

## 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 (EMPLOYMENT AREAS)**

THOMSON, ROGERS  
Barristers and Solicitors  
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Toronto, Ontario  
M5H 1W2

ROGER T. BEAMAN  
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Lawyers for the Corporation  
of the County of Simcoe

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

**AND TO: ONTARIO MUNICIPAL BOARD**  
655 Bay Street  
15th Floor  
Toronto, Ontario  
M5G 1E5

Attention: Jason Kwan, Planner  
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**ATTACHMENT “A”**  
**LIST OF APPELLANT PARTIES– COUNTY OF SIMCOE OFFICIAL PLAN**  
**PL091167**

October 18, 2013

No.	Appellant	Lawyer/Agent	E-mail Address
1	County of Simcoe	Roger Beaman	<a href="mailto:rbeaman@thomsonrogers.com">rbeaman@thomsonrogers.com</a>
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3	Craighurst Land Corp.	Susan Rosenthal	<a href="mailto:susanr@davieshowe.com">susanr@davieshowe.com</a>
4	Huntingwood Trails (Collingwood) Ltd.	Susan Rosenthal Tanya Nayler	<a href="mailto:susanr@davieshowe.com">susanr@davieshowe.com</a> <a href="mailto:tanyan@davieshowe.com">tanyan@davieshowe.com</a>
5	Midhurst Rose Alliance Inc.	Ira Kagan Paul DeMelo	<a href="mailto:ikagan@ksllp.ca">ikagan@ksllp.ca</a> <a href="mailto:pdemelo@ksllp.ca">pdemelo@ksllp.ca</a>
6	Township of Springwater	Barnet Kussner	<a href="mailto:bkussner@weirfoulds.ca">bkussner@weirfoulds.ca</a>
7	451082 Ontario Limited	James Feehely	<a href="mailto:jfeehely@feehelygastaldi.com">jfeehely@feehelygastaldi.com</a>
8	<b>8a</b> 861945 Ontario Ltd. <del><b>8b</b> Golfview Estates Limited W/D</del> <b>8c</b> Mark Rich Homes Limited <b>8d</b> Silver Spring View Estates Limited <b>8e</b> Simcoe Estates Limited <b>8f</b> Royal Heights Estates Limited <del><b>8g</b> OMC Development Corp. W/D</del>	David White Cory Estrela	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> <a href="mailto:cory.estrela@devrylaw.ca">cory.estrela@devrylaw.ca</a>
9	Innisfil Aleona Limited <i>[Withdrawn]</i>	Lynda Townsend Jennifer Meader	<a href="mailto:ltownsend@weirfoulds.com">ltownsend@weirfoulds.com</a> <a href="mailto:jmeader@weirfoulds.com">jmeader@weirfoulds.com</a>
10	Tesmar Holdings Inc.	Lynda Townsend Jennifer Meader	<a href="mailto:ltownsend@weirfoulds.com">ltownsend@weirfoulds.com</a> <a href="mailto:jmeader@weirfoulds.com">jmeader@weirfoulds.com</a>
11	Janice & David Wright	David White Cory Estrela	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> <a href="mailto:cory.estrela@devrylaw.ca">cory.estrela@devrylaw.ca</a>
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16	Midhurst Ratepayers' Association <i>[Dismissed]</i>	David Strachan* Margaret Hutchison*	<a href="mailto:davidistrachan@yahoo.com">davidistrachan@yahoo.com</a> <a href="mailto:mhutchis1000@gmail.com">mhutchis1000@gmail.com</a>
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19	<b>19a</b> Rama Resorts International Inc. <b>19b</b> Fernbrook Homes (Rama) Limited	Brian Goodreid*	<a href="mailto:briangoodreid@hotmail.com">briangoodreid@hotmail.com</a>
20	4091402 Ontario Ltd. <i>[Withdrawn]</i>	David White Cory Estrela	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> <a href="mailto:cory.estrela@devrylaw.ca">cory.estrela@devrylaw.ca</a>
21	Nicole and Brent Fellman	David White Cory Estrela	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> <a href="mailto:cory.estrela@devrylaw.ca">cory.estrela@devrylaw.ca</a>
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24	442023 Ontario Limited	David White Cory Estrela	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> <a href="mailto:cory.estrela@devrylaw.ca">cory.estrela@devrylaw.ca</a>
25	1045901 Ontario Limited	David White Cory Estrela	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> <a href="mailto:cory.estrela@devrylaw.ca">cory.estrela@devrylaw.ca</a>
26	Kellwatt Limited	David White Cory Estrela	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> <a href="mailto:cory.estrela@devrylaw.ca">cory.estrela@devrylaw.ca</a>
27	27a Ontario Potato Distributing Inc. 27b 1567219 Ontario Limited	Chris Barnett	<a href="mailto:cbarnett@davis.ca">cbarnett@davis.ca</a>
28	Black Marlin Management Inc.	Caterina Facciolo Barry Horosko	<a href="mailto:cfacciolo@bratty.com">cfacciolo@bratty.com</a> <a href="mailto:bhorosko@bratty.com">bhorosko@bratty.com</a>
29	Ahmadiyya Muslim Jama'at Canada Inc. (AMJC)	Caterina Facciolo Barry Horosko	<a href="mailto:cfacciolo@bratty.com">cfacciolo@bratty.com</a> <a href="mailto:bhorosko@bratty.com">bhorosko@bratty.com</a>
30	D.G. Pratt Construction Limited	Jane Pepino Andrea Skinner	<a href="mailto:jpepino@airdberlis.com">jpepino@airdberlis.com</a> <a href="mailto:askinner@airdberlis.com">askinner@airdberlis.com</a>
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\*Agent

