

**Ontario Municipal Board**  
**Commission des affaires municipales de l'Ontario**

**PROCEEDING COMMENCED UNDER** subsection 17(40) of the *Planning Act*,  
R.S.O. 1990, c. P.13, as amended

Appellant: County of Simcoe  
Appellant: Midhurst Development Doran Road Inc.,  
and Carson Road Development Inc.  
Appellant: Midhurst Rose Alliance Inc.  
Appellant: Township of Springwater  
And Others  
Subject: Failure of the Ministry of Municipal Affairs and  
Housing to announce a decision respecting the  
Official Plan for the County of Simcoe  
Municipality: County of Simcoe  
OMB Case No: PL091167  
OMB File No: PL091167

**MOTION RECORD**  
**(PHASE 4a – GREENLANDS AND RESOURCE CONSERVATION)**  
**(Motion in Writing under Rule 36)**

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

ROGER T. BEAMAN  
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: Johnpaul Loiacono, Planner  
[johnpaul.loiacono@ontario.ca](mailto:johnpaul.loiacono@ontario.ca)

Phone: 416-326-5598  
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## ATTACHMENT “A”

### LIST OF APPELLANT PARTIES– COUNTY OF SIMCOE OFFICIAL PLAN OMB File PL091167

Oct 22, 2015

No.	Appellant	Lawyer/Agent*	E-mail Address
<b>1</b>	County of Simcoe	Roger Beaman	<a href="mailto:rbeaman@thomsonrogers.com">rbeaman@thomsonrogers.com</a>
<b>2</b>	<b>2a</b> Carson Road Development Inc. <b>2b</b> Midhurst Development Doran Road Inc.	Susan Rosenthal David White	<a href="mailto:susanr@davieshowe.com">susanr@davieshowe.com</a> <a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a>
<b>3[M]</b>	Craighurst Land Corp.	Susan Rosenthal	<a href="mailto:susanr@davieshowe.com">susanr@davieshowe.com</a>
<del>4</del>	Huntingwood Trails (Collingwood) Ltd.	Appeal Resolved	
<b>5</b>	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>
<b>6</b>	Township of Springwater	Barnet Kussner	<a href="mailto:bkussner@weirfoulds.ca">bkussner@weirfoulds.ca</a>
<b>7</b>	451082 Ontario Limited	James Feehely	<a href="mailto:jfeehely@fglawyers.ca">jfeehely@fglawyers.ca</a>
<b>8</b>	<b>8a</b> 861945 Ontario Ltd. <b>8b</b> Golfview Estates Limited [W/D] <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 <b>8g</b> OMC Development Corp. [W/D]	David White A-G D'Andrea	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca
<del>9</del>	Innisfil Alcona Limited	Appeal Withdrawn	
<b>10</b>	Tesmar Holdings Inc.	Michael Melling Meaghan McDermid	<a href="mailto:michaelm@davieshowe.com">michaelm@davieshowe.com</a> <a href="mailto:meaghanm@davieshowe.com">meaghanm@davieshowe.com</a>
<b>11</b>	Janice & David Wright	David White A-G D'Andrea	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca
<b>12</b>	<b>12a</b> Snow Valley Planning Corporation <b>12b</b> 453211 Ontario Limited	David White A-G D'Andrea (	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca
<b>13</b>	McMahan Woods Developments Ltd.	David White A-G D'Andrea	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca
<b>14</b>	Innisfil Beach Farms Inc.	David White A-G D'Andrea	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca
<b>15</b>	Estate of Marie Louise Frankcom	James Feehely	<a href="mailto:jfeehely@fglawyers.ca">jfeehely@fglawyers.ca</a>
<del>16</del>	Midhurst Ratepayers' Association	Appeal Dismissed by Board	
<b>17</b>	Narinder Mann	Ian Rowe	<a href="mailto:irowe@barristonlaw.com">irowe@barristonlaw.com</a>
<b>18[M]</b>	Yorkwood Group of Companies [Resolved]	Patricia Foran	<a href="mailto:pforan@airdberlis.com">pforan@airdberlis.com</a>
<del>19</del>	<b>19a</b> Rama Resorts International Inc. <b>19b</b> Fernbrook Homes (Rama) Limited	Appeal Resolved	
<del>20</del>	1091402 Ontario Ltd.	Appeal Withdrawn	
<b>21</b>	Nicole and Brent Fellman	David White A-G D'Andrea	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca
<b>22</b>	Travel-Rite Property Corp.	David White A-G D'Andrea	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca
<b>23</b>	Aqua-Gem Investments Ltd.	David White A-G D'Andrea	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca

24	442023 Ontario Limited	David White A-G D'Andrea	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca
25	1045901 Ontario Limited	David White A-G D'Andrea	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca
26	Kellwatt Limited	David White A-G D'Andrea	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca
27	27a Ont Potato Distributing Inc 27b 1567219 Ontario Limited	Chris Barnett	<a href="mailto:cbarnett@davis.ca">cbarnett@davis.ca</a>
28	<del>Black Marlin Management Inc. [Resolved]</del>	<del>Caterina Facciolo</del>	<del><a href="mailto:efacciolo@bratty.com">efacciolo@bratty.com</a> - Resolved</del>
29	Ahmadiyya Muslim Jama'at Canada Inc. (AMJC)	Barry Horosko	<a href="mailto:bhorosko@horoskoplanninglaw.com">bhorosko@horoskoplanninglaw.com</a>
30[M]	D.G. Pratt Construction Limited [ <i>Adjourned</i> ]	Jane Pepino Andrea Skinner	<a href="mailto:jpepino@airdberlis.com">jpepino@airdberlis.com</a> <a href="mailto:askinner@airdberlis.com">askinner@airdberlis.com</a>
31[M]	<del>Hanson Development Group [Resolved]</del>	Patricia Foran	<a href="mailto:pforan@airdberlis.com">pforan@airdberlis.com</a>
32	Town of New Tecumseth	James Feehely	<a href="mailto:jfeehely@fglawyers.ca">jfeehely@fglawyers.ca</a>
33	Township of Adjala-Tosorontio	Stephen Waqué Isaac Tang	<a href="mailto:swaque@blg.com">swaque@blg.com</a> <a href="mailto:itang@blg.com">itang@blg.com</a>
34	Robert Schickedanz in Trust	Ian Rowe	<a href="mailto:irowe@barristonlaw.com">irowe@barristonlaw.com</a>
35	2115441 Ontario Inc.	David White A-G D'Andrea	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca
36	Carson Trail Estates Inc.	David White A-G D'Andrea	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca
37	Sucession Financial Group Inc.	David White A-G D'Andrea	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca
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39	39a 2000463 Ontario Limited & 39b Angelo & Yvette Santorelli	David White A-G D'Andrea	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca
40	Rayville Developments (Alliston) Inc.	David White A-G D'Andrea	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca
41	Copperglen Estates Inc.	David White A-G D'Andrea	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca

