

Ontario Land Tribunal

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: ADM Agri-Industries Company
Appellant: Ed Boyd and Gloria Campbell
Appellant: Hanson Development Group
Appellant: Midland Bay Estates Inc.; and others
Subject: Proposed Official Plan Amendment No. MD-OP-1901
Municipality: Town of Midland
OMB Case No.: PL200391
OMB File No.: PL200391
OMB Case Name: ADM Agri-Industries Company v. Midland (Town)

NOTICE OF MOTION (Motion to Approve Two Settlements)

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AND TO: ONTARIO LAND TRIBUNAL

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OLT Case No.: OLT-22-003368

NOTICE OF MOTION
(Motion to Approve Two Settlements)

THE CORPORATION OF THE TOWN OF MIDLAND (the "**Town**") will make a motion in writing to the Ontario Land Tribunal (the "**Tribunal**"), or in the alternative by teleconference or video-conference as directed by the Tribunal.

THE MOTION IS FOR:

1. An Order of the Tribunal:
 - (a) Modifying designations in Schedules 'A', 'B' and 'C' of the Town of Midland Official Plan (the "**Midland OP**"), in respect of property known as 233 Midland Point Road, and approving those portions of those Schedules, all as set out in Exhibit "E" to the Affidavit of Steve Farquharson, at Tab 2 in the Motion Record;

- (a) Modifying certain road designations on Schedule 'E', of the Midland OP, in part, and modifying Policy 5.4.3 (d) in respect of subject to the appeal of Hanson Development Group and approving Policy 5.4.3 (d) as modified and that portion of Schedule 'A' as modified, all as set out in Exhibit "G" to the Affidavit of Steve Farquharson, at Tab 2 in the Motion Record;
2. Such further relief as counsel may advise and the Tribunal may deem appropriate.

THE GROUNDS FOR THE MOTION ARE:

1. Following the adoption of the Midland OP by Town Council in November 2019, the Midland OP was approved with modifications by the County of Simcoe (the "**County**") in its capacity as approval authority, on August 11, 2020. It was subsequently appealed to this Tribunal by seven appellants.
2. By Order issued October 1, 2021, the Tribunal ordered the partial approval of the Midland OP, save and except for those policies and Schedules that remain under appeal on a site-specific or area-specific basis. A copy of the OLT's order is attached as Exhibit "C" to the Affidavit of Steve Farquharson.

Boyd Appeal

3. Ed Boyd and Gloria Campbell filed a site-specific appeal to the Midland OP (the "**Boyd Appeal**") with respect to lands municipally known as 233 Midland Point Road, Midland. The appeal sought to maintain the existing Shoreline Residential designation on the property.
4. The Town and Ed Boyd and Gloria Campbell reached agreement on a settlement of the Boyd Appeal involving site-specific modifications to the designations on Midland OP Schedules essentially to maintain a Shoreline Residential designation

for the portion of the 233 Midland Point Road property that lies between certain hydro lines and the water's edge. This area is developed with single detached residential dwelling and accessory buildings. The remainder of the lands would remain Natural Heritage as per the adopted Midland OP.

5. The proposed modifications to settle the Boyd Appeal are set out in Exhibit "E" to the Affidavit of Steve Farquharson.
6. The approval of the requested modifications to resolve the Boyd Appeal are minor and do not raise any broader policy concerns. They represent good planning and are consistent with the Provincial Policy Statement, 2020; conform with the Growth Plan for the Greater Golden Horseshoe, 2020 and conform with the County of Simcoe Official Plan and the Midland OP. Finally, they do not impact any of the remaining appeals to the Midland OP.
7. If approved these modifications would fully resolve the Boyd Appeal.

Hanson Appeal

8. Hanson Development Group filed a site-specific appeal to the Midland OP (the "**Hanson Appeal**") with respect to its lands known municipally as 16821 Highway 12, Midland. The Hanson Appeal sought to maintain the proposed width of certain roads in a previously approved draft plan of subdivision on its lands.
9. The Town and Hanson Development Group reached agreement on a settlement of the Hanson Appeal and propose site-specific modifications to one Schedule and a policy modification as part of that resolution.

10. The proposed modifications to settle the Hanson Appeal are set out in Exhibit “G” to the Affidavit of Steve Farquharson.
11. The approval of the requested modifications to resolve the Boyd Appeal are minor and do not raise any broader policy concerns. They represent good planning and are consistent with the Provincial Policy Statement, 2020; conform with the Growth Plan for the Greater Golden Horseshoe, 2020 and conform with the County of Simcoe Official Plan and the Midland OP. Finally, they do not impact any of the remaining appeals to the Midland OP.
12. If approved these modifications would fully resolve the Hanson Appeal.

RELEVANT STATUTES, REGULATIONS and RULES

13. The *Planning Act*, R.S.O. 1990, c. P.13, as amended;
14. The *Ontario Land Tribunal Act, 2021*, S.O. 2021, c. 4, Sched. 6;
15. OLT’s Rules of Practice and Procedure; and,
16. Such further grounds as counsel may advise and this Tribunal may permit.

THE FOLLOWING EVIDENCE WILL BE RELIED UPON AT THE HEARING OF THE MOTION:

1. The Affidavit of Steve Farquharson, MCIP, RPP, Manager of Planning Services, Town of Midland, sworn May 26, 2023, and all exhibits attached thereto;
2. The draft Order at Tab 3 in the Motion Record;
3. The Tribunal’s records, files and exhibits in respect of these proceedings; and
4. Such further evidence as counsel may advise and this Tribunal may permit.

DATE: May 30, 2023

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Ontario Land Tribunal
Tribunal d'appel de l'aménagement local

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

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 OMB Case No.: PL200391
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AFFIDAVIT OF STEVE FARQUHARSON, MCIP, RPP
(Motion to Approve Two Settlements)

I, **STEVE FARQUHARSON**, of the Township of Springwater, in the County of Simcoe, **MAKE OATH AND SAY AS FOLLOWS:**

1. I am the Acting Director of Planning, Building and By-law for the Town of Midland (the "**Town**"). I have been directly involved in matters respecting the Town of Midland 2019 Official Plan (the "**Midland OP**") since I joined the Town as Manager of Planning in July, 2021. As such, I have knowledge of the following matters to which I swear.
2. I am a Full Member of the Canadian Institute of Planners (CIP) and the Ontario Professional Planners Institute (OPPI). I have previously been qualified to provide opinion evidence on land use planning matters before the Ontario Land Tribunal (the "**Tribunal**").

3. A copy of my current curriculum vitae is attached to this Affidavit as **Exhibit “A”**. A copy of my executed Acknowledgement of Expert’s Duty Form is attached to this Affidavit as **Exhibit “B”**. Where I express an opinion in this Affidavit, it constitutes my independent professional planning opinion on those matters.
4. The Midland OP was adopted by Town Council in November 2019. After its adoption, it was forwarded to the County of Simcoe (the “**County**”) in its capacity as approval authority. The Town OP was approved with modifications by County Council on August 11, 2020. It was appealed to the Tribunal by seven appellants.
5. By Order issued on October 1, 2021, the Tribunal ordered the partial approval of the Midland OP, save and except for those policies and Schedules that remain under appeal on a site-specific or area-specific basis. A copy of the OLT’s order is attached to this Affidavit as **Exhibit “C”**.
6. I have been and continue to be directly involved in discussions with and various appellants and act as the lead planner dealing with the Midland OP appeals.

Ed Boyd/Gloria Campbell Appeal

7. On September 1, 2020, Ed Boyd and Gloria Campbell appealed the Midland OP (the “**Boyd Appeal**”). The land subject to the Boyd Appeal is municipally known as 233 Midland Point Road (“**233 Midland Point Road**”). Ed Boyd is the registered owner of 233 Midland Point Road. An aerial map of 233 Midland Point Road is attached herein as **Exhibit “D”**.
8. The Midland OP designated 233 Midland Point Road as almost entirely Natural Heritage. The former Town of Midland Official Plan designated 233 Midland Point

Road as Shoreline Residential. The issue in the Boyd appeal is essentially one of specifically delineating the extent of the Natural Heritage lands are on the property. The portion of 223 Midland Point Road between the existing hydro lines and the water's edge has been developed as single detached residential use with the main dwelling and various accessory buildings.