## ATTACHMENT "B"

### LIST OF PARTIES– COUNTY OF SIMCOE OFFICIAL PLAN PL091167

October 18, 2013

No.	Party	Representative/Agent	E-mail Address
<b>A</b>	Ministry of Municipal Affairs and Housing	Ken Hare	<a href="mailto:ken.hare@ontario.ca">ken.hare@ontario.ca</a>
<b>B</b>	Town of Collingwood	Leo Longo	<a href="mailto:llongo@airdberlis.com">llongo@airdberlis.com</a>
<b>C</b>	<b>C1</b> Town of Penetanguishene <b>C2</b> Township of Ramara	Edward Veldboom	<a href="mailto:eveldboom@russellchristie.com">eveldboom@russellchristie.com</a>
<b>D</b>	Town of Innisfil	Quinto Annibale	<a href="mailto:qannibale@loonix.com">qannibale@loonix.com</a>
<b>E</b>	Town of Bradford West Gwillimbury	Tom Halinski	<a href="mailto:thalinski@airdberlis.com">thalinski@airdberlis.com</a>
<b>F</b>	Town of Midland	Paul Peterson	<a href="mailto:ppeterson@hgrgp.ca">ppeterson@hgrgp.ca</a>
<b>G</b>	<b>G1</b> Township of Clearview <b>G2</b> Township of Tiny <b>G3</b> Town of Wasaga Beach	Ian Rowe Adrianna Pilkington	<a href="mailto:irowe@barristonlaw.com">irowe@barristonlaw.com</a> <a href="mailto:apilkington@barristonlaw.com">apilkington@barristonlaw.com</a>
<b>H</b>	Town of New Tecumseth	James Feehely	<a href="mailto:jfeehely@feehelygastaldi.com">jfeehely@feehelygastaldi.com</a>
<b>I</b>	Township of Adjala-Tosorontio	Christel Higgs Stephen Waqué	<a href="mailto:chiggs@blg.com">chiggs@blg.com</a> <a href="mailto:swaque@blg.com">swaque@blg.com</a>
<b>J</b>	<b>J1</b> Ontario Stone, Sand and Gravel Association <b>J2</b> CBM Aggregates, a division of St. Marys Cement (Canada) Inc. <b>J3</b> Lafarge Canada Inc. <b>J4</b> Holcim (Canada) Inc. <b>J5</b> James Dick Construction Limited <b>J6</b> Walker Aggregates Inc.	Mary Bull Alexandra Sadvari	<a href="mailto:mbull@woodbull.ca">mbull@woodbull.ca</a> <a href="mailto:asadvari@woodbull.ca">asadvari@woodbull.ca</a>
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<b>N</b>	<del>N</del> [Now Appellant 28]		
<b>O</b>	No Jet Construction Inc. Remington Homes (Manhattan) Inc. [Withdrawn]	<del>Caterina Facciolo</del> <del>Barry Horosko</del>	<del><a href="mailto:efacciolo@bratty.com">efacciolo@bratty.com</a></del> <del><a href="mailto:bhorosko@bratty.com">bhorosko@bratty.com</a></del>
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<b>Q</b>	John Barzo Limited	John Barzo	<a href="mailto:jbarzo@barzolaw.com">jbarzo@barzolaw.com</a>
<b>R</b>	Innisfil Mapleview Developments Limited	Susan Rogers	<a href="mailto:susan.rogers@sdrogerslaw.ca">susan.rogers@sdrogerslaw.ca</a>
<b>S</b>	2133952 Ontario Inc.	Harold Elston	<a href="mailto:harold@elstons.ca">harold@elstons.ca</a>
<b>T</b>	Talisker Corporation	Harold Elston	<a href="mailto:harold@elstons.ca">harold@elstons.ca</a>
<b>U</b>	<del>U1 and U2</del> [Now Appellant 27]		
<b>V</b>	<del>1651012 Ontario Ltd.</del> now Sandycove Acres Limited	Ian Rowe Adrianna Pilkington	<a href="mailto:irowe@barristonlaw.com">irowe@barristonlaw.com</a> <a href="mailto:apilkington@barristonlaw.com">apilkington@barristonlaw.com</a>
<b>W</b>	Township of Oro-Medonte	Chris Williams	<a href="mailto:cwilliams@airdberlis.com">cwilliams@airdberlis.com</a>
<b>X</b>	998991 Ontario Inc.	Ian Rowe Adrianna Pilkington	<a href="mailto:irowe@barristonlaw.com">irowe@barristonlaw.com</a> <a href="mailto:apilkington@barristonlaw.com">apilkington@barristonlaw.com</a>