## ATTACHMENT "B"

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

Nov 9, 2015

No.	Party	Lawyer/Agent*	E-mail Address
<b>A</b>	Ministry of Municipal Affairs and Housing	Ken Hare Ugo Popadic	<a href="mailto:ken.hare@ontario.ca">ken.hare@ontario.ca</a> <a href="mailto:Ugo.Popadic@ontario.ca">Ugo.Popadic@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/ Mark Joblin	<a href="mailto:qannibale@loonix.com">qannibale@loonix.com</a> <a href="mailto:mjoblin@loonix.com">mjoblin@loonix.com</a>
<b>E</b>	Town of Bradford W-G	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	<a href="mailto:irowe@barristonlaw.com">irowe@barristonlaw.com</a>
<del>H</del>	<del>[Now Appellant 32]</del>		
<del>I</del>	<del>[Now Appellant 33]</del>		
<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	<a href="mailto:mbull@woodbull.ca">mbull@woodbull.ca</a>
<b>K[M]</b>	Georgian International Land Corp. [Resolved]	Mary Bull	<a href="mailto:mbull@woodbull.ca">mbull@woodbull.ca</a>
<b>L</b>	San Marco in Lamis Ltd.	Michael Vaughan	<a href="mailto:michaelbvaughan@yahoo.ca">michaelbvaughan@yahoo.ca</a>
<del>M</del>	White Water Holdings Ltd.	Resolved	
<del>N</del>	<del>[Now Appellant 28]</del>		
<del>O</del>	No Jet Construction Inc. Remington Homes (Manhattan) Inc.	<i>Withdrawn</i>	
<b>P</b>	Sleeping Lion Development Corporation	John Dawson	<a href="mailto:jdawson@mccarthy.ca">jdawson@mccarthy.ca</a>
<b>Q</b>	John Barzo Limited	John Barzo	<a href="mailto:jbarzo@barzolaw.com">jbarzo@barzolaw.com</a>
<b>R[M]</b>	Innisfil Mapleview Developments Limited	Susan Rogers [Adjourned]	<a href="mailto:susan.rogers@sdrogerslaw.ca">susan.rogers@sdrogerslaw.ca</a>
<b>S</b>	2133952 Ontario Inc.	Harold Elston Aynsley Anderson	<a href="mailto:HElston@barristonlaw.com">HElston@barristonlaw.com</a> <a href="mailto:AAnderson@barristonlaw.com">AAnderson@barristonlaw.com</a>
<b>T</b>	Talisker Corporation	Harold Elston Aynsley Anderson	<a href="mailto:HElston@barristonlaw.com">HElston@barristonlaw.com</a> <a href="mailto:AAnderson@barristonlaw.com">AAnderson@barristonlaw.com</a>
<del>U</del>	<del><b>U1&amp;U2</b> [Now Appellant 27 a &amp; b]</del>		
<b>V</b>	1651012 Ontario Ltd. now <b>V1</b> Sandycove Acres Limited <b>V2</b> Parkbridge Lifestyle Communities Inc. <b>V3</b> Belmac Estate Properties Inc.	Ian Rowe	<a href="mailto:irowe@barristonlaw.com">irowe@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	<a href="mailto:irowe@barristonlaw.com">irowe@barristonlaw.com</a>
<b>Y</b>	Tsam Investments Ltd.	Raivo Uukkivi Signe Leisk	<a href="mailto:ruukkivi@casselsbrock.com">ruukkivi@casselsbrock.com</a> <a href="mailto:sleisk@casselsbrock.com">sleisk@casselsbrock.com</a>

## ATTACHMENT “C”

### LIST OF PARTICIPANTS MONITORING COUNTY OF SIMCOE OP PL091167

Jan 19, 2015

No.	Participant or Interest	Lawyer/Agent	E-mail Address
<b>1*</b> [M]	<i>AWARE Simcoe</i>	<i>Sandy Agnew</i> [M] <i>Ann Truyens</i> [M]	<a href="mailto:sagnew@ecomedic.ca">sagnew@ecomedic.ca</a> <a href="mailto:at@iglide.net">at@iglide.net</a>
<b>2*</b> [M]	<del>PURE</del> now ERA - Everett Ratepayers Association	<i>Chantale Gagnon</i> [M] <i>David Perryman</i> [M]	<a href="mailto:chantalegagnon@bell.net">chantalegagnon@bell.net</a> <a href="mailto:dperryman43@sympatico.ca">dperryman43@sympatico.ca</a>
<b>3</b> [M]	Interest in Midhurst	Anna Romano	<a href="mailto:am_romano@hotmail.com">am_romano@hotmail.com</a>
<b>8*</b> [M]	<i>Ontario Farmland Preservation</i>	<i>Bernard Pope</i> [M]	<a href="mailto:bernard@ontariofarmlandpreservation.org">bernard@ontariofarmlandpreservation.org</a>
<b>9*</b> [M]	<i>Simcoe County Federation of Agriculture</i>	<i>Colin Elliott</i> <i>Anne Ritchie-Nahius</i>	<a href="mailto:rockeyno132@gmail.com">rockeyno132@gmail.com</a> <a href="mailto:nahuis@csolve.net">nahuis@csolve.net</a>
<b>11</b> [M]	<b>11a</b> Nutristock Corporation <b>11b</b> Solmar (Healy) Corporation (re 27a, 27b)	Michael Melling Meaghan McDermid [M]-3a, 3b, 4a, 4b, 5	<a href="mailto:michaelm@davieshowe.com">michaelm@davieshowe.com</a> <a href="mailto:meaghanm@davieshowe.com">meaghanm@davieshowe.com</a>
<b>12</b> [M]	Township of Severn	Henry Sander	<a href="mailto:hsander@townshipofsevern.com">hsander@townshipofsevern.com</a>
<b>16*</b> [M]	<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
<b>18*</b> [M]	Re 27a, 27b	Ralph MacKenzie	<a href="mailto:nvf4all@gmail.com">nvf4all@gmail.com</a>
<b>22</b> [M]	R & M Homes Ltd. (Everett) [M]- 2a	David White Anthony-George D'Andrea	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> <a href="mailto:Anthony-George.D'Andrea@devrylaw.ca">Anthony-George.D'Andrea@devrylaw.ca</a>

\* Participant has testified                      [M] Monitoring

**Ontario Municipal Board**  
**Commission des affaires municipales de l'Ontario**

**PROCEEDING COMMENCED UNDER** subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	County of Simcoe
Appellant:	Midhurst Development Doran Road Inc., and Carson Road Development Inc.
Appellant:	Midhurst Rose Alliance Inc.
Appellant:	Township of Springwater And Others
Subject:	Failure of the Ministry of Municipal Affairs and Housing to announce a decision respecting the Official Plan for the County of Simcoe
Municipality:	County of Simcoe
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OMB File No:	PL091167

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Municipality:	County of Simcoe
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OMB File No:	PL091167

**NOTICE OF WRITTEN MOTION  
(PHASE 4a – GREENLANDS AND RESOURCE CONSERVATION)**

**THE CORPORATION OF THE COUNTY OF SIMCOE** is making the within Written Motion to the Ontario Municipal Board under Rule 36 of the Board's Rules of Practice and Procedure pursuant to permission granted in the Order of the Board issued August 31, 2015. Any Notice of Written Response by Parties to this proceeding must be served by **Friday, January 15, 2016** and the County may thereafter serve a Written Reply by **Tuesday, January 19, 2016**.

THE MOTION IS FOR AN ORDER:

- (a) Allowing the Official Plan appeal in part and approving, and modifying and approving, several policies for Phase 4a dealing with Greenlands and Resource Conservation as set out in paragraph 20 of the Affidavit of Kathy Suggitt, sworn December 23, 2015;
- (b) for such further and other relief as may seem just and appropriate.



THE GROUNDS FOR THE MOTION ARE:

- (a) The experts for parties registered for involvement in Phase 4a Greenlands and Resource Conservation of the hearing met and supported or did not oppose or had no opinion on certain policies and modified policies resolving concerns for various matters to be considered in the Phase 4a hearing.
- (b) The experts produced 3 Experts' Reports dated Nov. 25, Dec. 9 and Dec. 10 setting out certain Phase 4a policies to be approved or modified and approved.
- (c) The policies and modified policies provide a suitable and appropriate policy framework for implementation of the Growth Plan.
- (d) The policies and modified policies are consistent with the PPS 2014, conform with relevant Provincial policy and represent good planning.
- (e) Approval as sought would resolve appeals and concerns of certain parties.
- (f) Relief under Rule 36 to hold the motion in writing was granted by the Board in its Order issued August 31, 2015 and the scheduled dates for Responses and Replies were secured from the Board's caseworker;
- (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, ss. 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 December 23, 2015, and the Exhibits attached thereto;
- (b) the 3 Reports of Meetings of Expert Witnesses on Phase 4a contained in the said Affidavit as Exhibits A, B and C;
- (c) the pleadings, proceedings and exhibits filed herein;
- (d) such further and other material as counsel may advise and this Board may permit.

