlements shall contribute to the intensification target set out in Section 2.3.4.

2.7 LAKE SIMCOE SHORELINE

Intent:

The Lake Simcoe Shoreline represents the lands along Lake Simcoe including Kempenfelt Bay and Cooks Bay, as shown on Schedule A. It is an area of competing land use and regulatory interests. Much of the shoreline has historically been developed for seasonal cottages, full time dwellings, small scale seasonal resorts, marinas and other tourism commercial uses, as well as Urban and Village Settlements including Alcona, Sandy Cove, Lefroy/Belle Ewart and Gilford. Very little of the shoreline is left in an undeveloped state. However, the entire shoreline edge is considered a natural heritage feature and designated Natural Environmental Area. Outside of the Urban and Village Settlements, the shoreline is considered part of the Countryside, despite in many areas having a developed character. In these developed areas of the Countryside, only limited further development is permitted, which is related to lake-based recreational activities.

Increasingly the seasonal cottages are being converted or replaced by larger full time residences. Shoreline Residential Areas outside of Urban and Village Settlements shall remain as predominately small scale, residential areas. Limited infilling that maintains the character of the area will be permitted. Access to the waterfront is also an important principle for residents and should be improved where possible. Residents are also desirous of improving the water quality of the lake. Providing full municipal sewer services, to portions of the Lake Simcoe Shoreline Area, will assist in improving the water quality of the Lake.

Goals:

- To maintain the majority of the Lake Simcoe Shoreline as a residential and recreational area.
- To provide adequate vegetative buffering and development setbacks along the shoreline of Lake Simcoe.

Objectives:

1. *To provide for both permanent residential and seasonal residential uses.*
2. *To ensure that any development, redevelopment or site alteration in shoreline hazards related to flooding, erosion and dynamic beach will be designed in accordance with accepted standards and procedures.*
3. *To encourage public land acquisition and improve public access to Lake Simcoe.*
4. *To improve the water quality of Lake Simcoe through proper land management and, where feasible, municipal services along the Shoreline Area.*
5. *To increase the natural cover along the Shoreline Area and encourage shoreline naturalization.*
6. *To link the natural heritage system to Lake Simcoe.*