## 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

### INDEX

	<u>TAB</u>
Notice of Motion of the County of Simcoe	1
Affidavit of Kathy Suggitt, sworn October 16, 2013	2

**TAB 1**

## Ontario Municipal Board

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

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

### **NOTICE OF MOTION (Returnable November 7, 2013)**

**THE CORPORATION OF THE COUNTY OF SIMCOE** will make a motion to the Ontario Municipal Board on **Thursday, the 7<sup>th</sup> day of November, 2013, 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:

- (a) Allowing the appeal in part and modifying and approving the boundaries and designations of the four special employment areas on Schedule 5.1 Land Use Designations of the County Official Plan;
- (b) for such further and other relief as may seem just and appropriate.

THE GROUNDS FOR THE MOTION ARE:

- (a) Amendment 1 to the Growth Plan for the Greater Golden Horseshoe (Growth Plan) identifies four specific employment areas in Simcoe County that must be delineated in the County Official Plan.

- (b) Policies for the four employment areas have been previously approved by the Ontario Municipal Board in its decision dated June 13, 2013.
- (c) Related mapping to show the four areas on the County's Official Plan Map Schedule 5.1 Land Use Designations is now available.
- (d) Approval of that portion of Schedule 5.1 delineating the four employment areas, is timely, conforms to the Growth Plan, and represents good planning.
- (e) Partial approval as sought would resolve appeals and concerns of specific parties and participants and allow them to leave the hearing process.
- (f) such further and other grounds as counsel may advise and this Board may deem necessary.
- (g) *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 16, 2013, and the Exhibits attached thereto;
- (b) the pleadings and proceedings herein;
- (c) such further and other material as counsel may advise and this Board may permit.

OCTOBER 18, 2013

THOMSON, ROGERS  
Barristers and Solicitors  
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Lawyers for the Corporation  
of the County of Simcoe

**TAB 2**

**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 Frankcom; and others  
 Subject: Failure of to announce a decision respecting Proposed  
 Official Plan Amendment No. 43-OP-2008

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

**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 23 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.

**Employment Lands**

4. The Growth Plan for the Greater Golden Horseshoe (the "Growth Plan") Amendment 1 of January 19, 2012 identified four specific employment areas in Simcoe County that must be delineated in the County Official Plan. The four areas are known as the Bradford West Gwillimbury Strategic Settlement Employment Area, the Innisfil Heights Strategic Settlement Employment Area, the Lake Simcoe Regional Airport Economic Employment District and the Rama Road Economic Employment District.
5. Schedule 8 of the Growth Plan identified the locations of the four employment areas by way of a Triangle symbol ▲ only. The policies in Sections 6.4.2 and 6.4.3 of the Growth Plan state that the Minister of Infrastructure, together with other Ministers of

the Crown and the affected municipalities and stakeholders, will determine the location and boundaries of the four employment areas as well as establish the appropriate uses permitted in each. Policy 6.4.5 also requires that the boundaries be delineated in the County Official Plan and local municipal official plans.