DECEMBER 23, 2015

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M5H 1W2

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Lawyers for the Corporation  
of the County of Simcoe

**Ontario Municipal Board  
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**PROCEEDING COMMENCED UNDER** subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

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 Housing to announce a decision respecting the  
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 Municipality: County of Simcoe  
 OMB Case No: PL091167  
 OMB File No: PL091167

**AFFIDAVIT OF KATHY SUGGITT, MCIP, RPP**

**Phase 4a – Greenlands and Resource Conservation**

**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 25 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.

#### **Greenlands and Resource Conservation Policies – Phase 4a**

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. All of Section 3.8 Greenlands and all of Section 4.5 Resource Conservation policies remained under appeal. As well policies 3.3.15 to 3.3.17 and policy 3.13.49(b) remained under appeal. The following Definitions also remained under appeal: *Adjacent Lands, Coastal Wetland, Environmental Impact Statement "EIS", Natural Heritage Features and Areas (Natural Heritage), Natural Heritage System, Significant, Significant Woodlands, Valleylands, Watershed Management (Plan), Wildlife Habitat, and Woodlands*. Also Schedule 5.2.2 and Appendices 1 and 4 remained under appeal. At the outset, the expert witnesses for the parties registered in this phase agreed that policy 3.3.21 should also be considered in this phase.
5. The expert witnesses for the parties registered 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, three Experts' Reports were provided to the County solicitor, who has circulated the reports to the Board and to all parties and participants. Attached as **Exhibit "A"** is a copy of the first Experts' Report dated November 25, 2015. Attached as **Exhibit "B"** is a copy of the Experts' Report #2 dated December 9, 2015. Attached as **Exhibit "C"** is a copy of the Experts' Report #3 dated December 10, 2015.

#### **Policies and Definitions with No Modifications**

6. As reflected in **Exhibits "A", "B" and "C"**, the experts have reached agreement on some of the policies and definitions under appeal based on the adopted wording, with no modifications. The Attachments to the Experts' Reports contain the policies and definitions. The experts either support or do not oppose/have no opinion on the following policies and definitions, as adopted, with no modifications: 3.3.17, 3.8.1, 3.8.5, 3.8.6, 3.8.8, 3.8.24, 4.5 Pre-ambble, 4.5.4, 4.5.5, 4.5.9, 4.5.18, 4.5.19, 4.5.24, 4.5.25, 4.5.29, 4.5.30, 4.5.32, 4.5.34, 4.5.36, 4.5.38, 4.5.42, 4.5.43, 4.5.44, *Valleylands, Watershed Management Plan and Wildlife Habitat*.

#### **Proposed Modifications**

7. The experts involved in the discussions reached agreement that certain new definitions should be included in the Plan as they are included in policies and are defined terms in the Provincial Policy Statement, 2014. The new definitions proposed to be added to the Plan, as reflected in the Attachment to the Experts' Report #2 in **Exhibit "B"** are: *Essential Emergency Service, Habitat of Endangered Species and Threatened Species, Institutional Use, and Two Zone Concept*.

8. The experts involved in the discussions reached agreement on some of the policies under appeal based on proposed modifications. The Attachment to the Experts' Report in **Exhibit "C"** reflects the following policies as proposed to be modified: 3.3.18, 3.3.21, 3.13.49(b), 3.8.17, 4.5.1, 4.5.2, 4.5.6, 4.5.10, 4.5.11, 4.5.12, 4.5.13, 4.5.14, 4.5.15, 4.5.16, 4.5.17, 4.5.20, 4.5.21, 4.5.22, 4.5.33, 4.5.45, 4.5.46 and 4.5.47.
9. The experts involved in the discussions reached agreement on some of the definitions under appeal based on proposed modifications. The Attachment to the Experts' Report #2 in **Exhibit "B"** reflects the following definitions as proposed to be modified: *Coastal Wetland, Environmental Impact Statement "EIS", Natural Heritage Features and Areas (Natural Heritage), Natural Heritage System and Woodlands*.
10. Several of the proposed modifications are considered necessary to ensure the policies and definitions are consistent with the Provincial Policy Statement, 2014.
11. The proposed modifications to policies 3.3.18, 3.3.21, 3.13.49(b), 4.5.1, 4.5.6, 4.5.14, 4.5.15, 4.5.16, 4.5.17, 4.5.20, 4.5.22, 4.5.33 and 4.5.47 are all very minor wording clarifications to address the clarity of interpretation.
12. The proposed modifications to policies 4.5.2, 4.5.10, 4.5.11, 4.5.12, 4.5.13, 4.5.21, 4.5.45 and 4.5.46 are based on consistency with the Provincial Policy Statement, 2014 or other Provincial legislation and to ensure clarification in their interpretation.
13. The proposed modifications to policy 3.8.17 set out the requirements for approvals when an infrastructure proposal is covered under an environmental assess process or not.

#### **Policies and Definitions that Remain Under Appeal with No Agreement to Date**

14. There is no agreement amongst the expert witnesses at this time on the following policies: 3.3.15, 3.3.16, 3.8.2, 3.8.3, 3.8.4, 3.8.7, 3.8.9, 3.8.10, 3.8.11, 3.8.12, 3.8.13, 3.8.14, 3.8.15, 3.8.16, 3.8.18, 3.8.19, 3.8.20, 3.8.21, 3.8.22, 3.8.23, 4.5.3, 4.5.7, 4.5.8, 4.5.23, 4.5.26, 4.5.27, 4.5.28, 4.5.31, 4.5.35, 4.5.37, 4.5.39, 4.5.40, 4.5.41. As such these policies remain under appeal.
15. There is no agreement amongst the expert witnesses at this time on the following definitions: *Adjacent Lands, Significant and Significant Woodlands*. As such these definitions remain under appeal.
16. The expert witnesses with interest in the above matters that remain under appeal may continue discussions with the prospect of further refining the issues to be addressed at the hearing or reaching final resolution.

**Summary Opinion**

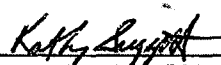
- 17. The three Experts' Reports dated November 25, 2015, December 9, 2015 and December 10, 2015 accurately reflect the agreement amongst the expert witnesses based on meetings up to November 6, 2015.
- 18. It is my professional planning opinion that the adopted policies and definitions listed in paragraph 6, the new definitions proposed to be added as listed in paragraph 7, and the proposed modifications to the policies and definitions listed in paragraphs 8 and 9 and all contained in the Attachments to the Experts Reports attached as Exhibits "A", "B" and "C", accurately reflect the agreement reached by the experts involved in Phase 4a of this hearing, on the understanding that the experts either support or do not oppose/have no opinion on the adopted policies and definitions or any proposed modifications.
- 19. The policies and definitions addressed in this Affidavit seeking approval of this set of the Phase 4a policies and definitions including the proposed modifications would bring the policies and definitions into conformity with relevant Provincial policy. The modifications are consistent with the Provincial Policy Statement, 2014, conform with the Growth Plan and represent good planning.
- 20. 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 and to approve certain policies and definitions as adopted, and to modify and approve certain additional policies and definitions, and to add certain new definitions, all as detailed in the Attachments to Exhibits "A", "B" and "C" as follows:
  - a. To approve 3.3.17;
  - b. To approve 3.8.1;
  - c. To approve 3.8.5;
  - d. To approve 3.8.6;
  - e. To approve 3.8.8;
  - f. To approve 3.8.24;
  - g. To approve 4.5 Pre-ample;
  - h. To approve 4.5.4;
  - i. To approve 4.5.5;
  - j. To approve 4.5.9;
  - k. To approve 4.5.18;
  - l. To approve 4.5.19;
  - m. To approve 4.5.24;
  - n. To approve 4.5.25;
  - o. To approve 4.5.29;
  - p. To approve 4.5.30;
  - q. To approve 4.5.32;
  - r. To approve 4.5.34;
  - s. To approve 4.5.36;