9. Ed Boyd and Gloria Campbell appealed the Midland OP seeking to have the Shoreline Residential designation maintained on 233 Midland Point Road.
10. To consider possible resolution of the Boyd Appeal, the Town retained the Severn Sound Environmental Association ("SSEA") to review the proposed Natural Heritage designation at 233 Midland Point Road. Ed Boyd and Gloria Campbell retained Azimuth Environmental Consulting Inc. to complete a Species at Risk Assessment ("**SAR**") to evaluate whether the requested modification of the proposed Natural Heritage designation would adversely affect species at risk.
11. The SAR concluded, to the satisfaction of the SSEA and the Town, that the modification of the Natural Heritage designation would not adversely affect individuals or habitat of extirpated, endangered or threatened species.
12. The Town and Ed Boyd and Gloria Campbell engaged in discussions to resolve the Boyd Appeal.
13. The Town and Ed Boyd and Gloria Campbell reached agreement which would resolve the Boyd Appeal with a modification of Schedules 'A', 'B' and 'C' of the Midland, essentially to have the Shoreline Residential designation continue to apply to the portion of 233 Midland Point Road from the existing hydro lines to

the waters edge. The remainder of 233 Midland Point Road would be designated Natural Heritage.

14. Attached to this affidavit and marked as **Exhibit “E”** are the proposed modifications to Schedules ‘A’, ‘B’ and ‘C’ to the Midland OP to implement this settlement of the Boyd appeal. The modification would apply for that portion of 223 Midland Point Road to the water’s edge and would entail:
 - (a) Removal of a “Greenlands” designation on Schedule ‘A’ Growth Areas;
 - (b) Replacement of the “Greenlands” designation with a “Neighbourhood Districts” designation on Schedule ‘B’ Urban Structure; and,
 - (c) Replacement of the “Natural Heritage” designment with a “Shoreline Residential” designation on Schedule ‘C’ Land Use.
15. In my opinion, the Midland OP modifications to the Schedules as illustrated in Exhibit “E”, as it applies to 233 Midland Point Road are appropriate and represent good planning for the following reasons:
 - (a) The recommended designations on 233 Midland Point Road recognize and protect the natural features on the lands;
 - (b) The recommended designations would recognize the continued use on a portion of the lands as a single-detached residential dwelling with various accessory buildings; and
 - (c) The modifications to the Midland OP as illustrated in Exhibit “E” are consistent with the Provincial Policy Statement, 2020; conform with the Growth Plan for the Greater Golden Horseshoe, 2020; conform with the County of Simcoe Official Plan and the Midland OP, and represent good planning; and,
16. If approved by the OLT, the recommended modifications to the Midland OP as identified in Exhibit “E”, will fully resolve the Boyd Appeal.

Hanson Development Group Appeal

17. On August 31, 2020, Hanson Development Group (“**Hanson**”) appealed the Midland OP (the “**Hanson Appeal**”). The lands subject to the Hanson Appeal are located at and municipally known as 16821 Highway 12, in the Town of Midland, also known as the Somerset Gables development (“**Hanson Lands**”). An aerial map of the Hanson Lands is attached herein as **Exhibit “F”**.
18. The Hanson Lands comprise over 100 hectares of land with planning approvals to develop up to 1,600 residential dwellings and mid-rise apartments, which will be implemented in phases over the next 10 years. The entire development has Draft Plan of Subdivision Approval. The first phase of development is registered and has received site plan approval, while detailed servicing and other work for the subsequent phase is underway.
19. Hanson appealed the Midland OP to ensure that the appropriate road classification, function and width for the Hanson Lands was addressed.
20. The Town and Hanson engaged in discussions to resolve the Hanson Appeal.
21. The Town and Hanson reached agreement to resolve the Hanson Appeal by modifying Schedule E (Roads Map) in respect of the road network on the Hanson Lands and modifying Policy 5.4.3.d).

22. Attached to this affidavit and marked as **Exhibit “G”** are the proposed schedule and policy modifications to the Midland OP to implement the settlement, which include:

(a) Identifying the Future Road (Conceptual) on Schedule E (Roads Map) that applies to the Hanson Lands as partially a Collector Road (20 Metres) and Future Collector Road (20 Metres); and

(b) Modifying Policy 5.4.3. d) as follows (modified text in red):

“Except where existing development or circumstance precludes it, the general standards for right-of-way widths are as follows:

i. Arterial Roads – 30 metres;

ii. Collector Roads – 26 metres;

iii. Collector Roads - 20 metres (where shown on Schedule E)

iv. Local Roads – 20 metres.; and

v. Future Collector Road – 20 metres (where shown on Schedule E).

Topographic conditions may require a greater width in order to achieve design requirements. Widening may be added to the road width requirement in these circumstances, justified through engineering studies.”

23. In my opinion, the proposed modifications to the Schedules and policy in the Midland OP as set out in Exhibit “G”, as they apply to the Hanson Lands are appropriate and represent good planning for the following reasons:

(a) The recommended modifications on the Hanson Lands recognize the road classifications and widths applicable to Hanson’s current Draft Plan approvals for the Hanson Lands, and are therefore implementing existing approvals; and

- (b) The recommended modifications are consistent with the Provincial Policy Statement, 2020; conform with the Growth Plan for the Greater Golden Horseshoe, 2020; conform with the County of Simcoe Official Plan and remainder of the Midland O, and represent good planning.
24. If approved by the OLT, the recommended modifications to the Midland OP as set out in Exhibit "G", will fully resolve the Hanson Appeal.

Remaining Midland OP Appeals

25. In recommending the modifications to resolve both the Boyd Appeal and the Hanson Appeal I have reviewed the other outstanding appeals to the Midland OP and in my opinion, they are independent from each other and generally are site-specific. There is one appeal, the ADM appeal relating to industrial uses in Midland's harbour, and the potential noise impacts in surrounding areas which currently encompasses a broad area of the Town, but neither the Boyd Appeal nor the Hanson Appeal lands fall within that area. In any event, even if they were within that area affected by the ADM appeal, the nature of the proposed resolution of these two appeals would not have any impact on the ADM appeal since they are directed to quite different issues.
26. As a result of my review of the remaining appeals, I am satisfied that approval of these settlements would ~~not do~~ not result in any impact on the remaining five appeals.
27. The Town will be working to reach resolutions in respect of these remaining appeals, or to focus the issues in them such that they can be appropriately scheduled for a hearing, should one prove necessary.
28. I make this Affidavit in support of the resolution of the Boyd Appeal and the Hanson Appeal of the Midland OP and for no other purpose.

SWORN REMOTELY by Steve)
 Farquharson stated as being located in)
 the Township of Springwater,)
 in the County of Simcoe, before me at t)
 he City of Toronto this 26th day of)
 May, 2023, in accordance with O. Reg.)
 431/20, Administering Oath or)
 Declaration Remotely.)
)
)
)
)



Commissioner for Taking Affidavits, etc.

STEVE FARQUHARSON

**This is Exhibit "A" to the
Affidavit of Steve Farquharson
Sworn before me this 26th day of May, 2023**

Commissioner for Taking Affidavits, etc.

Steven Farquharson, B.URPL, MCIP, RPP

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EDUCATION:

Ryerson University (2007)

- Major: Urban and Regional Planning (B.URPL)
- Minor: Public Administration

University of Waterloo (Working towards Economic Development Designation)

- Fundamentals in Community Economic Development- Year One Completed and Year Two Completion anticipated Winter 2023

St. Michael's College School (2001)

- Ontario Secondary School Diploma

EMPLOYMENT

May 2023- Present

Town of Midland

Midland, ON

Acting Director of Planning, Building, and By-law

- Oversee the functions of the Planning Services Department, Building Services Department, and Municipal By-law Enforcement.
- Leads staff development through mentoring, teamwork and open communications.
- Develops and executes short and long term operating and capital budgets, master plans and financial controls.