6. On September 24, 2012 the Minister of Infrastructure released three letters of direction regarding the boundary and permitted uses for the Bradford West Gwillimbury Strategic Settlement Employment Area, the Lake Simcoe Regional Airport Economic Employment District and the Rama Road Economic Employment District. A copy of those three letters was filed on April 19, 2013 in my Affidavit of March 28, 2013 as part of Motion Record Exhibit 7.
7. The updated County Official Plan map Schedule 5.1 – Land Use Designations shows the four areas as Employment Districts designation. At the time map Schedule 5.1 was prepared for County Council endorsement in January 2013, the County was able to use the Minister of Infrastructure's September 24, 2012 letters to reflect the boundaries of the three areas although the exact boundaries for the Innisfil Heights Strategic Settlement Employment Area remained outstanding.
8. 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. Included in that partial approval was Section 3.9 – Strategic Settlement Employment Areas and Economic Employment Districts which sections contain the policies to address the four strategically important employment areas. Section 3.9.3 was approved as modified to reflect the date of the Minister of Infrastructure's letter of February 4, 2013 regarding the Innisfil Heights Strategic Settlement Employment Area. A copy of that letter was filed on April 19, 2013 in my Affidavit of March 28, 2013 as part of Motion Record Exhibit 7. Although the policies were approved, the map Schedule 5.1 remained under appeal related to these four areas until the map could be modified to accurately reflect the Minister's directives.

#### **Proposed Modification to Map Schedule 5.1**

9. Since all four of the employment areas have now been delineated by the Minister of Infrastructure, the County obtained the GIS mapping information from the Ministry of Infrastructure and prepared excerpts of map Schedule 5.1 to reflect the exact boundaries. These are put forward as proposed modifications to map Schedule 5.1 and are shown delineated by a heavy dashed line on the four maps attached as **Exhibit "A"**.
10. The modifications and approval of map Schedule 5.1 for these four specific areas, if approved, will resolve two appeals and other concerns by specific parties and participants to this hearing and is an opportunity to resolve matters through consent where no others have listed these items as being of concern.





THIS IS EXHIBIT "A" REFERRED TO IN THE AFFIDAVIT  
OF KATHY SUGGITT SWORN BEFORE ME THIS  
DAY OF OCTOBER 16, 2013.



A Commissioner, etc.

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



Portion of the County of Simcoe Official Plan Schedule 5.1 - Land Use Designations  
Bradford West Gwillimbury Strategic Settlement Employment Area