- t. To approve 4.5.38;
- u. To approve 4.5.42;
- v. To approve 4.5.43;
- w. To approve 4.5.44;
- x. To approve the Definitions of *Valleylands, Watershed Management Plan, and Wildlife Habitat*;
- y. To add new Definitions of *Essential Emergency Service, Habitat of Endangered Species and Threatened Species, Institutional Use and Two Zone Concept*;
- z. To modify and approve 3.3.18;
- aa. To modify and approve 3.3.21;
- bb. To modify and approve 3.13.49(b);
- cc. To modify and approve 3.8.17;
- dd. To modify and approve 4.5.1;
- ee. To modify and approve 4.5.2;
- ff. To modify and approve 4.5.6;
- gg. To modify and approve 4.5.10;
- hh. To modify and approve 4.5.11;
- ii. To modify and approve 4.5.12;
- jj. To modify and approve 4.5.13;
- kk. To modify and approve 4.5.14;
- ll. To modify and approve 4.5.15;
- mm. To modify and approve 4.5.16;
- nn. To modify and approve 4.5.17;
- oo. To modify and approve 4.5.20;
- pp. To modify and approve 4.5.21;
- qq. To modify and approve 4.5.22;
- rr. To modify and approve 4.5.33
- ss. To modify and approve 4.5.45;
- tt. To modify and approve 4.5.46;
- uu. To modify and approve 4.5.47;
- vv. To modify and approve the Definitions of: *Coastal Wetland, Environmental Impact Statement (EIS), Natural Heritage Features and Areas (Natural Heritage), Natural Heritage System and Woodlands*; and
- ww. To retain the remaining policies and definitions in Phase 4a under appeal.

**SWORN BEFORE ME** )  
 at the Township of Springwater )  
 in the County of Simcoe )  
 this 23rd day of December, 2015. )

  
**Commissioner for Taking Oaths, etc.** )

Amanda Flynn, Deputy Clerk  
 A Commissioner for the  
 Corporation of the  
 County of Simcoe

  
 \_\_\_\_\_  
**KATHY SUGGITT**

THIS IS EXHIBIT "A" REFERRED TO IN THE AFFIDAVIT  
OF KATHY SUGGITT SWORN BEFORE ME THIS  
23rd DAY OF DECEMBER, 2015.

A handwritten signature in cursive script, appearing to read "Amanda Flynn", is written over a horizontal line.

A Commissioner, etc.

Amanda Flynn, Deputy Clerk  
A Commissioner for the  
Corporation of the  
County of Simcoe



**OMB File No: PL091167**

**County of Simcoe Official Plan**

**Experts' Report on Phase 4a (Greenlands and Resource Conservation)**

**Dated November 25, 2015**

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**Expert Planning Witnesses Registered for Phase 4a of the Hearing:**

Anthony Biglieri – Tesmar Holdings Inc. (Appellant Party 10)  
David Butler – Crestwood Park Holdings (appellant status pending)  
Tim Cane & Steve Montgomery – Town of Innisfil (Party D)  
Brent Clarkson & Brian Zeman – OSSGA and others (Parties J1-J6)  
Mark Dorfman – Township of Ramara (Party C2)  
Ray Duhamel – D. G. Pratt Construction Limited (Appellant Party 30)  
Brian Goodreid – Narinder Mann (Party 17)  
Bob Lehman – 2133952 Ontario Inc. (Party S) & Talisker Corporation (Party T)  
Andria Leigh – Township of Oro-Medonte (Party W)  
Marie Leroux – Township of Clearview (Party G1)  
Paul Lowes – Carson Road Development Inc. & Midhurst Development Doran Road (Appellant Parties 2a and 2b)  
Darryl Lyons & Aldo Ingraldi – Ministry of Municipal Affairs and Housing (Party A)  
Nicola Mitchinson – Simcoe Estates Limited (Appellant Party 8e) and Royal Heights Estates (Appellant Party 8f)  
Shawn Persaud & Kris Menzies – Township of Tiny (Party G2)  
Celeste Phillips – Innisfil Beach Farms (Appellant Party 14)  
Tim Schilling – Town of New Tecumseth (Appellant Party 32)  
Brent Spagnol & Chris Russell – Township of Springwater (Appellant Party 6)  
Kathy Suggitt, Rachelle Hamelin & Tiffany Thompson – County of Simcoe (Appellant Party 1)  
Jacquie Tschekalin – Township of Adjala-Tosorontio (Appellant Party 33)  
Darren Vella – McMahan Woods Developments Ltd. (Appellant Party 13) & Janie & David Wright (Appellant Party 11)  
Peter Walker – Ontario Potato Distributing Inc. & 1567210 Ontario Limited (Appellant Parties 27a & 27b)

**Phase 4a Policies:**

The policies remaining under appeal in Phase 4a – Greenlands and Resource Conservation, of the hearing include: all of Section 3.8 Greenlands, all of Section 4.5 Resource Conservation, policies 3.3.15 – 3.3.17, 3.13.49(b), the following definitions of *Adjacent Lands*, *Coastal Wetland*, *Environmental Impact Statement "EIS"*, *Natural Heritage Features and Areas (Natural Heritage)*, *Natural Heritage System*, *Significant*, *Significant Woodlands*, *Valleylands*, *Watershed Management (Plan)*, *Wildlife Habitat*, and *Woodlands*, Schedule 5.2.2 and Appendices 1 and 4.

**Experts Agreement**

The experts representing parties registered in Phase 4a have met several times to discuss the policies and issues lists. Some experts did not attend any or all of the meetings as they

represent parties who are registered in a monitoring capacity only. The experts have agreed that supporting or not opposing/having no opinion on a particular policy in Phase 4a where that policy includes a cross reference to other policies in the Plan should not prejudice or infer support of the cross referenced policy.

**Policies with No Modifications:**

The experts who have participated in the discussions have reached agreement or do not oppose/have no opinion on the following Policies as they appear in the proposed County Official Plan, with no modifications:

- 3.3.17
- 3.8.1
- 3.8.5
- 3.8.6
- 3.8.8
- 4.5 Pre-amble
- 4.5.4
- 4.5.5
- 4.5.9
- 4.5.18
- 4.5.19
- 4.5.24
- 4.5.29
- 4.5.30
- 4.5.32
- 4.5.36
- 4.5.38
- 4.5.42
- 4.5.43
- 4.5.44

Note: Appellant Party 13 maintains a site specific appeal.

The experts have agreed to continue discussions on the remaining policies and definitions to try to resolve issues or narrow the scope of the issues. The experts will report to the Board at a later date on any further agreement.



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

**Attachment to Experts' Report on Phase 4a – Greenlands and Resource Conservation**

**Policies with No Modifications:**

**3.3.17** *Natural heritage* conservation and forestry uses are permitted in all designations of this *Plan*, subject to Section 3.8 and *County* and *local municipal* bylaws.

**Section 3.8 Greenlands**

**Objectives:**

**3.8.1** To protect and restore the natural character, form, function, and connectivity of the *natural heritage system* of the County of Simcoe, and to sustain the *natural heritage features and areas* and *ecological functions* of the Greenlands and local *natural heritage systems* for future generations.

**3.8.5** To contribute to the protection, improvement, and restoration of the quality and quantity of surface water and ground water and the function of *sensitive surface water features* and *sensitive ground water features* within the *County*.

**3.8.6** To ensure that the Greenlands Designation complements and supports the *natural heritage systems* established in *provincial* plans and is linked with the *natural heritage systems* of adjacent jurisdictions, and to require *local municipalities* to identify and protect natural features and *ecological functions* that in turn complement and support the Greenlands.

**3.8.8** To provide opportunities for natural heritage enjoyment and appreciation and for recreational and tourism uses in keeping with the Greenlands objectives, that foster healthy and liveable communities and enhance the sense of place and quality of life that characterize the *County*.

**Section 4.5 Resource Conservation**

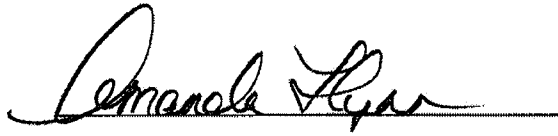
Water is a crucial resource to almost every form of land use and economic sector. The resource traverses municipal boundaries and is subject to intensive use affecting its quality and available quantity. Water conservation, or the wise management of it as a resource, is essential; watershed-based planning is needed, including assessment of cumulative effects of water use. The *County* wishes to promote the gathering of information regarding water resources and watershed-based management of the resource.