July 2021- Present

Town of Midland

Midland, ON

Manager of Planning Services

- Manages day-to-day planning activities as they relate to land use planning, development review, and heritage. Administers and prepares the Town's planning documents including the Official Plan, and Zoning By-laws.
- Oversees and manages the delivery of the processing of a wide range of Planning Act land use control and development applications such as plans of subdivision/condominium, site plans, Official Plan and Zoning By-law amendments, Part lot control exemptions, Deeming By-law approvals, and other applications for development received by the Town, in accordance with Town, Regional and Provincial requirements.
- Negotiates and facilitates resolution on complex issues and disputes on behalf of the municipality in the development review and approval process.
- Undertakes directly and manages Town initiated planning studies and/or general amendments to the Zoning By-law.
- Prepares and monitors the annual financial budgets for Planning Services Department.
- Management representative on the Town of Midland Pay Equity Committee

- Town representative in Collective Bargaining Agreement Negotiations with IBEW Local 636

July 2020-Present

Tay Township

Victoria Harbour, ON

General Manager, Protective and Development Services

- Oversee the functions of the Planning & Development Services Division, Municipal Law Enforcement Division, Building Services Division, and Fire and Emergency Services Department.
- Ensures that department functions in alignment with the Township's values, include delivering building, planning and development, municipal law enforcement, and fire and emergency services, in a manner that is sustaining, best in class, compliant, and ensures that the needs of the Township's community members, staff, departments, and Council are met.
- Work with Senior Leadership Team to ensure corporate service excellence across all departments;
- Provide support, guidance and advice to Council, CAO, Township Staff and outside agencies.
- Manage the complex and challenging change efforts necessitated by the evolution of technology, customer service models, privacy requirements and legislative requirements
- Attend Council meetings as the functional representative and sit on various committees as required. Ensure that reports from Protective and Development Services to Council contain the necessary information and provide the appropriate recommendations to assist Council in its decision-making process.
- Lead the Protective and Development Services Team in the delivery of complex services to diverse stakeholders. This would include leading by supporting/encouraging others in gaining personal development, autonomy and purpose. Lead a broad team of subject matter experts, with a strong commitment to service, in a spirit that is inclusive, engaging and rewarding. Coordinate and evaluate team efforts.
- Being innovative and finding creative new ideas, having the curiosity to seek innovation and the courage to seek change; explore new technologies/best practices to re-think service practices and identify initiatives that can deliver greater benefit for Tay community members
- Provide advice and guidance to division managers, while allowing division managers the latitude to manage the day-to-day operations of their division independently as much as possible.
- Provides advice to Council on policies/programs and plans, corporate/legal and general governance matters, and sensitive/controversial issues; reviews and approves all staff reports and makes recommendations to Council and Committees of Council; attends Council/Committee and other related meetings; provides day-to-day advice/support to the Mayor and Members of Council in their governance roles.
- Part of the Tay Township Emergency Management Team. Planning Section Chief, but also appointed as Alternate Community Emergency Management Coordinator.

November 2015- July 2020

Tay Township

Victoria Harbour, ON

Director of Planning and Development

- Oversee all functions of the Planning, Building and By-law Enforcement Divisions within the Planning and Development Department.
- Develop recommendations for Council on long range planning and development policies, goals and objectives including implementation programs which include fiscal and regulatory provisions.
- Manage all land-use applications such as Official Plan and Zoning By-law Amendments, site plans, plans of subdivision, Minor Variance, Consents.

- Oversee the functions of the Planning & Development Department, and Protection to Persons and Property Committee (Municipal Law Enforcement) and Tay Heritage Committee meetings.
- Member of the Corporation's Senior Management Team
- Co-ordinates public meetings and the public consultation processes
- Prepares departmental budget and work plans for the Planning Division and Building Services Division, and Municipal Law Enforcement Division.
- Work with the Economic Development Corporation of North Simcoe in order to help attract and promote businesses and industry to locate in Tay Township and North Simcoe.
- Represents the municipality at Local Planning Appeals Tribunal hearings
- Manage the administration of plans of subdivision and plans of condominium and development agreements associated thereto. Manages the review, preparation, and negotiation of site plan agreements for commercial, institutional and residential projects for recommendation to Council.

December 2011-November 2015

Barrie, ON

City of Barrie

Development Planner

- Oversaw development applications with respect to the Official Plan and Zoning By-law, proposed plans of subdivision and condominium, site plan control, applications for extensions to draft plan approval, part lot control and deeming bylaws.
- Represented the City at the Ontario Municipal Board, (now known as the Local Planning Appeals Tribunal) as an expert witness.
- Processed a broad range of development projects including infill midrise residential intensification and commercial/office expansion proposals through rezoning's, site plans, Official Plan amendments, minor variances and land severances.
- Completed a comprehensive review of all employment lands within the City of Barrie and formulated updated planning policies on Industrial Lands.

March 2007- December 2011

Township of Oro-Medonte

Junior Planner/Intermediate Planner

Oro Station, ON

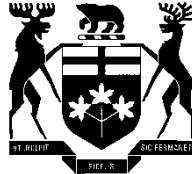
- Responsible for the Preparation of Reports, Planning recommendations and Presentations to Council, Public and Planning Committee for Planning Act Applications.
- Preparation and presentation of planning evidence to the Ontario Municipal Board (now known as the Local Planning Appeals Tribunal).
- Acted as Secretary Treasurer for the Committee of Adjustment and assumed all duties that are associated with that position.

ORGANIZATIONS/MEMBERSHIPS:

- Ontario Professional Planners Institute / Canadian Institute of Planners (Full Member)
- Economic Developers Council of Ontario

**This is Exhibit "B" to the
Affidavit of Steve Farquharson
Sworn before me this 26th day of May, 2023**

Commissioner for Taking Affidavits, etc.



Ontario
Ontario Land Tribunal
Tribunal ontarien de l'aménagement du territoire

Acknowledgment Of Expert's Duty

OLT Case Number	Municipality
PL200391	Town of Midland

1. My name is Steven Farquharson
 I live at the Township of Springwater
 in the County of Simcoe
 in the Province of Ontario

2. I have been engaged by or on behalf of Town of Midland to provide evidence in relation to the above-noted Ontario Land Tribunal (`Tribunal`) proceeding.

3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:
 - a. to provide opinion evidence that is fair, objective and non-partisan;
 - b. to provide opinion evidence that is related only to matters that are within my area of expertise;
 - c. to provide such additional assistance as the Tribunal may reasonably require, to determine a matter in issue; and
 - d. not to seek or receive assistance or communication, except technical support, while under cross examination, through any means including any electronic means, from any third party, including but not limited to legal counsel or client.

4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.

Date: May 19, 2023



 Signature

**This is Exhibit "C" to the
Affidavit of Steve Farquharson
Sworn before me this 26th day of May, 2023**

Commissioner for Taking Affidavits, etc.

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: October 1, 2021

CASE NO.: PL200391

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	ADM Agri-Industries Company
Appellant:	Ed Boyd and Gloria Campbell
Appellant:	Hanson Development Group
Appellant:	Midland Bay Estates Inc.; and others
Subject:	Proposed Official Plan Amendment No. MD-OP-1901
Municipality:	Town of Midland
LPAT Case No.:	PL200391
LPAT File No.:	PL200391
LPAT Case Name:	ADM Agri-Industries Company v. Midland (Town)

BEFORE:

BLAIR S. TAYLOR)	Friday, the 1st
MEMBER)	
)	day of October, 2021

THE TRIBUNAL ORDERS that in accordance with the provisions of section 17(50) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, the policies and Schedules of the Town of Midland Official Plan (“**Midland OP**”), as adopted by the Town on November 20, 2019 and as modified and approved by the County of Simcoe on August 11, 2020, being Exhibit “C” to the Affidavit of Kandas Bondarchuk included in the Motion Record marked as Exhibit “2” in these proceedings, are hereby modified in respect of Policy 7.21(d) as shown on Appendix 1 attached to and forming part of this Order and as modified are hereby approved, save and except to the extent that those policies and Schedules enumerated on Appendix 2 attached to and forming part of this Order (“**Subject Policies**”) remain under appeal on a site-specific or area-specific basis in respect of the lands identified on Appendix 3 attached to and forming part of this Order.

AND THE TRIBUNAL ORDERS that the partial approval of the Midland OP shall be strictly without prejudice to, and shall not have the effect of limiting: (a) the rights of a party to seek to modify, delete, or add to the unapproved policies and schedules in the Midland OP, or (b) the jurisdiction of the Tribunal to consider and approve modifications, deletions, additions, or exceptions to the unapproved policies and schedules in the Midland OP, on a site-specific or area-specific basis, as the case may be, provided that parties shall be bound by the commitments made by them to scope their appeals on a site-specific or area-specific basis. For greater certainty, the scoping of an appeal on a site-specific or area-specific basis shall not limit the rights of a party to raise issues respecting the planning merits of a given policy or Schedule more generally, except that the relief sought in respect of such a policy would be limited to site-specific or area-specific exemptions or modifications, as the case may be.

AND THE TRIBUNAL FURTHER ORDERS that the partial approval of the Midland OP shall remain subject to the Note contained at the top of the Matrix of Appeals at Appendix 2.

AND THE TRIBUNAL FURTHER ORDERS that notwithstanding the above, the Tribunal hereby retains jurisdiction to consider and approve modifications to any policies, schedules, maps, figures, definitions, tables associated text, etc., approved herein, as may be appropriate to dispose of any of the outstanding appeals before the Tribunal.

AND THE TRIBUNAL BOARD FURTHER ORDERS that the outstanding appeals in respect of the Midland OP, as depicted on Appendices 2 and 3 hereto, shall be determined through the hearing process or as otherwise consented to by the parties and approved by the Tribunal.