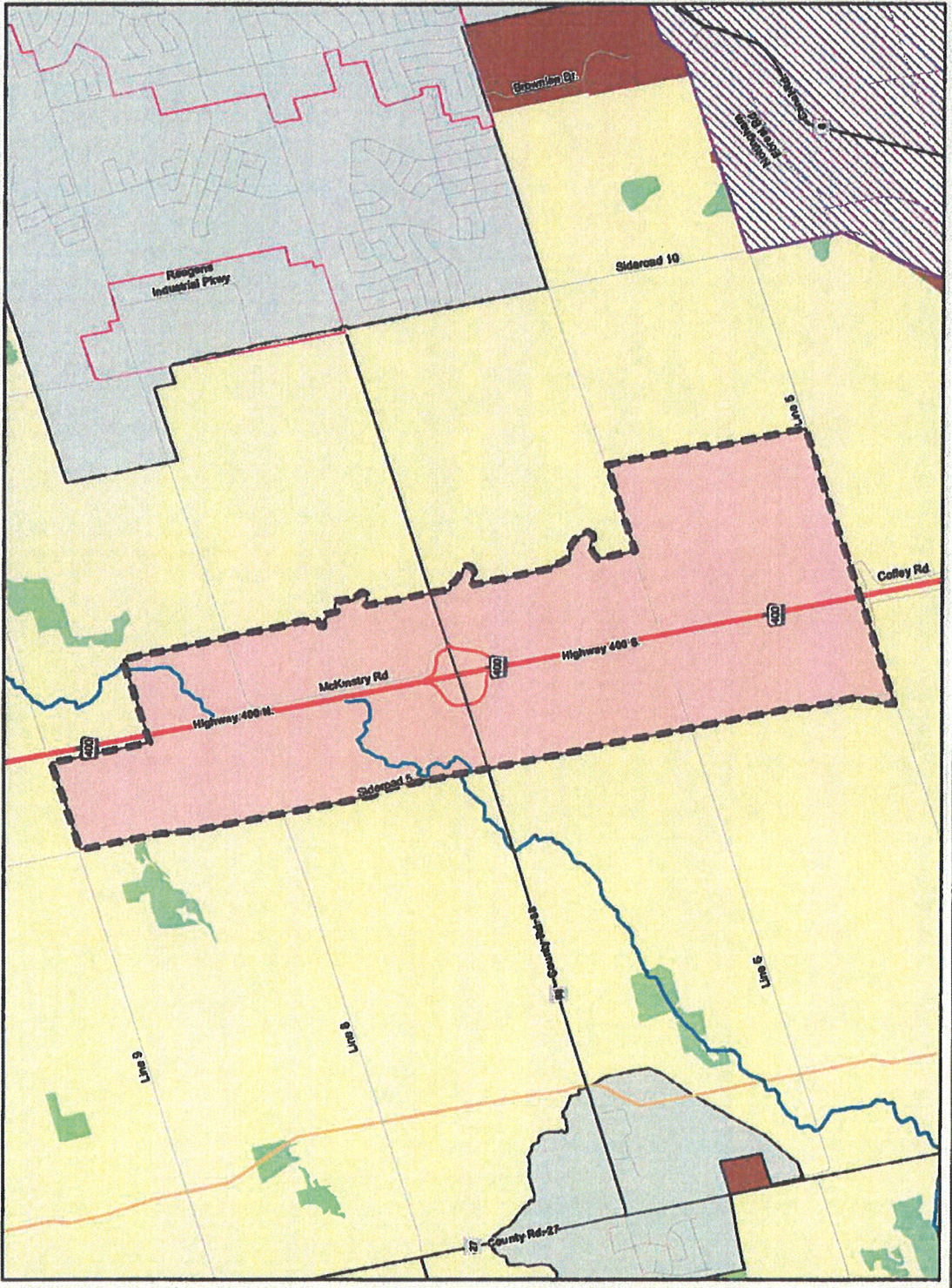
- Designations**
- Settlements
  - Greenlands
  - Agricultural
  - Rural
  - Economic District
- Lands not subject to this plan

- Reference Data**
- Settlement Area Boundary
  - Built Boundaries
  - Simcoe Uplands / Lowlands Boundaries
  - Special Development Areas: Big Bay Point
  - Greenbelt Plan - Protected Countryside
  - (Prior to Schedule 5.1.3 For Details)
  - Niagara Encouragement Plan Area
  - (Prior to Schedule 5.3.1 For Details)
  - Oak Ridge Invasive Conservation Plan Area
  - (Prior 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: 10/12/2013





Portion of the County of Simcoe Official Plan Schedule 5.1 - Land Use Designations  
**Innisfil Heights Strategic Settlement Employment Area**



- 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 Areas: Big Bay Point
  - Greenbelt Plan - Protected Countryside
  - Refer to Schedule 5.3.3 For Details
  - Niagara Encouragement 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 - Watermarked Boundary