Landform and soil conservation are also important for environmental, economic and social reasons. Landform features such as moraines must be managed wisely. Energy conservation and alternative energy and renewable energy systems must also be wisely planned and managed for the overall benefit to the *County* and the environment.

- 4.5.4** *Development* in the *County* shall occur in a manner that will protect human life and property from water related *hazards* such as flooding and erosion. *Flood plain* management shall occur on a *watershed management* basis giving due consideration to the upstream, downstream, and cumulative effects of *development*.
- 4.5.5** The *County* will work with *local municipalities*, Conservation Authorities, Source Protection Authorities, Parks Canada- Trent-Severn Waterway, and other *Provincial* agencies in the development of *watershed* and sub-*watershed management* plans. This may include the determination of cumulative flooding risks and impacts and the determination of a river system's capacity to assimilate effluent from point and non-point sources.
- 4.5.9** *Development* shall generally be directed to areas outside of:
- a) *hazardous lands* adjacent to the shorelines of the *Great Lakes – St. Lawrence River System* and *large inland lakes* which are impacted by *flooding hazards, erosion hazards* and/or *dynamic beach hazards*;
  - b) *hazardous lands* adjacent to *river, stream and small inland lake systems* which are impacted by *flooding hazards* and/or *erosion hazards*; and
  - c) *hazardous sites*.
- 4.5.18** Development will be prohibited on slopes and ravines which could be subject to active erosion hazards or historic slope failure.
- 4.5.19** Minerals and petroleum resources shall be protected for long-term use.
- 4.5.24** New *development* and *redevelopment* should be sufficiently set back from rivers, streams, and lakes within the *County* in order to develop vegetative corridors along shorelines and watercourses. The *development* setback distance shall be determined on-site in consultation with a *qualified professional* at the applicant's expense. The following factors shall be considered when establishing the setback distance, established through an *EIS* and slope stability report if necessary, with the intent of protecting *significant natural heritage features* and *ecological functions*, providing riparian habitat, and minimizing risk to public safety and property:
- i. soil type;
  - ii. vegetation type and cover;
  - iii. slope of the land including existing drainage patterns;
  - iv. *natural heritage features* and *ecological functions* including *fish habitat*;
  - v. the nature of the *development*;

- vi. defined portions of *dynamic beaches*; and
  - vii. flooding and *erosion hazards*.
- 4.5.29** In shoreline areas, a Stormwater Management Report shall be prepared in accordance with Section 3.3.18 of this *Plan*, for *developments* identified in 3.3.18, to the satisfaction of the appropriate approval authorities.
- 4.5.30** Where *individual on-site sewage services* and *individual on-site water services* are provided to existing lots or new *developments*, *local municipalities* shall establish minimum lot sizes sufficient to ensure sustainable *development* and no impact on water quality or water quantity.
- 4.5.32** *Development* proposed near lakes and water bodies with an established management plan shall be developed in accordance with the management plan. The *County* encourages the preparation of such plans, and will participate in their preparation.
- 4.5.36** The *County* shall continue to acquire County Forest Lands in accordance with the County Forest Acquisition Principles.
- 4.5.38** The *County* encourages forestry management practices that sustain the viability of both the woodlot and the harvest of woodland products.
- 4.5.42** The *County* supports the Niagara Escarpment Plan and the Oak Ridges Moraine Conservation Plan and will assist in ensuring *development* takes place in accordance with those plans and according to Sections 3.10 and 3.11 of this *Plan* respectively.
- 4.5.43** The County encourages local municipalities to pass bylaws to restrict the removal and movement of topsoil before appropriate development agreements are in place. The removal of topsoil or vegetation, or other disturbances of land, associated with a proposed land use change, should not proceed until approvals have been granted under the Planning Act. Where such activities take place to foster a development application prior to its consideration and approval, such activities will not be considered a basis for supporting the land use change.
- 4.5.44** This Plan promotes improved air quality through land use development patterns that promote compact and mixed use development, transit usage where appropriate, alternative transportation and active transportation systems, and forest management and reforestation efforts as a means of fostering maintenance and improvement of air quality. The County will work in co-operation with the appropriate agencies to assist in the maintenance and improvement of air quality in the County.

THIS IS EXHIBIT "B" REFERRED TO IN THE AFFIDAVIT  
OF KATHY SUGGITT SWORN BEFORE ME THIS  
23rd DAY OF DECEMBER, 2015.

A handwritten signature in cursive script, appearing to read "Amanda Flynn", written over a horizontal line.

A Commissioner, etc.

**Amanda Flynn, Deputy Clerk**  
A Commissioner for the  
Corporation of the  
County of Simcoe

**OMB File No: PL091167**

**County of Simcoe Official Plan**

**Experts' Report #2 on Phase 4a (Greenlands and Resource Conservation)**

**Dated December 9, 2015**

**Expert Planning Witnesses Registered for Phase 4a of the Hearing:**

- Anthony Biglieri – Tesmar Holdings Inc. (Appellant Party 10)
- David Butler – Crestwood Park Holdings (appellant status pending)
- Tim Cane & Steve Montgomery – Town of Innisfil (Party D)
- Brent Clarkson & Brian Zeman – OSSGA and others (Parties J1-J6)
- Mark Dorfman – Township of Ramara (Party C2)
- Ray Duhamel – D. G. Pratt Construction Limited (Appellant Party 30)
- Brian Goodreid – Narinder Mann (Party 17)
- Bob Lehman – 2133952 Ontario Inc. (Party S) & Talisker Corporation (Party T)
- Andria Leigh – Township of Oro-Medonte (Party W)
- Marie Leroux – Township of Clearview (Party G1)
- Paul Lowes – Carson Road Development Inc. & Midhurst Development Doran Road (Appellant Parties 2a and 2b)
- Darryl Lyons & Aldo Ingradali – Ministry of Municipal Affairs and Housing (Party A)
- Nicola Mitchinson – Simcoe Estates Limited (Appellant Party 8e), Royal Heights Estates (Appellant Party 8f) and 2115441 Ontario Inc. (Appellant Party 35)
- Shawn Persaud & Kris Menzies – Township of Tiny (Party G2)
- Celeste Phillips – Innisfil Beach Farms (Appellant Party 14)
- Tim Schilling/ Bruce Hoppe– Town of New Tecumseth (Appellant Party 32)
- Brent Spagnol & Chris Russell – Township of Springwater (Appellant Party 6)
- Kathy Suggitt, Rachelle Hamelin & Tiffany Thompson – County of Simcoe (Appellant Party 1)
- Jacquie Tschekalin – Township of Adjala-Tosorontio (Appellant Party 33)
- Darren Vella – McMahan Woods Developments Ltd. (Appellant Party 13) & Janis & David Wright (Appellant Party 11)
- Peter Walker – Ontario Potato Distributing Inc. & 1567210 Ontario Limited (Appellant Parties 27a & 27b)

**Experts Meetings September 17 to November 6, 2015:**

Further to the Experts' Report dated November 25, 2015, this Experts' Report #2 is a further report to the Board on agreement amongst the experts who participated in the meetings up to and including November 6, 2015.

**Phase 4a Policies:**

The policies remaining under appeal in Phase 4a – Greenlands and Resource Conservation, of the hearing include: all of Section 3.8 Greenlands, all of Section 4.5 Resource Conservation, policies 3.3.15 – 3.3.17, 3.13.49(b), the following definitions of *Adjacent Lands*, *Coastal Wetland*, *Environmental Impact Statement "EIS"*, *Natural Heritage Features and Areas (Natural Heritage)*, *Natural Heritage System*, *Significant*, *Significant Woodlands*, *Valleylands*, *Watershed Management (Plan)*, *Wildlife Habitat*, and *Woodlands*, Schedule 5.2.2 and Appendices 1 and 4.

### **Experts Agreement**

The experts representing parties registered in Phase 4a met several times, the most recent being November 6, 2015, to discuss the policies and issues lists. Some experts did not attend any or all of the meetings as they represent parties who are registered in a monitoring capacity only. The experts have agreed that supporting or not opposing/having no opinion on a particular policy in Phase 4a where that policy includes a cross reference to other policies in the Plan should not prejudice or infer support of the cross referenced policy, unless that policy is already in effect. The experts also agreed that supporting or not opposing/having no opinion on any given Definition does not prejudice or infer support of any cross referenced defined term, unless that other term is already in effect.