“Euken Lui”

EUKEN LUI
ACTING REGISTRAR

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

APPENDIX 1

Modified Policy 7.21(d):

Applications for draft plans of subdivision and condominium, consents, zoning, site plans or minor variances, which are complete as of February 19, 2021, the date of approval of this Plan by the LPAT, and that conform with the previous Official Plan (as adopted in 2002, approved in 2003 and consolidated and amended as of April 4, 2019) are required to conform only with the policies in-force at the time of the complete application, until the date this Plan is amended pursuant to the County municipal comprehensive review.

APPENDIX 2

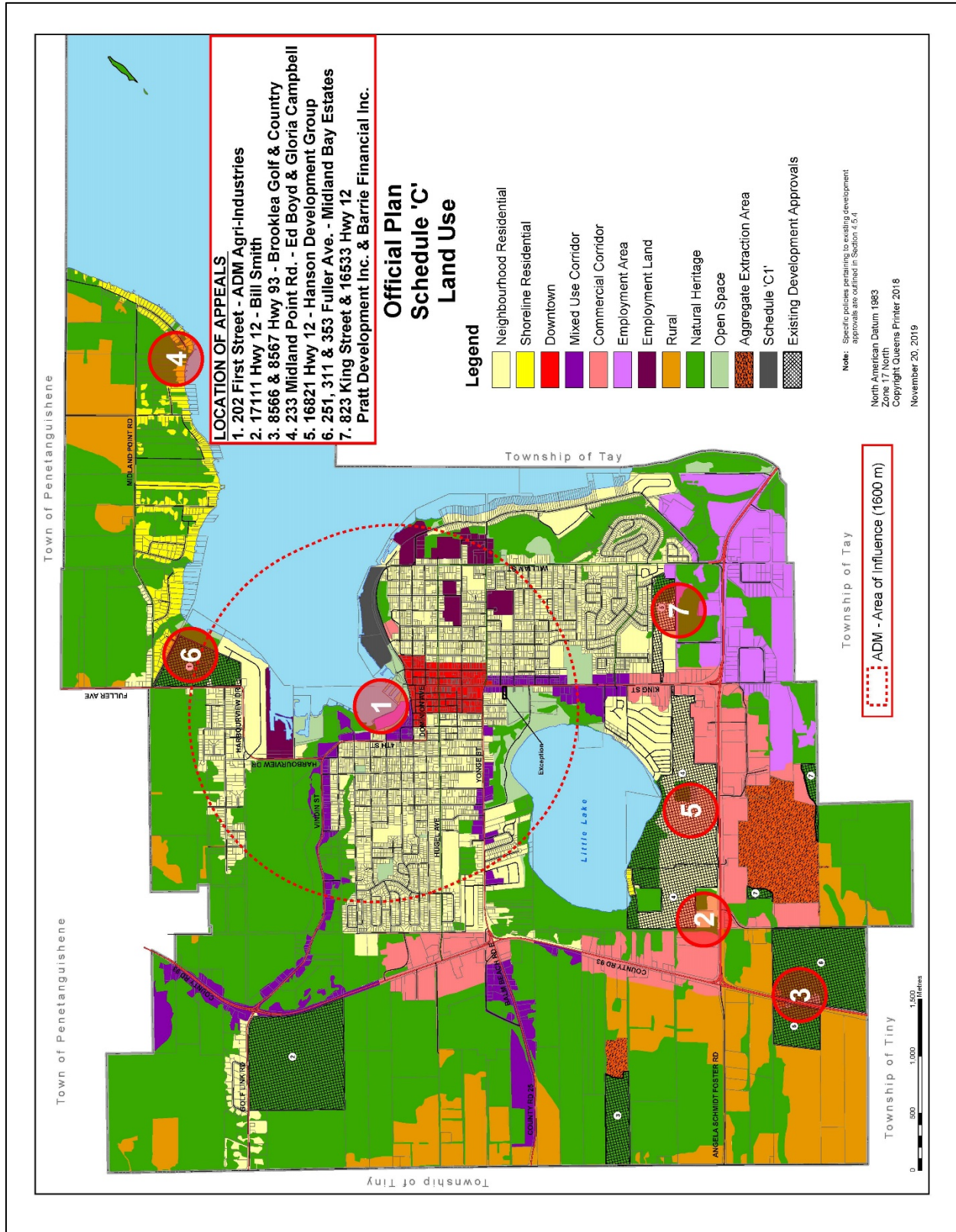
NOTE: The Town acknowledges that for policies denoted in the Matrix below as remaining under appeal on a site-specific or area-specific basis, these Appellants remain at liberty to seek modifications, exceptions, deletions or additions to the text of those policies as they apply to the site or area to which the appeal has been scoped, provided these Appellants shall be bound by the commitments made by them to scope their appeals on a site-specific or area-specific basis. The Town will not rely on the coming into force of a given policy or Schedule as a basis for opposing an appeal which has been scoped site-specifically or area-specifically, and its status will be treated the same as a Council-adopted policy or Schedule for purposes of that appeal. Likewise, the Town will not use the scoping of an appeal site-specifically or area-specifically as a reason to oppose changes on jurisdictional grounds but is, of course, at liberty to oppose the changes on their planning merits.

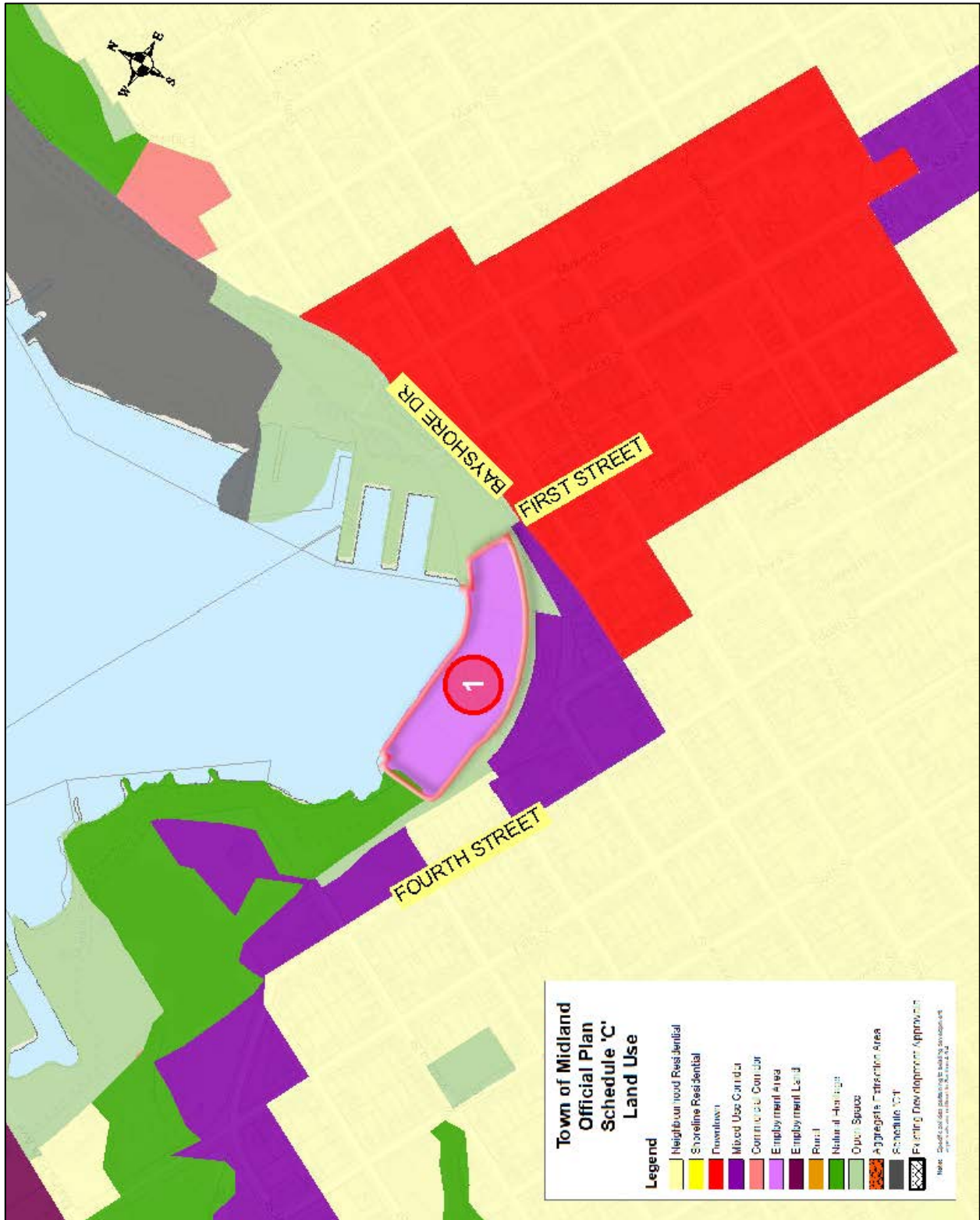
	ADM Agri- Industries Company	Brooklea Golf and Country Club	Ed Boyd/ Gloria Campbell	Hanson Development Group	Midland Bay Estates Inc.	Pratt Development Inc./Barrie Financial Inc.	William Smith
POLICIES	See Note 1	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2
3.1.2(c)					X	X	
3.1.5	X				X		
3.1.9					X		
3.1.9(e)						X	
3.1.12	X						
3.2.3(b)					X		
4.2	X						
4.2.1	X						
4.2.2 (all)	X						
4.2.2(b)						X	
4.2.2(d)						X	
4.2.2(e)						X	
4.3.2	X						
4.4.2	X						
4.4.5	X						
4.5.3(c)(vi)						X	
4.5.3(c)(ix)			X		X	X	X
4.5.3(g)					X	X	
4.5.3(n)						X	
4.5.3(q)						X	
5.4.3				X			
6.3.2(o)					X	X	
6.4.2(e)					X	X	
6.5.1(b)						X	
6.5.5(g)					X	X	
7.2.3(a)						X	
7.5.2(b)					X	X	
7.7.2	X				X		
7.21					X		
7.21(d)						X	
7.21(f)(1)					X		
7.21((f)(5)						X	
7.21(f)(6)		X					
SCHEDULES	See Note 1	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2	See Note 2
Schedule A			X		X	X	X
Schedule B			X		X	X	X
Schedule C	X	X	X		X	X	X