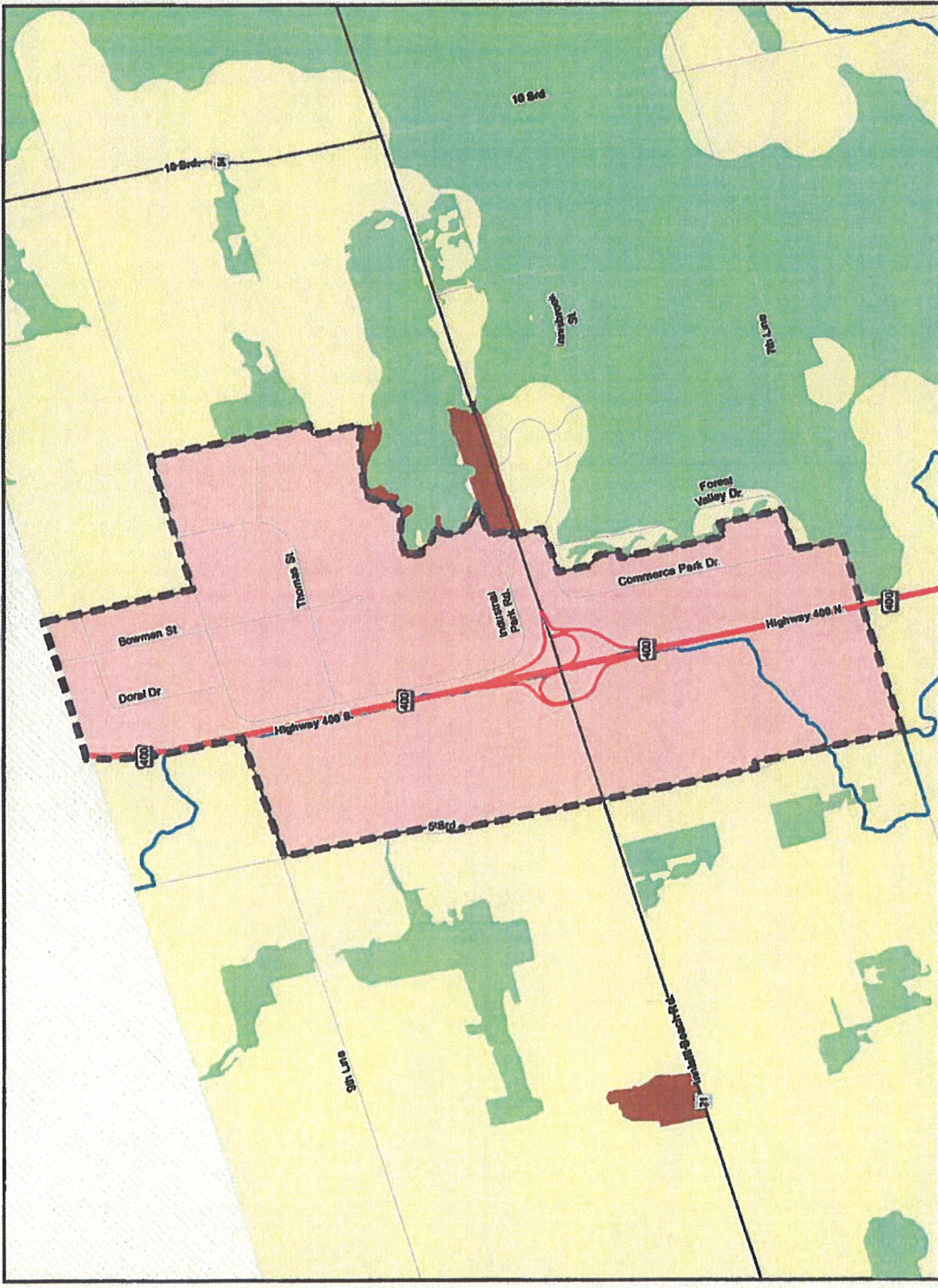
This map must be referred to in conjunction with the text of the County of Simcoe Official Plan



Printed: 10/12/2013



This map was prepared using the following data:  
 - Settlements: 2006 Census  
 - Greenlands: 2006 Census  
 - Agricultural: 2006 Census  
 - Rural: 2006 Census  
 - Economic District: 2006 Census  
 - Settlement Area Boundary: 2006 Census  
 - Built Boundaries: 2006 Census  
 - Simcoe Uplands / Lowlands Boundaries: 2006 Census  
 - Special Development Areas: Big Bay Point: 2006 Census  
 - Greenbelt Plan - Protected Countryside: 2006 Census  
 - Niagara Encouragement Plan Area: 2006 Census  
 - Oak Ridges Moraine Conservation Plan Area: 2006 Census  
 - Provincial Highway: 2006 Census  
 - County Road: 2006 Census  
 - Local Road: 2006 Census  
 - Trans Canada Pipeline: 2006 Census  
 - Lake Simcoe Protection Plan - Watermarked Boundary: 2006 Census





Portion of the County of Simcoe Official Plan Schedule 5.1 - Land Use Designations  
Lake Simcoe Regional Airport Economic Employment District



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 Encouragement Plan Area
- (Refer to Schedule 5.3.1 For Details) Oak Ridge Moraine Conservation Plan Area
- (Refer to Schedule 5.3.2 For Details) Provincial Highway
- County Road
- Local Road
- Trans Canada Pipeline
- Lake Simcoe Protection Plan - Watershed Boundary