### **New Definitions from the Provincial Policy Statement, 2014:**

The experts who have participated in the discussions have reached agreement or do not oppose/have no opinion that the following new Definitions, as detailed in the Attachment, should be added to the Plan as they are consistent with the Provincial Policy Statement, 2014:

- Essential Emergency Service
- Habitat of Endangered Species and Threatened Species
- Institutional Use
- Two Zone Concept

### **Definitions with Proposed Modifications:**

The experts who have participated in the discussions have reached agreement or do not oppose/have no opinion on the following Definitions with proposed modifications, as detailed in the Attachment:

- Coastal Wetland
- Environmental Impact Statement (EIS)
- Natural Heritage Features and Areas (Natural Heritage)
- Natural Heritage System
- Woodlands

### **Definitions as adopted, with No Modifications:**

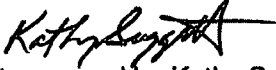
The experts who have participated in the discussions have reached agreement or do not oppose/have no opinion on the following Definitions as adopted, with no modifications:

- Valleylands
- Watershed Management Plan
- Wildlife Habitat

**NOTE:** Appellant Party 13 maintains a site-specific appeal.



The experts will provide a further report(s) to the Board if there is any further agreement on the remaining policies and definitions in this Phase.



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

**Attachment to Experts' Report #2 on Phase 4a – Greenlands and Resource Conservation****Add the following New Definitions from PPS, 2014:**

**ESSENTIAL EMERGENCY SERVICE:** means services which would be impaired during an emergency as a result of flooding, the failure of flood-proofing measures and/or protection works, and/or erosion.

**HABITAT OF ENDANGERED SPECIES AND THREATENED SPECIES:** means:

- a) with respect to a species listed on the Species at Risk in Ontario List as an endangered or threatened species for which a regulation made under clause 55(1)(a) of the *Endangered Species Act, 2007* is in force, the area prescribed by that regulation as the habitat of the species; or
- b) with respect to any other species listed on the Species at Risk in Ontario List as an endangered or threatened species, an area on which the species depends, directly or indirectly, to carry on its life processes, including life processes such as reproduction, rearing, hibernation, migration or feeding, as approved by the Ontario Ministry of Natural Resources; and

places in the areas described in clause (a) or (b), whichever is applicable, that are used by members of the species as dens, nests, hibernacula or other residences.

**INSTITUTIONAL USE:** for the purposes of policy 4.5.11, means land uses where there is a threat to the safe evacuation of vulnerable populations such as older persons, persons with disabilities, and those who are sick or young, during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion.

**TWO ZONE CONCEPT:** means an approach to *flood plain* management where the *flood plain* is differentiated in two parts: the *floodway* and the *flood fringe*.

### Definitions with Proposed Modifications:

**COASTAL WETLAND:** means any *wetland* that is located on Georgian Bay or any other *wetland* that is on a tributary to Georgian Bay and lies, either wholly or in part, downstream of a line located 2 kilometres upstream of the 1:100 year floodline (plus wave run-up) of Georgian Bay. ~~to which the tributary is connected.~~

**ENVIRONMENTAL IMPACT STATEMENT (EIS):** ~~An EIS is~~ means a report or document ~~that~~ that identifies and describes *natural heritage features and areas* and *ecological functions* and determines and evaluates the implications of proposed *development* or *infrastructure* and its interactions with the *natural heritage features and areas* and *ecological functions* of an area. An EIS must determine whether the likelihood of *negative impacts* occurring on the *natural heritage features and areas* and *ecological functions* is definite or probable if the development proceeds under a given proposed design. The EIS will determine the need for modifications to proposed plans, buffers, and other mitigation strategies to demonstrate that there will be no *negative impacts* on *natural heritage features and areas* and *ecological functions* of the County or local *natural heritage systems*. In the case of *infrastructure*, the *EIS* will demonstrate only such *negative impacts* as are consistent with Sections 3.8.17 through 3.8.20 of this *Plan*. ~~(For purposes of this Appendix, all further references to *development* also include, unless otherwise indicated and to the extent the policies of this *Plan* applies to it, *infrastructure*.)~~

**NATURAL HERITAGE FEATURES AND AREAS (NATURAL HERITAGE):** means ~~where used as general terms refer to~~ features and areas, including *significant wetlands*, *significant and other coastal wetlands*, *habitat of endangered species* and *threatened species*, *fish habitat*, *significant woodlands*, *significant wildlife habitat*, *significant valleylands*, and *significant areas of natural and scientific interest*, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

**NATURAL HERITAGE SYSTEM:** means a system made up of *natural heritage features and areas*, and linkages intended to provide connectivity (at a regional or site level) and support *natural processes linked by natural corridors* which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species and ecosystems. These systems can include *natural heritage features and areas*, federal and provincial parks and conservation reserves, other natural heritage features, lands that have been restored or have ~~and areas with~~ the potential to be restored to a natural state, areas that support hydrologic functions, and working landscapes that enable ecological functions to continue. The Province has a recommended approach for identifying *natural heritage systems*, but municipal approaches that achieve or exceed the same objective may also be used.

**WOODLANDS:** means treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. *Woodlands* include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels. *Woodlands* may be delineated according to the *Forestry Act* definition or the Province's Ecological Land Classification system definition for "forest".

**Definitions, as adopted, with No Modifications:****VALLEYLANDS:** means:

- within areas of conservation authority jurisdiction, all lands below/within the stable top of bank, predicted top of stable slope, *flood plain* limit, or predicted meander belt limit, as prescribed in Section 2(b) of each conservation authority's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses regulation under the *Conservation Authorities Act*;
- in the rest of the *County*, *valleylands* as defined by the *Provincial Policy Statement*.

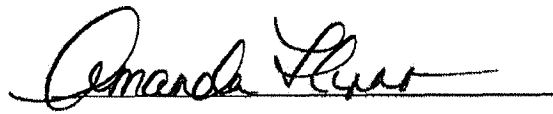
**WATERSHED MANAGEMENT PLAN:** refers to a report or to information regarding a watershed or sub-watershed which establishes guidelines for *development* and best land use practices and management to conserve:

- ground and surface water quality and quantity
- *natural heritage* features
- *woodlands*
- *fish habitat*
- recharge, discharge, and headwater areas

**WILDLIFE HABITAT:** means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species.

**NOTE:** Appellant Party 13 maintains a site-specific appeal.

THIS IS EXHIBIT "C" REFERRED TO IN THE AFFIDAVIT  
OF KATHY SUGGITT SWORN BEFORE ME THIS  
23rd DAY OF DECEMBER, 2015.

A handwritten signature in black ink, appearing to read "Amanda Flynn", written over a horizontal line.

A Commissioner, etc.

