

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**

(Schedule 5.1 - Returnable December 8, 2014)

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WITH A COPY TO PARTICIPANTS MONITORING AS LISTED IN  
ATTACHMENT "C"**

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**OMB File PL091167**  
 Nov 27, 2014

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Nov 27, 2014

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\* Participant has testified [M] Monitoring

PL091167

## Ontario Municipal Board

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

<b>Appellant:</b>	451082 Ontario Limited
<b>Appellant:</b>	861945 Ontario Ltd. et al
<b>Appellant:</b>	County of Simcoe
<b>Appellant:</b>	Estate of Mary Louise Francom; and others
<b>Subject:</b>	Failure to announce a decision respecting Proposed Official Plan Amendment 43-OP-2008
<b>Municipality:</b>	Upper Tier of Simcoe
<b>OMB Case No.:</b>	PL091167
<b>OMB File No.:</b>	PL091167

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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
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

### NOTICE OF MOTION

**THE CORPORATION OF THE COUNTY OF SIMCOE** will make a motion to the Ontario Municipal Board on **Monday, the 8<sup>th</sup> day of December, 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) The County is seeking approval of Map Schedule 5.1 with respect to all Settlement Area Boundaries and Built Boundaries, where applicable, subject to two exceptions; 1) those settlement areas that were previously approved and 2) those that are being withheld by agreement.
- (b) for such further and other relief as may seem just and appropriate.

**THE GROUNDS FOR THE MOTION ARE:**

- (a) The Board has approved the Growth Management and Settlement designation policies of the County Official Plan.
- (b) The Board has also approved, with one exception, Table 5.1 of the County Official Plan which is a listing of all recognized Settlement Areas.
- (c) Map Schedule 5.1 – Land Use Designations, dated December 2012 illustrates the Settlement Area Boundaries and Built Boundaries, where applicable.



- (d) The approval of the Settlement Area Boundaries and Built Boundaries, where applicable, as illustrated on Map Schedule 5.1 provides the companion land use designation for the policies that were approved in Phase 2a.
- (e) The approval of the Settlement Area Boundaries and Built Boundaries, where applicable, will allow the local municipalities to begin implementation and local official plan conformity work.
- (f) The approval of the Settlement Area Boundaries and Built Boundaries, where applicable, as illustrated on Schedule 5.1 according to the listing in Table 5.1 with the exceptions noted, brings the mapping into conformity with the Official Plan and the Growth Plan policies and is consistent with the Provincial Policy Statement, 2014 and represents good planning.
- (g) Such further and other grounds as counsel may advise and this Board may deem necessary.
- (h) *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 November 26, 2014, and the Exhibits attached thereto;
- (b) the pleadings, proceedings and exhibits filed herein;
- (c) such further and other material as counsel may advise and this Board may permit.

NOVEMBER 27, 2014

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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  
 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 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.
4. In an oral decision on October 24, 2014 the Board approved the Growth Management and Settlement designation policies of the County Official Plan with a few parties having reserved their rights to request additional policy language/clarification on certain policies.
5. The Board also previously approved Table 5.1 of the County Official Plan which is a listing of all recognized Settlement Areas, with the exception of Tioga remaining under appeal.
6. Map Schedule 5.1 – Land Use Designations, dated December 2012 illustrates the Settlement Area Boundaries and Built Boundaries where applicable. Since the start

of the hearing on the County Official Plan, a few portions of the Schedule have been approved for certain Settlement Areas as issues have been resolved; namely Midland, Penetanguishene, Fennell's Corners, Churchill and Craighurst.

- 7. The County seeks approval of Map Schedule 5.1 with respect to all Settlement Area Boundaries and Built Boundaries, where applicable, subject to two exceptions; 1) those settlement areas that were previously approved and 2) those that are being withheld by agreement.
- 8. Attached as Exhibit "A" is a copy of Table 5.1 from the Official Plan which is the list of recognized Settlement Areas. Those Settlement Area names with square [ ] brackets around them were previously approved. Those Settlement Areas with a ~~strikethrough~~ are the ones being withheld by agreement. Approval is sought for all others in the list as they are shown on Schedule 5.1.
- 9. The approval of the Settlement Area Boundaries and Built Boundaries, where appropriate, as illustrated on Map Schedule 5.1 provides the land use designation identification to the policies that were approved in Phase 2a. Furthermore, the approval of the Settlement Area Boundaries and Built Boundaries, where appropriate, will allow the local municipalities to begin implementation and local official plan conformity work.
- 10. It is my opinion that the approval of the Settlement Area Boundaries and Built Boundaries, where appropriate, as illustrated on Schedule 5.1 according to the listing in Table 5.1 with the exceptions noted, brings the mapping into conformity with the Official Plan and the Growth Plan policies and is consistent with the Provincial Policy Statement, 2014 and represents good planning.
- 11. 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 those portions of Map Schedule 5.1 in accordance with Table 5.1 attached.