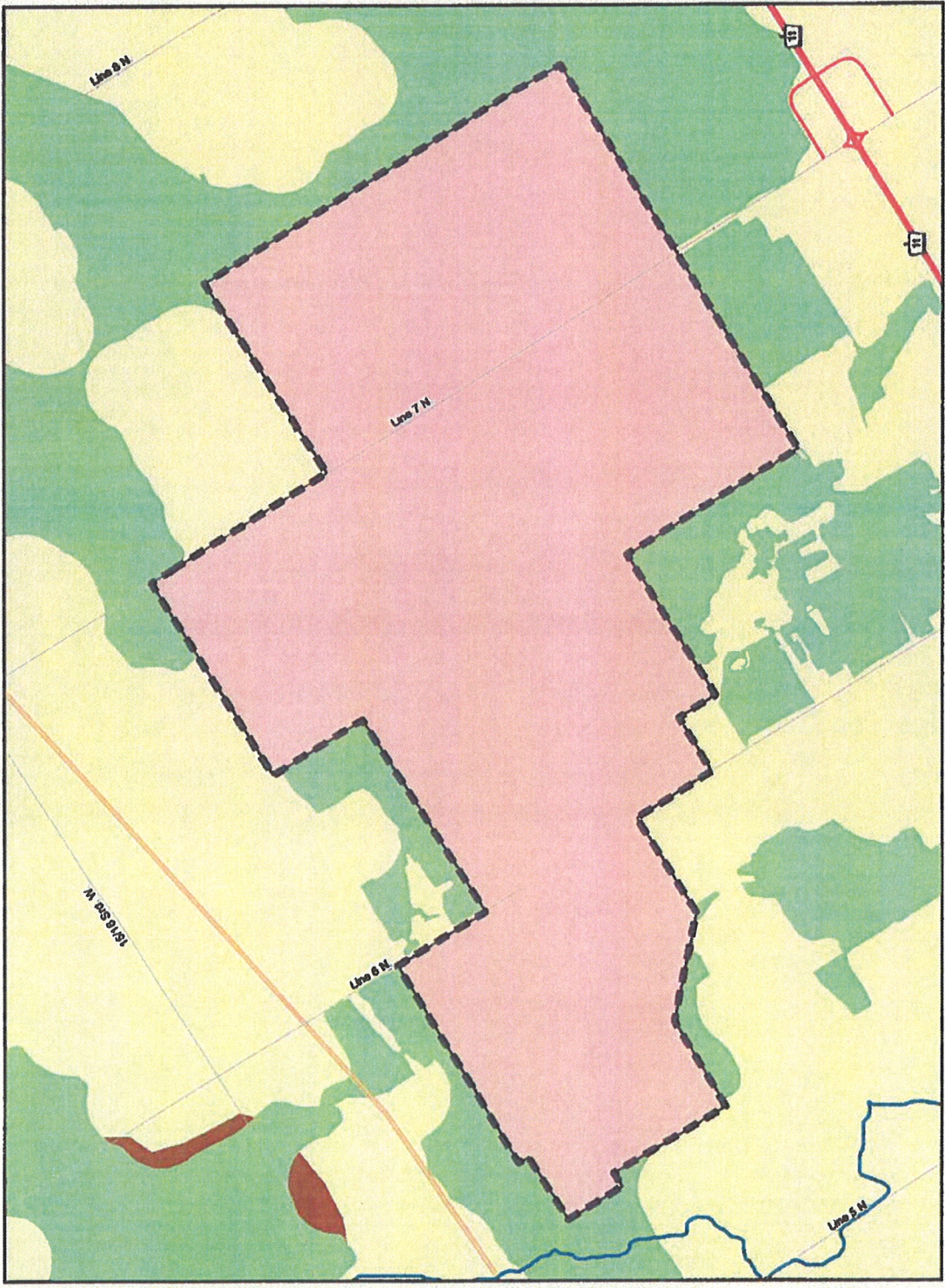
This map must be referred to in conjunction with the text of the County of Simcoe Official Plan



Printed: 10/12/2013



This map was prepared by the County of Simcoe, Planning & Development Department, in cooperation with the Lake Simcoe Region Conservation Authority. It is based on the County of Simcoe Official Plan, Schedule 5.1, and the Lake Simcoe Region Conservation Authority's Land Use Designation Schedule. The map is for informational purposes only and does not constitute a contract or warranty of any kind. For more information, visit [www.simcoe.ca](http://www.simcoe.ca).