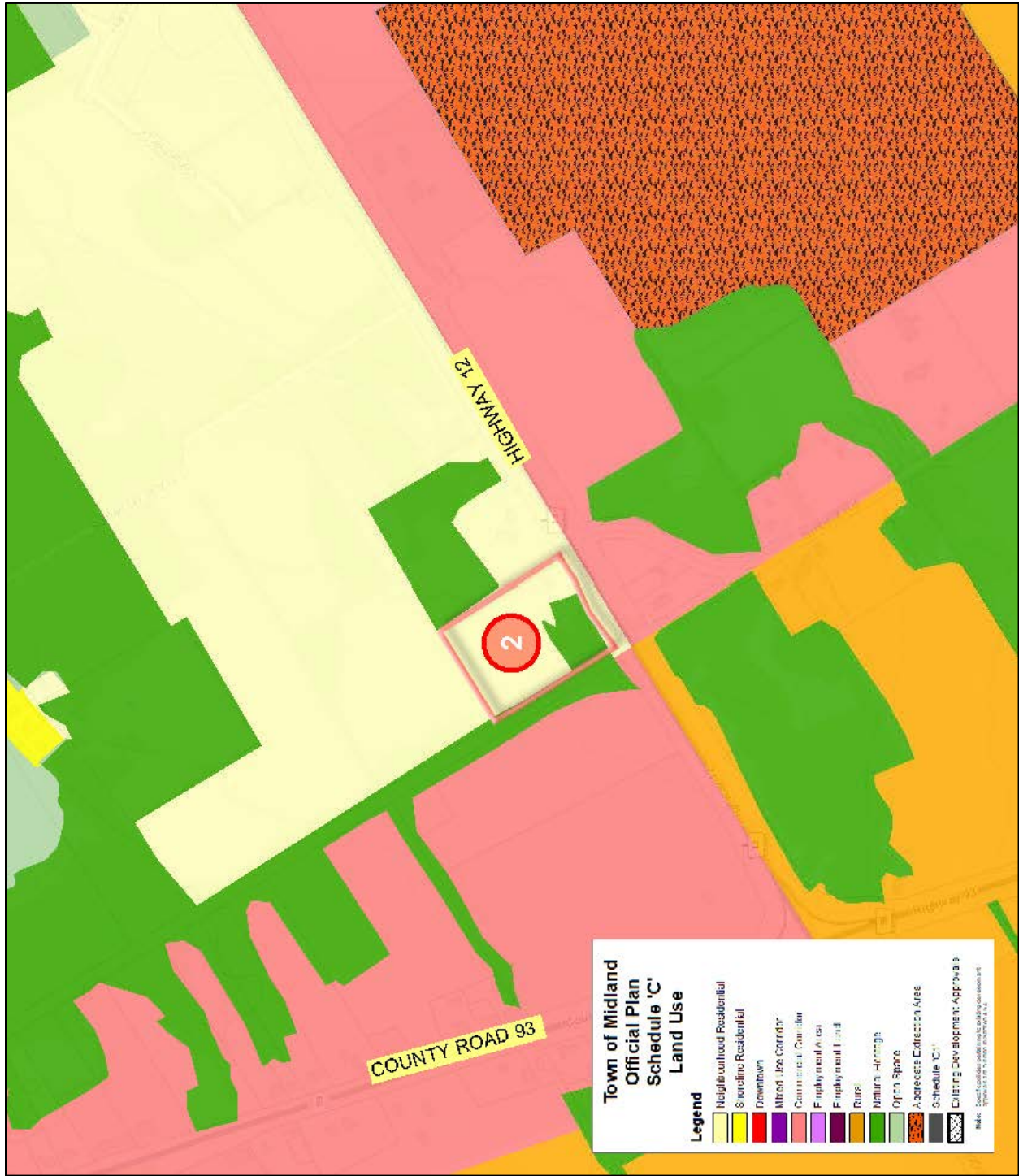
Schedule D				X			
Schedule E				X			
	Note 1	Under appeal area-specifically to the extent of the lands denoted on Appendix 2					
	Note 2	Under-appeal site-specifically as shown on Appendix 2					