Schedule A: Municipal Structure

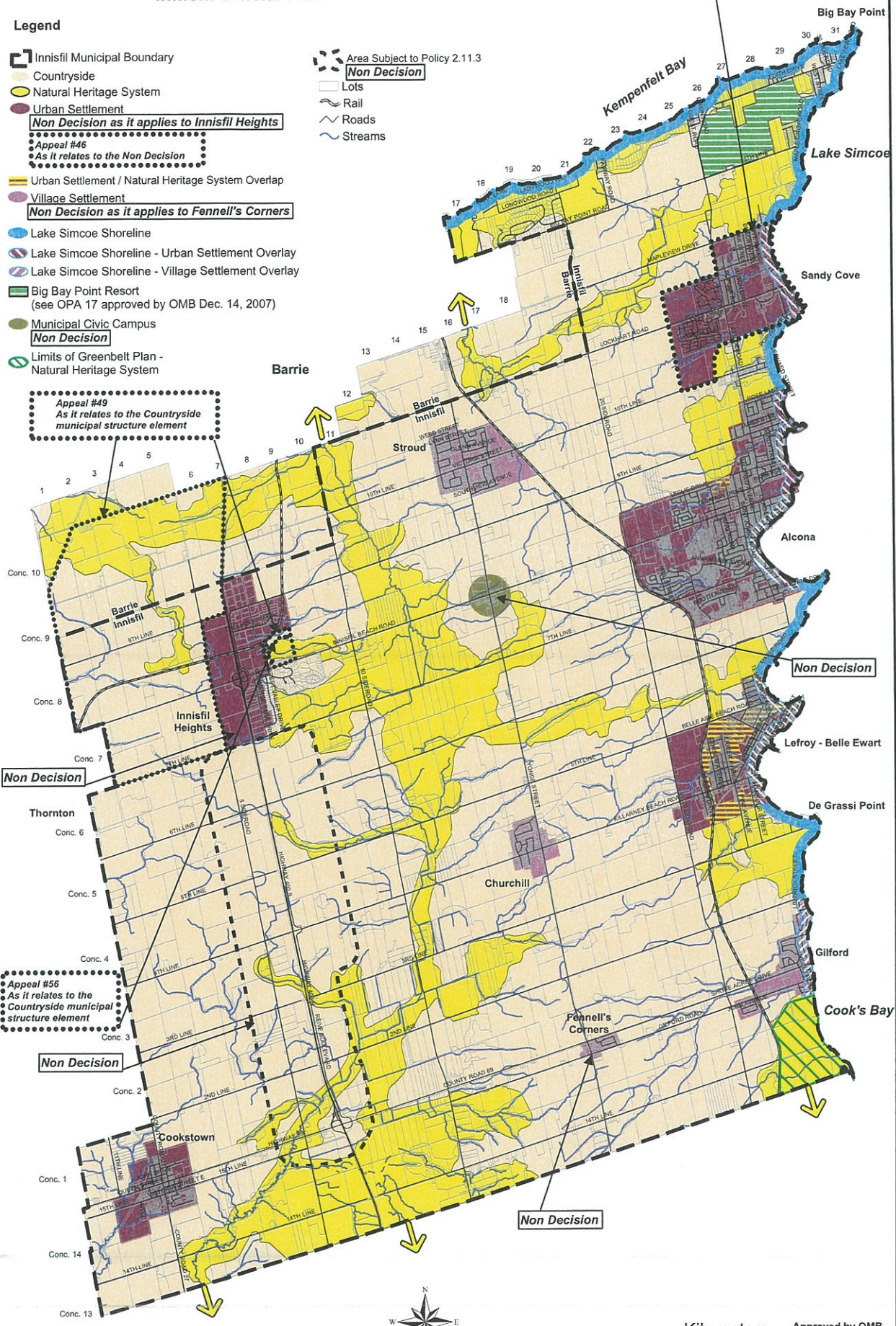
Innisfil Official Plan

Legend

- Innisfil Municipal Boundary
- Countryside
- Natural Heritage System
- Urban Settlement
- Non Decision as it applies to Innisfil Heights**
- Appeal #46
- As it relates to the Non Decision
- Urban Settlement / Natural Heritage System Overlap
- Village Settlement
- Non Decision as it applies to Fennell's Corners**
- Lake Simcoe Shoreline
- Lake Simcoe Shoreline - Urban Settlement Overlay
- Lake Simcoe Shoreline - Village Settlement Overlay
- Big Bay Point Resort
(see OPA 17 approved by OMB Dec. 14, 2007)
- Municipal Civic Campus
- Non Decision**
- Limits of Greenbelt Plan - Natural Heritage System

- Area Subject to Policy 2.11.3
- Non Decision**
- Lots
- Rail
- Roads
- Streams

- Appeal #45
- As it relates to the Urban Settlement
- boundary for Sandy Cove



Appeal #49
As it relates to the Countryside municipal structure element

Non Decision

Appeal #56
As it relates to the Countryside municipal structure element

Non Decision

Non Decision

Non Decision



Approved by OMB
May 13, 2009 and
March 1, 2010

Schedule B: Land Use Innisfil Official Plan

Legend

Land Use Designations

- Specialty Crop Area
- Agricultural Area
- Rural Area
- Special Rural Area
- Natural Environmental Area
- Greenbelt Plan - Natural Heritage System Overlay
- Estate Residential Area
- Shoreline Residential Area
- Highway Commercial Area
- Shoreline Commercial Area
- Rural Industrial
- Extractive Industrial Area
- Institutional Area
- Parks and Open Space
- Urban and Village Settlements (see Schedules B1 to B3 & B5 to B10)

- Big Bay Point Resort (see OPA 17 approved by OMB Dec. 14, 2007)
- Closed Landfill
- Waste Disposal Assessment Area
- Innisfil Municipal Boundary
- Streams
- Hazard Land Area Overlay
- Lots
- Rail
- Roads

- Appeal #52
As it relates to the Urban Settlement boundary for Sandy Cove

- Appeal #55
As it relates to the Agricultural Area and Natural Environmental Area designations

- Non Decision insofar as Innisfil Heights being identified as an Urban Settlement and Fennell's Corners being identified as a Village Settlement
- Appeal #50
As it relates to the Non Decision of Innisfil Heights
- Appeal #54
As it relates to the Rural Area, Special Rural Area, and Agricultural Area designations