**Amanda Flynn, Deputy Clerk**  
A Commissioner for the  
Corporation of the  
County of Simcoe

**OMB File No: PL091167**

**County of Simcoe Official Plan**

**Experts' Report #3 on Phase 4a (Greenlands and Resource Conservation)**

**Dated December 10, 2015**

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**Expert Planning Witnesses Registered for Phase 4a of the Hearing:**

Anthony Biglieri – Tesmar Holdings Inc. (Appellant Party 10)  
 David Butler – Crestwood Park Holdings (appellant status pending)  
 Tim Cane & Steve Montgomery – Town of Innisfil (Party D)  
 Brent Clarkson & Brian Zeman – OSSGA and others (Parties J1-J6)  
 Mark Dorfman – Township of Ramara (Party C2)  
 Ray Duhamel – D. G. Pratt Construction Limited (Appellant Party 30)  
 Brian Goodreid – Narinder Mann (Party 17)  
 Bob Lehman – 2133952 Ontario Inc. (Party S) & Talisker Corporation (Party T)  
 Andria Leigh – Township of Oro-Medonte (Party W)  
 Marie Leroux – Township of Clearview (Party G1)  
 Paul Lowes – Carson Road Development Inc. & Midhurst Development Doran Road (Appellant Parties 2a and 2b)  
 Darryl Lyons & Aldo Ingradali – Ministry of Municipal Affairs and Housing (Party A)  
 Nicola Mitchinson – Simcoe Estates Limited (Appellant Party 8e), Royal Heights Estates (Appellant Party 8f) and 2115441 Ontario Inc. (Appellant Party 35)  
 Shawn Persaud & Kris Menzies – Township of Tiny (Party G2)  
 Celeste Phillips – Innisfil Beach Farms (Appellant Party 14)  
 Tim Schilling/ Bruce Hoppe– Town of New Tecumseth (Appellant Party 32)  
 Brent Spagnol & Chris Russell – Township of Springwater (Appellant Party 6)  
 Kathy Suggitt, Rachelle Hamelin & Tiffany Thompson – County of Simcoe (Appellant Party 1)  
 Jacquie Tschekalin – Township of Adjala-Tosorontio (Appellant Party 33)  
 Darren Vella – McMahan Woods Developments Ltd. (Appellant Party 13) & Janis & David Wright (Appellant Party 11)  
 Peter Walker – Ontario Potato Distributing Inc. & 1567210 Ontario Limited (Appellant Parties 27a & 27b)

**Experts Meetings September 17 to November 6, 2015:**

Further to the Experts' Report 1 dated November 25, 2015, and Experts' Report 2, dated December 9, 2015, this is a further report to the Board on agreement amongst the experts who participated in the meetings that have taken place up to and including November 6, 2015.

The experts have agreed that supporting or not opposing/having no opinion on a particular policy in Phase 4a where that policy includes a cross reference to other policies or definitions in the Plan should not prejudice or infer support of the cross reference, unless it is already in effect.

**Policies with Proposed Modifications:**

The experts who have participated in the discussions have reached agreement or do not oppose/have no opinion on the following Policies with proposed modifications, as detailed in the Attachment:

- 3.3.18
- 3.3.21
- 3.13.49(b)
- 3.8.17
- 4.5.1
- 4.5.2
- 4.5.6
- 4.5.10
- 4.5.11
- 4.5.12
- 4.5.13
- 4.5.14
- 4.5.15
- 4.5.16
- 4.5.17
- 4.5.20
- 4.5.21
- 4.5.22
- 4.5.33
- 4.5.45
- 4.5.46
- 4.5.47

**Policy with No Modifications:**

The experts who participated in the discussions have reached agreement or do not oppose/have no opinion on the following Policy, as adopted, with no modification:

- 3.8.24
- 4.5.25
- 4.5.34

**NOTE:** Party 13 maintains a site-specific appeal, as such the expert witness does not object to the above-noted policies in the two lists above with that proviso.

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



## Attachment to Experts' Report 3 on Phase 4a (Greenlands and Resource Conservation)

### Proposed Modifications:

#### Stormwater Management

**3.3.18** *Local municipalities* are encouraged to establish stormwater management policies relating to *development* associated with new plans of *subdivision* and condominium and other large scale *development* in order to protect, ~~maintain and enhance~~ improve or restore the quality and quantity of water resources and related *natural heritage systems*. The policies will consider the requirement for a Stormwater Management (SWM) Report to address the impacts of the development on: stormwater runoff volumes; water quality; erosion and sedimentation; and environmental features, including *fish habitat*.

Subject to Sections 3.4 to 3.9, adjacent to *County* Roads where applicants are proposing new plans of *subdivision* and condominium; the creation of more than five (5) new lots by consent; and other large scale commercial, industrial and institutional *development*, the *County* will require a supporting SWM Report. The SWM Report shall be prepared by a qualified professional engineer registered with the Association of Professional Engineers of Ontario to the satisfaction of the *County* and any other applicable authority. The SWM Report shall be prepared in accordance with the Stormwater Management Planning and Design Manual (Ontario Ministry of Environment, 2003) and the Fish Habitat Protection Guidelines for Developing Areas (Ontario Ministry of Natural Resources, 1994) or their successors.

Stormwater Management Reports are to address the following:

- Control post-*development* run-off rates to the *County* right-of-way to the pre-*development* condition for the 1:2 year through 1:100 years design storm event or Hurricane Hazel storm (1954)/Timmins storm *flooding hazard* limit, whichever is greater;
- Site-specific assessment to determine whether equalization of run-off rates is actually possible and what the significance of changes in run-off rate would actually be on the particular surface water bodies which could be affected;
- maintain post development runoff water quality to meet applicable provincial/federal guidelines and standards for stormwater quality;
- All attempts should be made to maintain existing watershed boundaries and drainage patterns;
- Identify the erosion and sedimentation control measures required to be undertaken during construction to mitigate the potential *negative impacts* of the *development*;
- Describe how the stormwater plan will provide for the protection and maintenance of *natural heritage systems*, including *fish habitat*; and
- How the landscaping plans are recommended as part of the stormwater management plan as vegetation is considered as an important functional component in the design of stormwater management facilities.

**3.3.21** Major facilities, such as utility and transportation facilities and corridors, airports, sewage treatment facilities, *waste disposal sites*, industrial installations, and *mineral aggregate operations*, and *sensitive land uses* shall be appropriately designed, buffered, and/or separated from each other in accordance with provincial standards and guidelines to



prevent unacceptable adverse effects from odour, noise, vibration, and other contaminants.

NOTE: Modification to 3.13.49(b) only as the rest of the policy was approved by the OMB in April 2013

### 3.13.49 Subdivision and Site Plan Agreements

Municipalities shall ensure that site alteration is undertaken in accordance with the following measures which shall also be incorporated into subdivision agreements and site plan agreements:

- a) keep the removal of vegetation, grading and soil compaction to the minimum necessary to carry out *development activity*;
- b) removal of vegetation shall not occur more than 30 days prior to grading or construction, unless a different timeframe has been established through environmental studies to the satisfaction of the appropriate approval authority;
- c) put in place structures to control and convey runoff;
- d) minimize sediment that is eroded offsite during construction;
- e) seed exposed soils once construction is complete and seasonal conditions permit; and
- f) ensure erosion and sediment controls are implemented effectively.

**3.8.17** *Infrastructure* authorized under an environmental assessment process ~~or an EIS~~ may be permitted within the Greenlands Designation ~~or on adjacent lands~~. *Infrastructure* not subject to the environmental assessment process, may be permitted within the Greenlands Designation or on *adjacent lands* in accordance with Section 3.3.15. ~~with consideration to the Terms of Reference of an EIS as detailed in Appendix 1 which demonstrates that there will be no negative impacts on the natural heritage features and areas or ecological functions. The environmental assessment must demonstrate that the proposed undertaking is necessary in the public interest and that all reasonable alternatives to the undertaking, including a do-nothing option, have been considered. If the affected lands are within a feature of the Greenlands designation where development is not permitted as described in Section 3.3.15, the environmental assessment must further demonstrate that the undertaking is essential in the public interest.~~

**4.5.1** Land use planning and *development decisions* within the *County* shall protect, improve or restore the *quality and quantity of water* and related resources and aquatic ecosystems on an integrated *watershed management* basis.

**4.5.2** Water resource systems consisting of ~~Surface water features~~, ground water features, hydrologic functions, and natural heritage features and areas, and surface water features including shoreline areas which are necessary for the ecological and hydrological integrity of the watersheds within the County shall be identified in local municipal official plans, and include policies for their protection, improvement or restoration including maintaining linkages and related functions.

Development and site alteration shall also be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored. This will be demonstrated through a Risk Assessment Study for Ground and Surface Water where applicable as outlined in Appendix 4.

Local municipal official plans shall provide that mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore sensitive surface water features, sensitive ground water features, and their hydrologic functions.

**4.5.6** Aquifers, headwater areas, and recharge and discharge areas shall be identified and protected in the policies and maps of local municipal official plans and/or through the development and subdivision approval process. Development should generally be directed away from areas with a high water table and/or highly permeable soils. In settlement areas or other development centres where this is not possible, potential environmental impacts shall be mitigated using all reasonable methods.