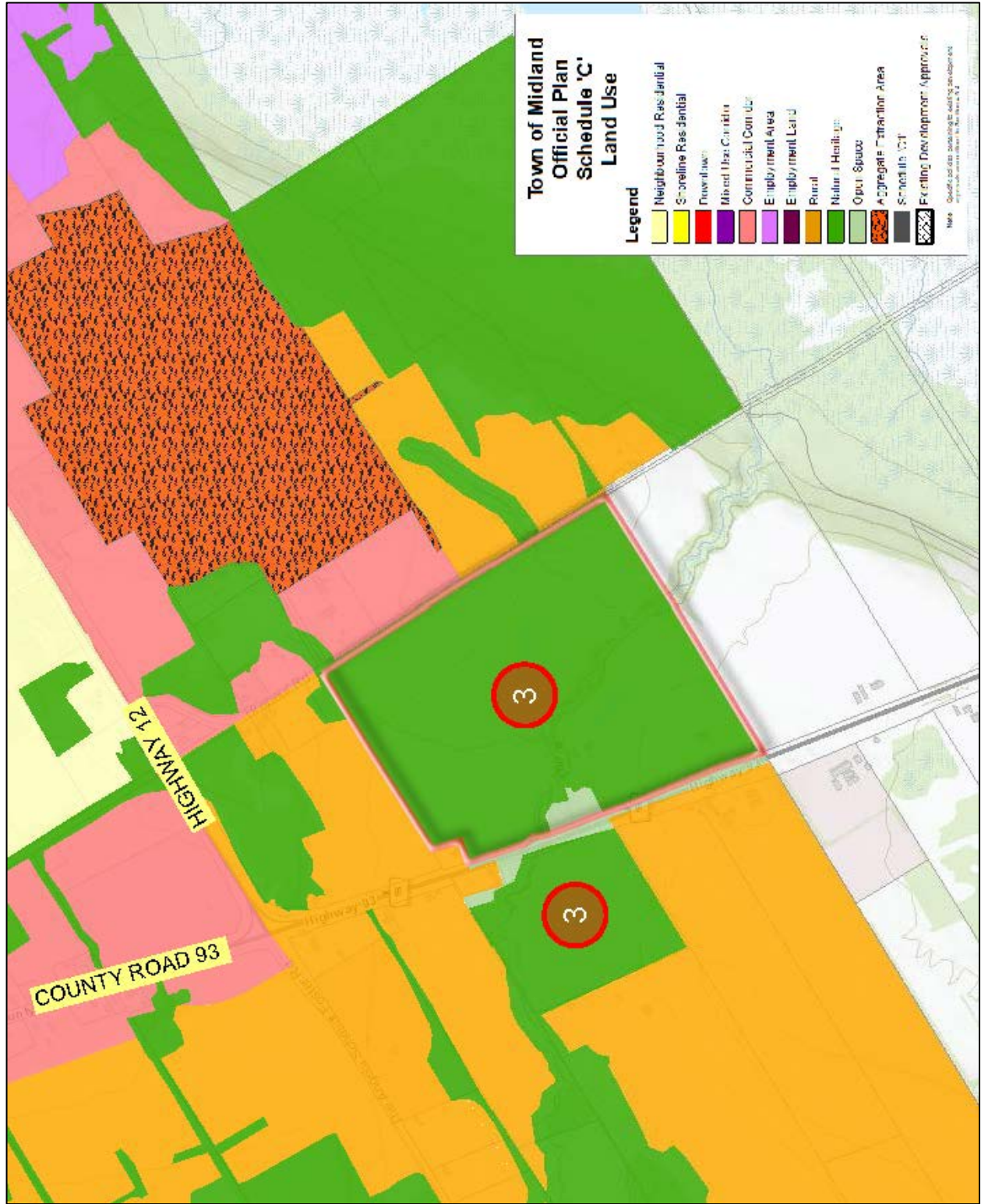
APPENDIX 3

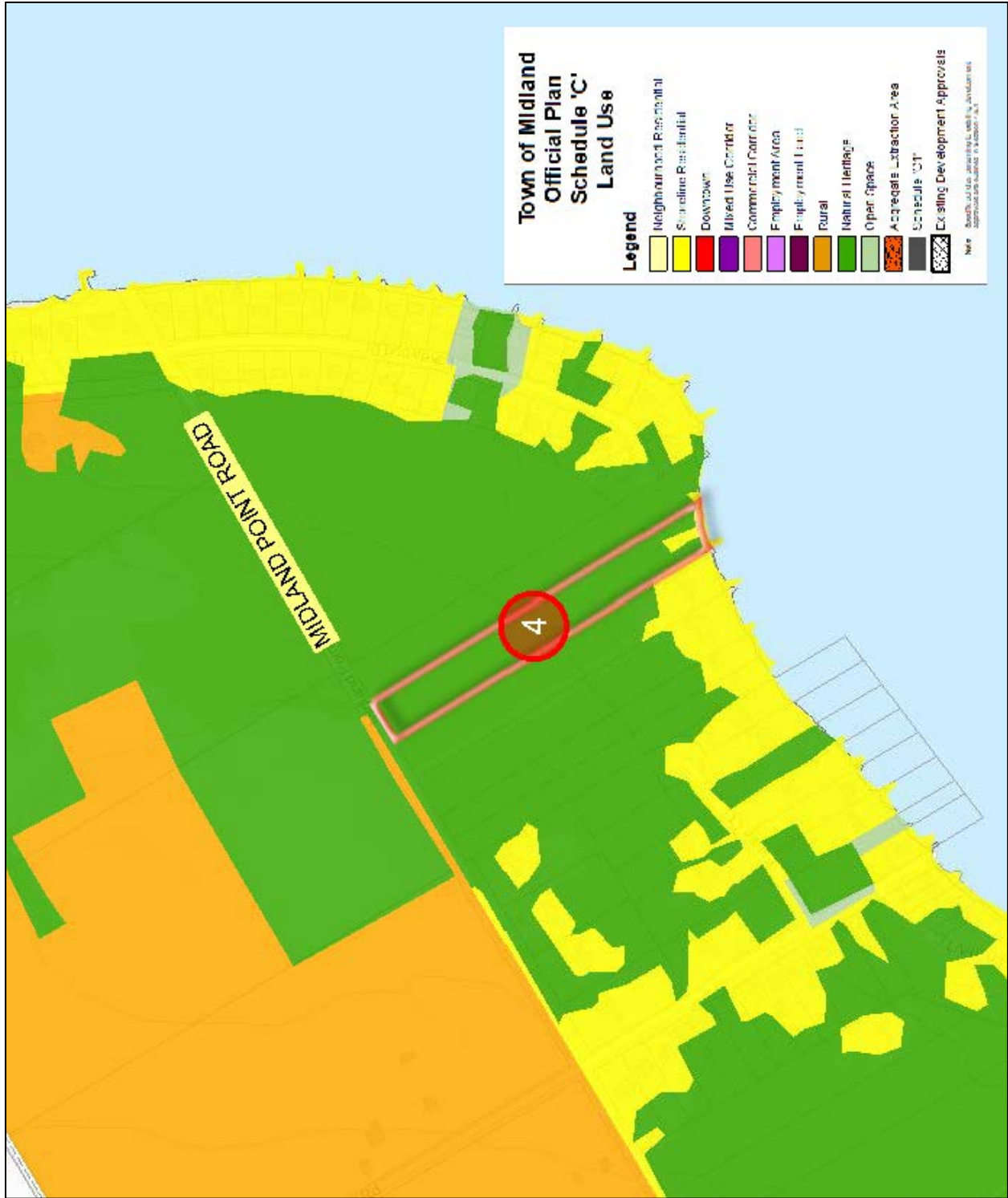
Maps Showing Areas Remaining under Appeal