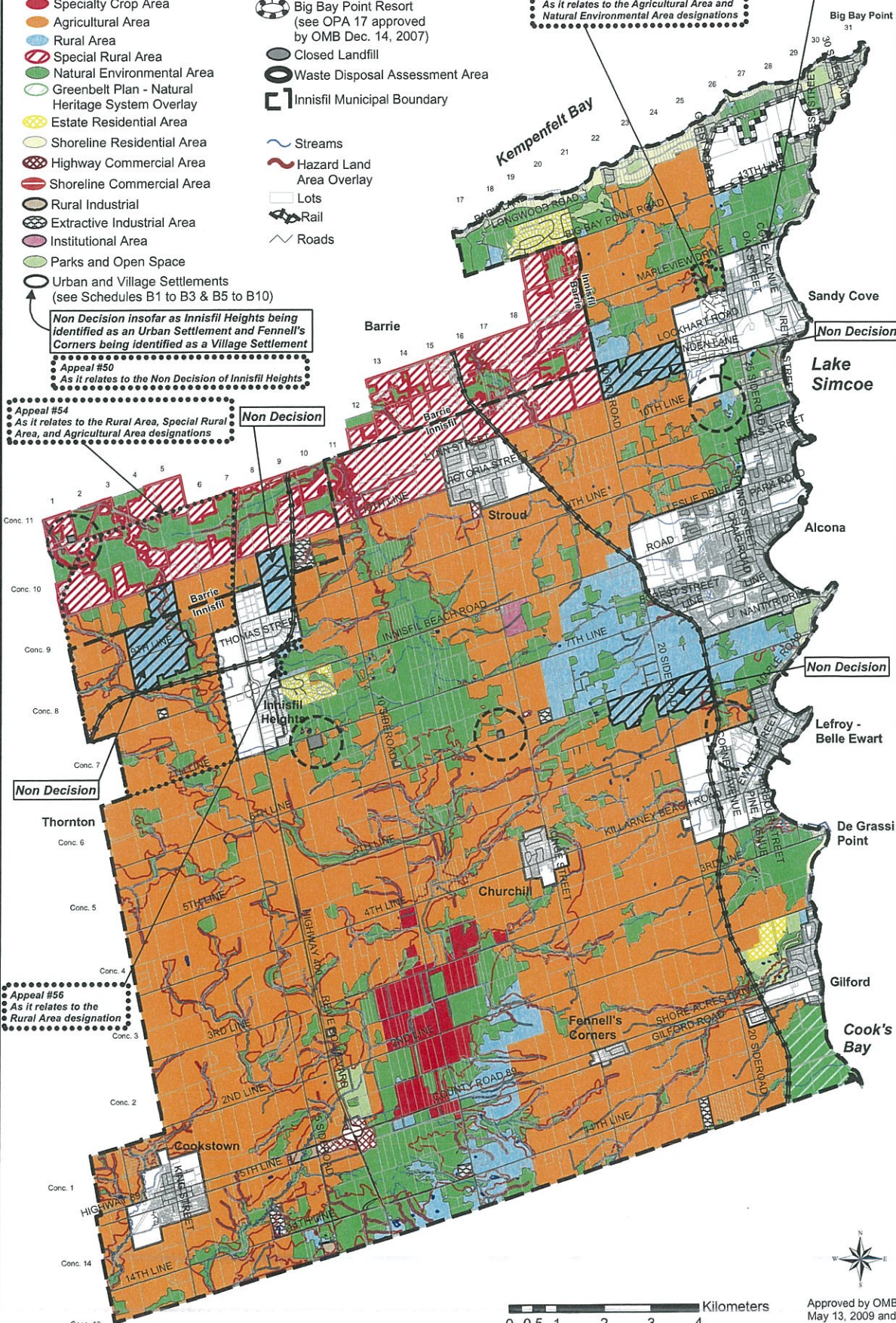
- Non Decision

- Non Decision

- Non Decision

- Appeal #56
As it relates to the Rural Area designation

- Non Decision



Approved by OMB
May 13, 2009 and
March 1, 2010

Town of Innisfil Official Plan

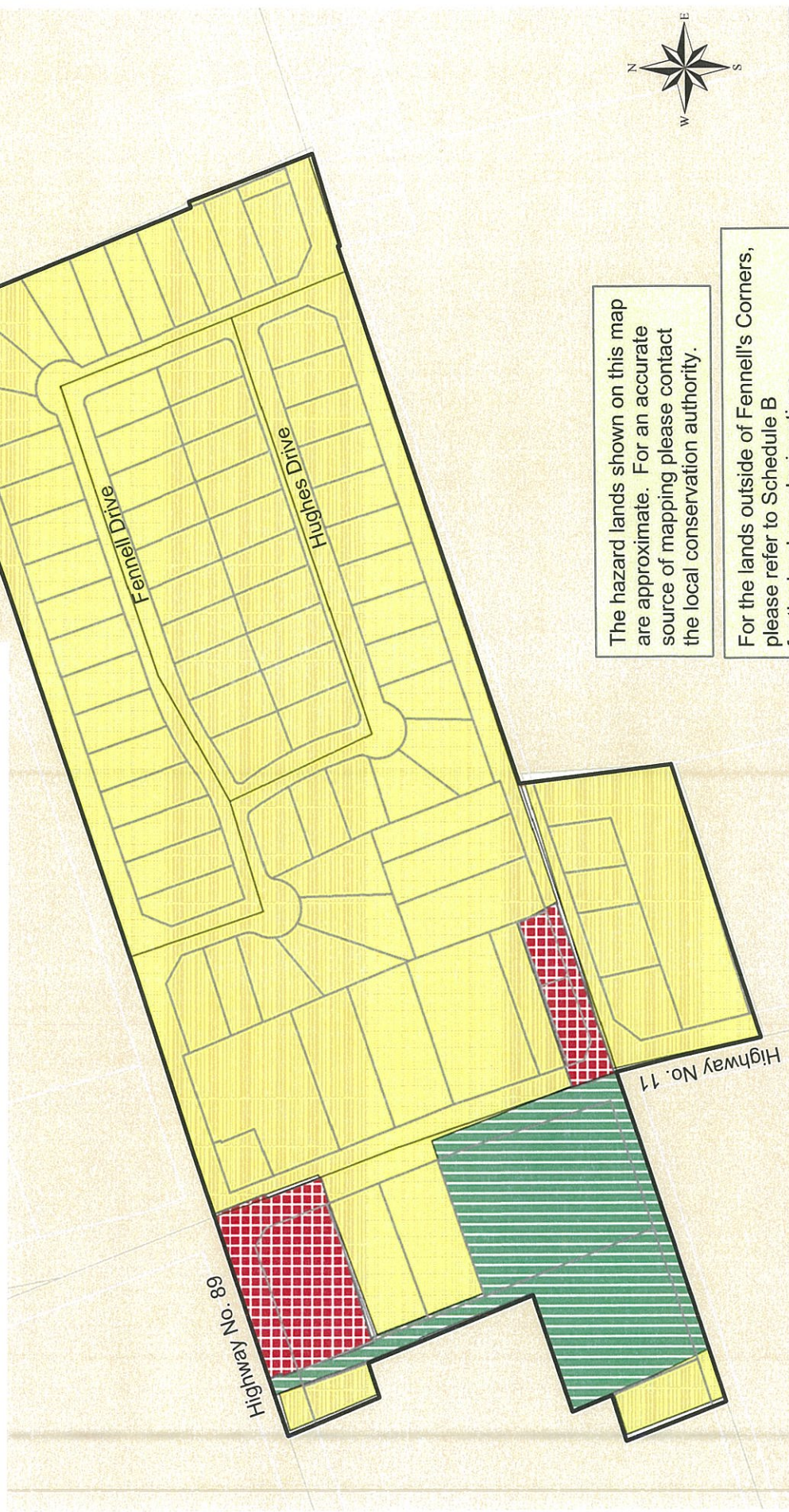
Schedule B9 Land Use: Fennell's Corners

Legend

Settlement Boundary
Non Decision

Lots
 Roads

Streams
 Village Residential Area
 Village Commercial Area
 Parks and Open Space



The hazard lands shown on this map are approximate. For an accurate source of mapping please contact the local conservation authority.

For the lands outside of Fennell's Corners, please refer to Schedule B for the land use designations.