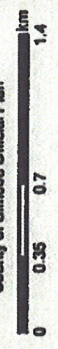
Portion of the County of Simcoe Official Plan Schedule 5.1 - Land Use Designations  
 Rama Road Economic Employment District



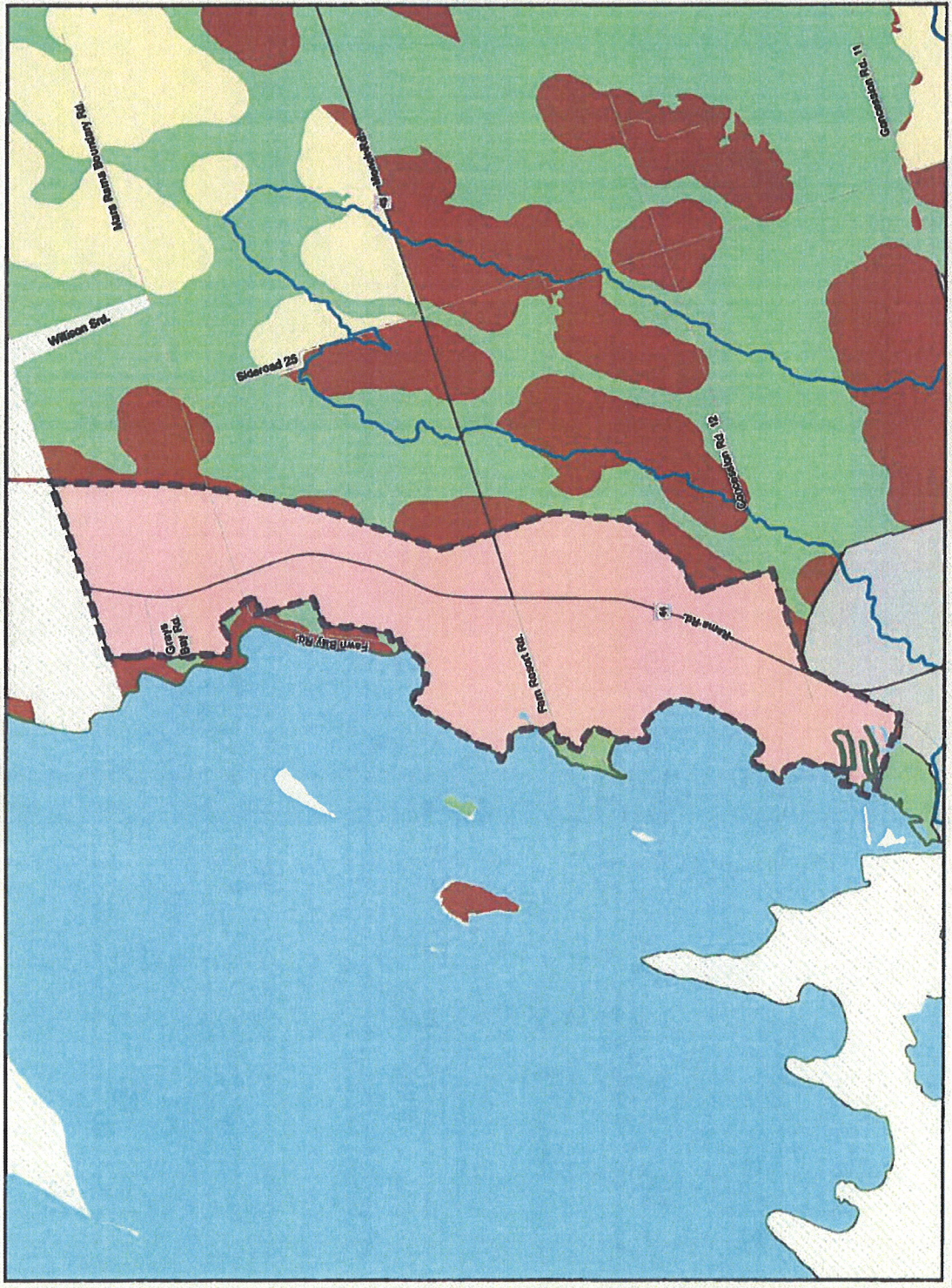
- Designations**
- Settlements
  - Greenlands
  - Agricultural
  - Rural
  - Economic District
- Land not subject to this plan

- Reference Data**
- Settlement Area Boundary
  - Data Boundaries
  - Simcoe Uplands / Lowlands Boundaries
  - Special Development Area: Big Bay Point
  - Greenbelt Plan - Protected Countryside
  - Refer to Schedule 5.3.3 For Details
  - Niagara Encouragement Plan Area
  - Refer to Schedule 6.3.1 For Details
  - Oak Bliggies Moraine Conservation Plan Area
  - Refer to Schedule 6.3.2 For Details
  - Provincial Highway
  - County Road
  - Local Road
  - Trans Canada Pipeline
  - Lake Simcoe Protection Plan - Watershed Boundary

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