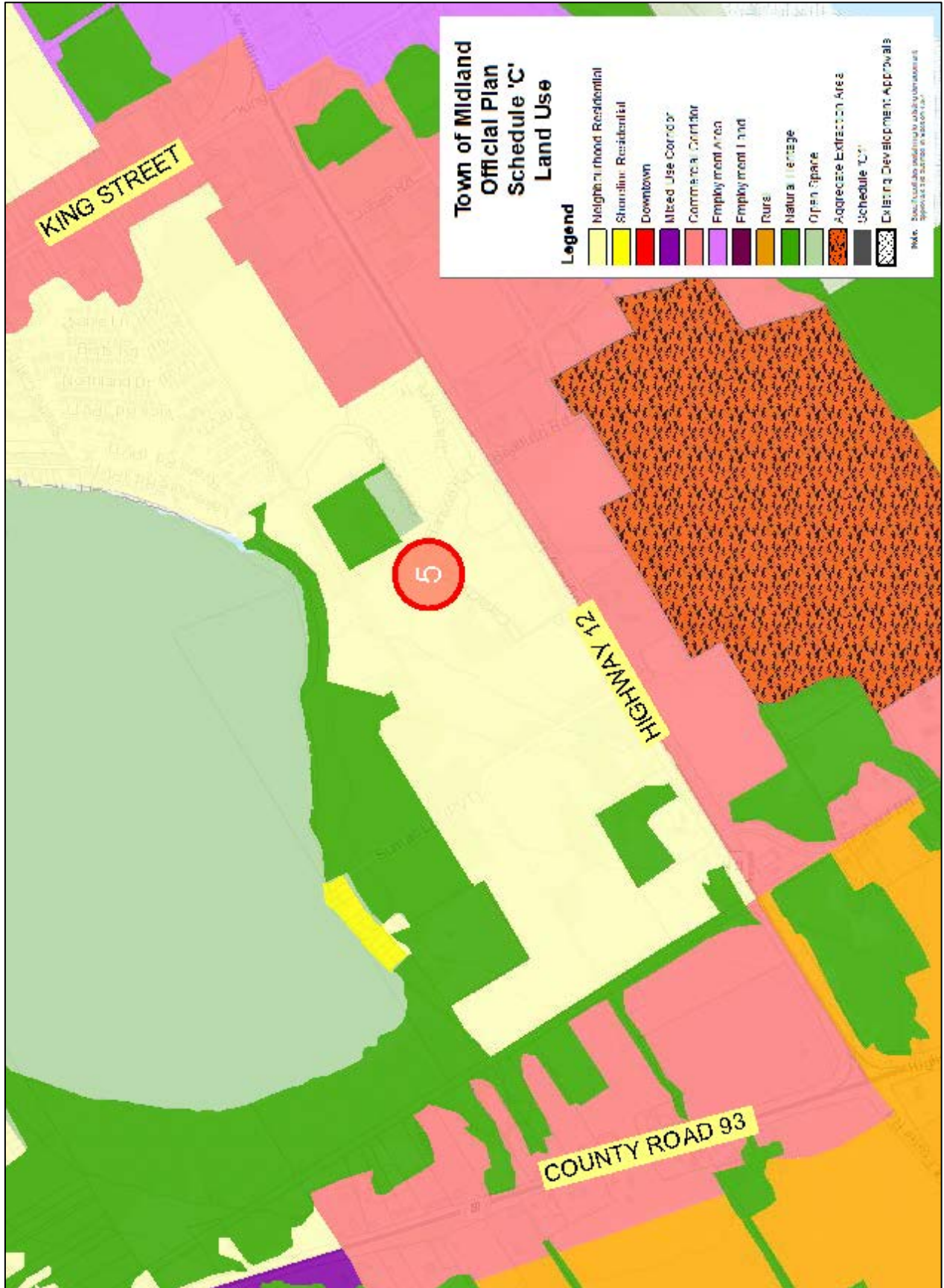


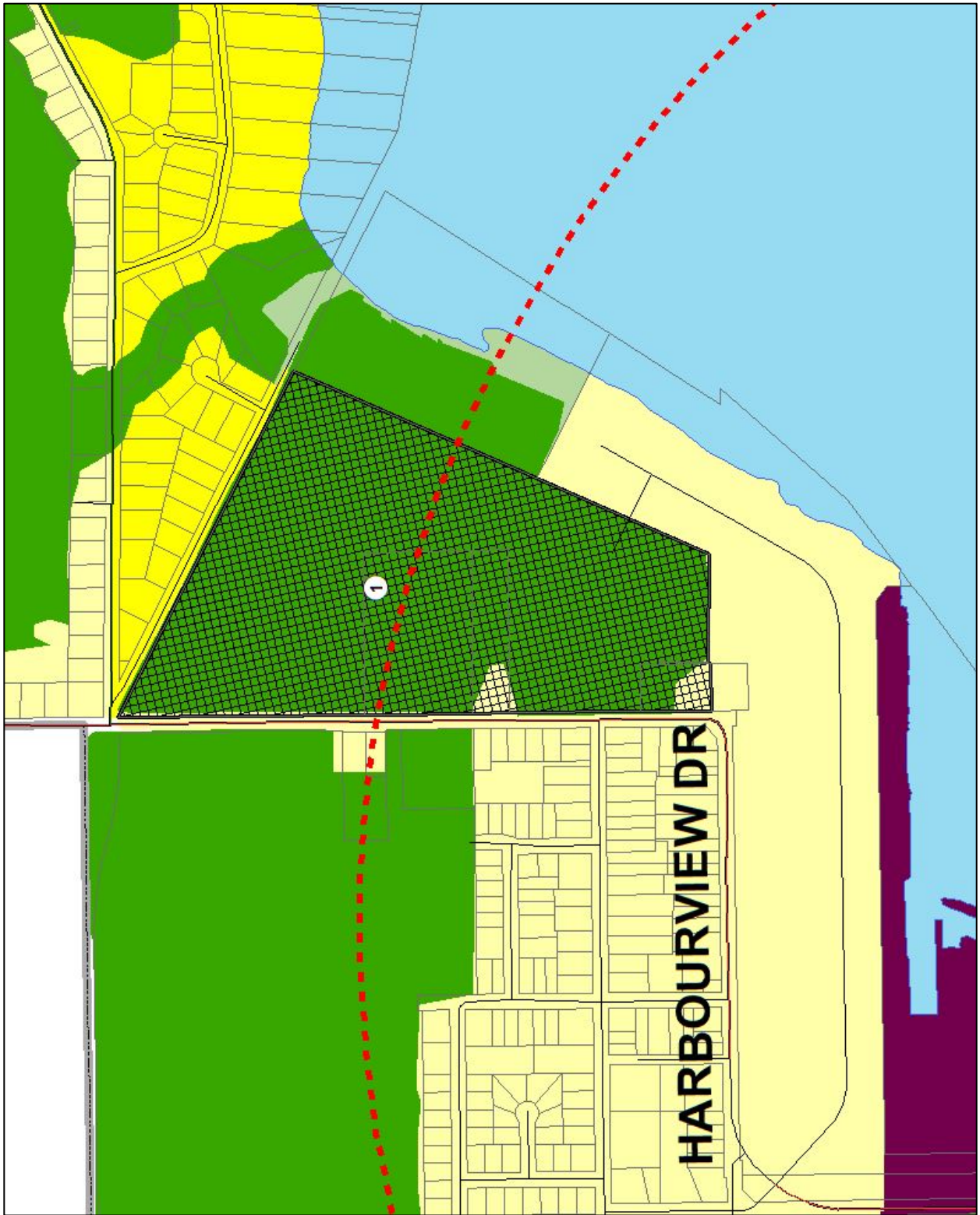


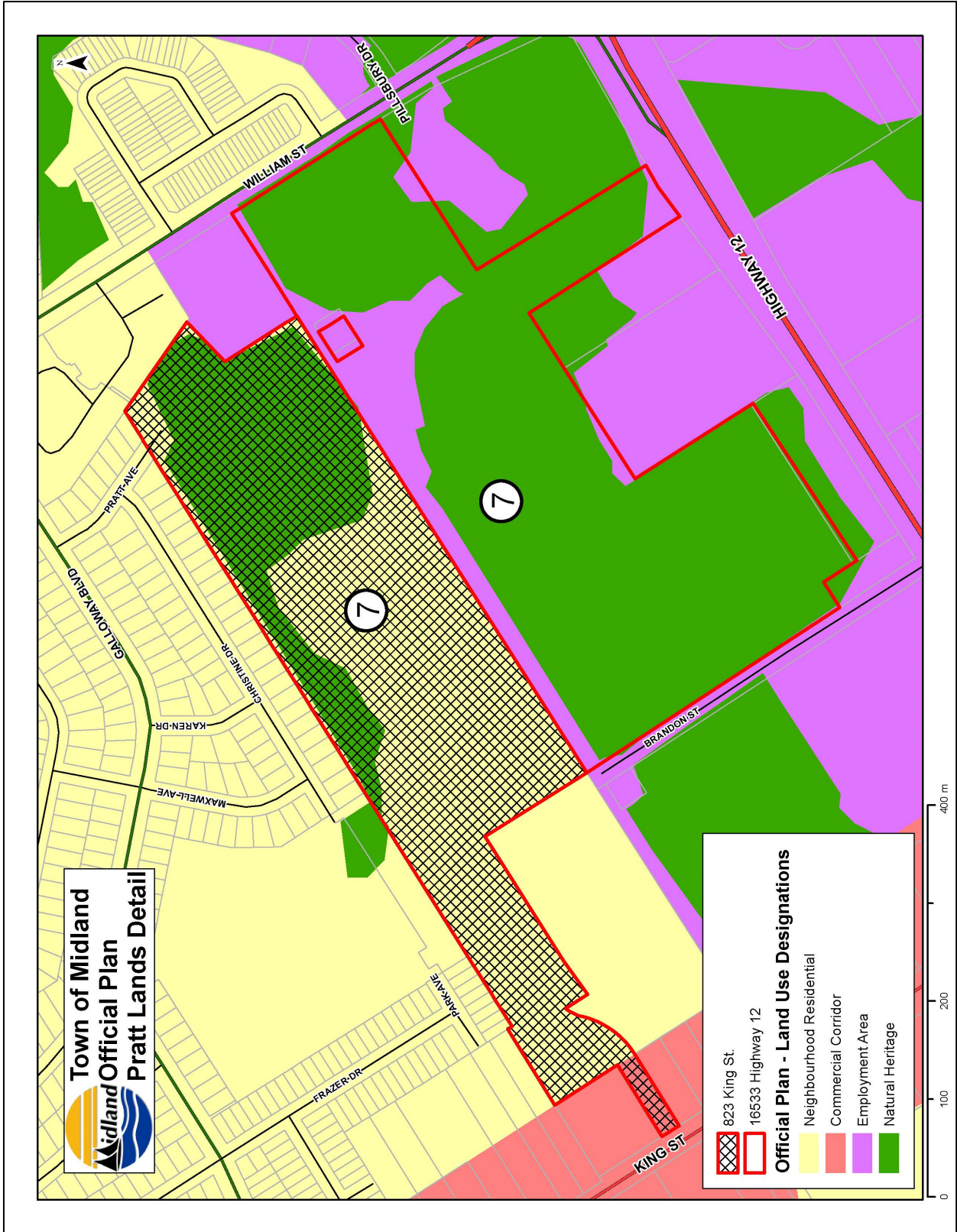












**This is Exhibit "D" to the
Affidavit of Steve Farquharson
Sworn before me this 26th day of May, 2023**

Commissioner for Taking Affidavits, etc.