**4.5.10** Development and site alteration shall not be permitted within:

- a) the dynamic beach hazards;
- b) areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and
- c) a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.

Notwithstanding 4.5.9 through 4.5.17, development and site alternation may be permitted within an approved Special Policy Area(s) according to their respective policies, or where the development is limited to uses which by their nature must locate within the floodway, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows. Any change or modification to the official plan policies, land use designations or boundaries applying to Special Policy Area lands, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources prior to the approval authority approving such changes or modifications.

4.5.11 *Development* shall not be permitted to locate in *hazardous lands* and *hazardous sites* where the use is:

- a) an *institutional use* ~~associated with including hospitals, long-term care nursing homes, retirement homes, pre-schools, school nurseries, day cares and schools where there is a threat to the safe evacuation of the sick, the elderly, persons with disabilities or the young during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion;~~
- b) an *essential emergency service* such as that provided by fire, police and ambulance stations and electrical substations, ~~which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion;~~ and
- c) uses associated with the disposal, manufacture, treatment or storage of *hazardous substances*.

Delete 4.5.12 and replace as follows:

4.5.12 ~~A floodway is the portion of the flood plain where there would be an unacceptable risk to public health and safety or property damage. Development and site alteration are not permitted within the floodway of a river, stream, and small inland lake systems. Local municipalities shall consider the potential impacts of climate change that may increase the risk associated with natural hazards.~~

4.5.13 Where there is a *Two Zone Concept* in place, ~~a flood fringe means an area where flood depths and velocities would be less severe than those experienced in the floodway.~~ *Development* and *site alteration* may be permitted within the *flood fringe* of a *river, stream, and inland lake systems* subject to appropriate flood proofing to the *flood hazard* elevation or another *flood hazard* standard approved by the Minister of Natural Resources and Forestry if the following criteria can be achieved:

- a) the hazards can be safely addressed, and the *development* and *site alteration* is carried out in accordance with ~~floodproofing standards, protection works standards, and access standards established standards and procedures for flood fringe development;~~
- b) new hazards will not be created and existing hazards ~~are not~~ aggravated;
- c) no adverse environmental impacts will result;
- d) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion, and other emergencies; and
- e) the *development* does not include *institutional uses, essential emergency services,* or the disposal, manufacture, treatment, or storage of *hazardous substances*.

Generally, subject to the approval of the appropriate regulatory agencies, agricultural structures in the *flood fringe* may be rebuilt where destroyed by fire or other event.

**4.5.14** Where there is a One Zone Concept in place, uses which may be permitted in the *flood plain* subject to the approval of the regulatory agencies include:

- a) open space for public or private recreation and related structures;
- b) *agricultural uses* and related structures, ~~excluding dwellings~~;
- c) structural works for flood and erosion-sediment control;
- d) additions to existing structures;
- e) replacement structures on existing lots subject to local official plan policies, and satisfactory engineering studies; and
- f) Aggregate development provided all requirements of the *Aggregate Resources Act* and the relevant conservation authority are met.

Generally, subject to the approval of the appropriate regulatory agencies, agricultural structures in the *flood plain* may be rebuilt where destroyed by fire or other event.

**4.5.15** Stormwater management quality and quantity facilities shall be located outside of the *flood plain* except as provided in the *flood fringe* above the 1:100 year storm event level under the establishment of a Two Zone Concept or *Special Policy Area* or ~~as otherwise permitted by the Conservation Authority or other appropriate authority~~.

**4.5.16** Any *development* or *site alteration* permitted in the *flood plain* shall require written approval from the Conservation Authority or other ~~qualified-professional~~ appropriate authority, in consultation with the *local municipality*.

**4.5.17** Delineation of the flood prone areas shall, where applicable, be identified on schedules to *local municipal official* plans. In the absence of detailed *flood plain* analysis, a *development* applicant may be required to provide a *flood plain* study as a prerequisite to any *development*, prepared to the satisfaction of the Conservation Authority or other qualified professional, and the *local municipality*. The cost of preparing the study and professional review if required shall be borne by the applicant.

**4.5.20** *Mineral mining operations* and *petroleum resource operations* shall be ~~identified and~~ protected from *development* and activities that would preclude or hinder expansions or continued use.

**4.5.21** ~~In areas adjacent to or in~~ Known *mineral deposits*, ~~or~~ known *petroleum resources*, and ~~in significant areas of mineral potential~~ shall be identified and ~~significant areas of petroleum potential~~, *development* and activities in these resources or on *adjacent* lands which ~~that~~ would preclude or hinder the establishment of new operations or access to the resources shall be identified and only be permitted if: a) resource use would not be feasible; or b) the proposed land use or development serves a greater long-term public interests; and c) issues of public health, public safety and environmental impacts are addressed.

## Human-Made Hazards

**4.5.22** *Development* on, abutting, or adjacent to contaminated sites, lands affected by *mine hazards*, oil, gas, and *salt hazards*, or former *mineral mining operations*, *mineral aggregate operations*, or *petroleum resource operations* may be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed.

Sites shall be remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no *adverse effects*.

**4.5.33** New *development* proposed along the shoreline of Lake Huron/Georgian Bay, Lake Simcoe and other *large inland lakes* may require the preparation of a Coastal Engineering Study. The Coastal Engineering Study, prepared by a coastal engineer, must identify the coastal processes associated with the Lake or Bay. Where *development* is permitted, the Study must demonstrate the proposed mitigation measures to address the shoreline hazard. The Coastal Engineering Study must be prepared to the satisfaction of the municipality and local conservation authority or appropriate agency.

## Energy Conservation and Renewable Energy

**4.5.45** The *County* will promote energy conservation through land use *development* patterns that:

- a) promote compact, mixed use *development*;
- b) promote *walking, cycling active transportation* and the use of transit;
- c) maximize, where appropriate, the use and production of *alternative energy systems* or *renewable energy systems*, such as solar, wind, biomass or geothermal energy; and
- d) maximize the use of existing natural areas and newly planted vegetation to reduce the urban heat island effect.

**4.5.46** *Renewable energy systems* and *alternative energy systems* shall should be promoted, where feasible, in accordance with *provincial and federal requirements*. ~~encouraged and permitted in appropriate locations within settlements, rural, and agricultural designated areas in accordance with provincial and federal requirements. In rural and agricultural designated areas these systems should be designed and constructed to minimize impacts on agricultural operation on the subject lands and to minimize negative impacts on adjacent surrounding land uses including Greenlands and resource developments. These systems shall not be located on lands identified as High Potential Mineral Aggregate Resources on Schedule 5.2.1. Local municipalities will establish zoning regulations to manage the size and scale of such alternative energy systems, including but not limited to restrictions on height, setbacks, system capacity and need for site plan approval.~~

**4.5.47** Development of *renewable energy systems* shall be in accordance with the *Green Energy and Green Economy Act*. Renewable energy undertakings are exempted from *Planning Act* approvals as per Schedule K of the *Green Energy and Green Economy Act*. ~~These undertakings shall be subject to the Green Energy and Green Economy Act and other provincial approvals.~~

**Policies, as adopted, with No Modifications:**

**3.8.24** If *natural heritage features and areas* or *ecological functions* within the Greenlands Designation are damaged or destroyed after July 1, 2008 by causes not beyond the control of the landowner, the designation of the affected lands in this *Plan* or the *local municipal* official plan will not be changed as a result. *Development* will only be considered if it is a condition of approval that the damaged or destroyed features and functions be restored to the satisfaction of the *County* or *local municipality*.

**4.5.25** Agricultural land users should have regard to the factors in 4.5.24 and farm management plans within their agricultural practice.

**Fish Habitat**

**4.5.34** *Development* and *site alteration* are not permitted in *fish habitat* except in accordance with *provincial and federal requirements*.

**NOTE:** Appellant Party 13 maintains a site-specific appeal.

**ONTARIO MUNICIPAL BOARD**

**MOTION RECORD  
PHASE 4a – GREENLANDS AND  
RESOURCE CONSERVATION  
(Written Motion Under Rule 36)**

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