SWORN BEFORE ME )  
 at the Township of Springwater )  
 in the County of Simcoe )  
 this 26th day of November, 2014. )

Brenda Clark  
 Commissioner for Taking Oaths, etc.

Kathy Suggitt  
 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  
26TH DAY OF NOVEMBER, 2014.



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A Commissioner, etc.

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

*As Approved by Ontario Municipal Board Orders  
Approved as of June 2, 2014*

**5.3.2.2 Oak Ridges Moraine, Key Natural Heritage Features and Landform Conservation Areas**

**5.3.3 Greenbelt Plan Land Use Designations**

**Table 5.4 Simcoe County Road System**

~~5.5.1 County Transportation System (Map)~~

~~5.5.2 Future County Transportation System~~

~~5.6.1 County Waste Disposal Sites~~

~~5.6.2 Local Municipal and Private Waste Disposal Sites~~

**5.7 List of Background Reports and Programs**

- Simcoe Area Growth Plan, Hemson Consulting Ltd., April 2008
- Transportation Master Plan, Earth Tech Canada Inc., June 2008
- Natural Heritage Review, June 2008 (staff report)

**Table 5.1: Recognized Settlement Areas**

- ~~Alcona~~
- ~~Alliston~~
- Angus
- Anten Mills
- Ardrea
- Atherley - Uptergrove
- Avening
- Batteaux
- Baxter
- Beeton
- Bond Head
- Bradford
- Brechin
- Brentwood
- Centre Vespra
- (Churchill)
- Coldwater
- ~~Colgan\*\*~~
- Collingwood
- Colwell
- Cookstown

( ) Depicts prior OMB approval

— Depicts being withheld by agreement

~~As Approved by Ontario Municipal Board Orders  
Approved as of June 2, 2014~~

Cooper's Falls  
 ( Craighurst )  
 Creemore  
 Dunedin\*  
 Duntroon  
 East Oro  
 Edgar  
 Elmvale  
~~Everett~~  
 ( Fennell's Corners )  
 Fesserton  
 Forest Home  
 Gamebridge  
~~Gilford~~  
 Glen Huron\*  
~~Glencain~~  
 Guthrie  
 Hawkestone  
 Hillsdale  
~~Hockley~~  
 Horseshoe Valley  
 Ivy  
 Jarratt  
 Lafontaine  
~~Lagoon City~~  
~~Lefroy/Belle Ewart~~  
~~Lisle~~  
 Longford Mills  
 Loretto  
 Marchmont/Bass Lake  
 Midhurst  
 ( Midland )  
 Minesing  
 Moonstone  
 New Lowell  
 Newton Robinson  
 Nottawa  
 Old Sunnidale  
 Oro Station  
 ( Penetanguishene )  
 Perkinsfield  
 Phelpston  
 Port Severn  
 Port McNicoll  
 Price's Corners  
~~Rosemont~~

~~As Approved by Ontario Municipal Board Orders  
Approved as of June 2, 2014~~

Rugby  
~~Sandy Cove~~  
Sebright  
Severn Falls  
Shanty Bay  
Singhampton\*  
Snow Valley  
Stayner  
Stroud  
Sugarbush  
Sunnidale Corners  
Thornton  
~~Flora~~  
Toanche  
Tottenham\*\*  
Udney  
Utopia  
Victoria Harbour  
Warminster  
Wasaga Beach  
Washago  
Waubaushene  
Waverley  
West Shore  
Wyebridge  
Wyevale

\*See Section 3.10.

\*\*See Section 3.11

**Bold text depicts a primary settlement area**

OMB File No. PL091167

**ONTARIO MUNICIPAL BOARD**

**MOTION RECORD**  
(Schedule 5.1 - Returnable December 8, 2014)

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Lawyers for the County of Simcoe  
(050873 RTB/aph)