Exhibit D
Aerial Map
233 Midland Point Road



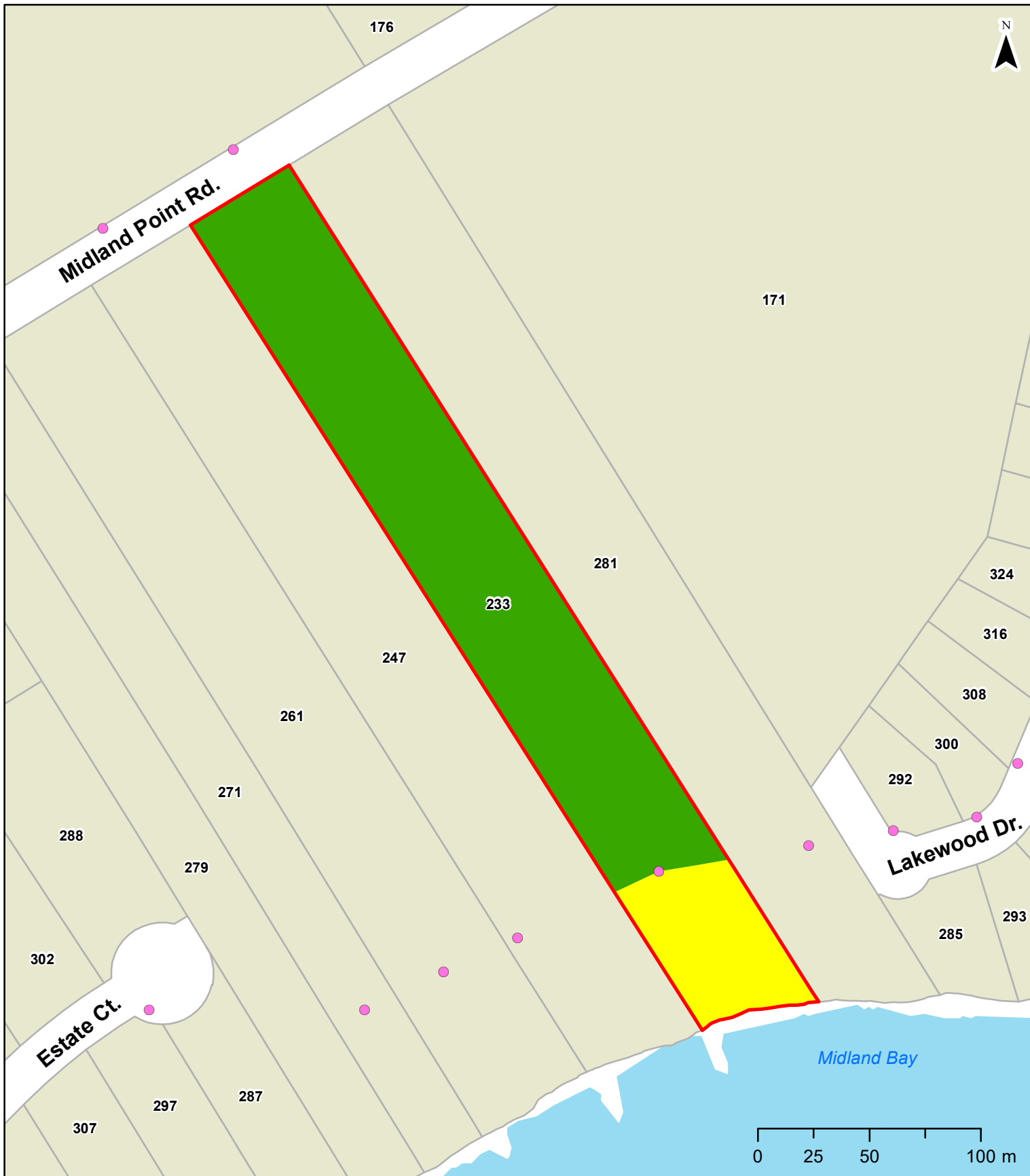
 Subject Property
(233 Midland Point Road)

0 25 50 100 m

**This is Exhibit "E" to the
Affidavit of Steve Farquharson
Sworn before me this 26th day of May, 2023**

Commissioner for Taking Affidavits, etc.

Proposed Modifications to Official Plan Schedule 'C' Land Use 233 Midland Point Road



● Utility Poles

▭ Subject Property
(233 Midland Point Road)

Official Plan Land Use Classification

▭ Lands to be Designated Shoreline Residential


▭ Lands to be Designated Natural Heritage

**This is Exhibit "F" to the
Affidavit of Steve Farquharson
Sworn before me this 26th day of May, 2023**

Commissioner for Taking Affidavits, etc.

**Exhibit F
Aerial Map
Hanson Development Properties**



 Subject Properties
(Hanson Development)

0 100 200 400 m

**This is Exhibit "G" to the
Affidavit of Steve Farquharson
Sworn before me this 26th day of May, 2023**

Commissioner for Taking Affidavits, etc.

Appendix "A"

Policy 5.4.3 d)

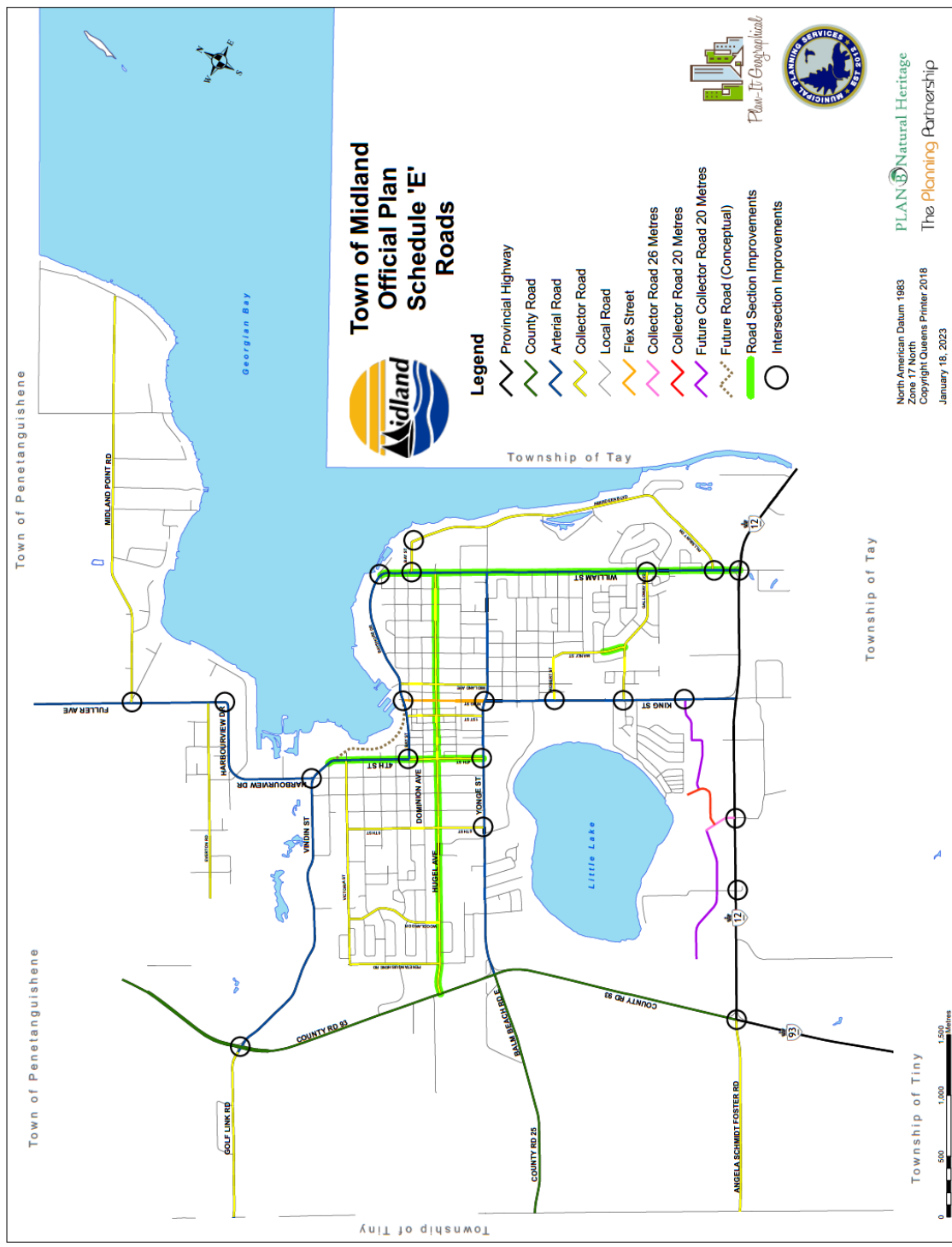
d) Except where existing development or circumstance precludes it, the general standards for right-of-way widths are as follows:

- i. Arterial Roads – 30 metres;**
- ii. Collector Roads – 26 metres;**
- iii. Collector Roads- 20 metres (where shown on Schedule E)**
- iv. Local Roads – 20 metres.; and**
- v. Future Collector Road – 20 metres (where shown on Schedule E).**

Topographic conditions may require a greater width in order to achieve design requirements. Widenings may be added to the road width requirement in these circumstances, justified through engineering studies.

Appendix "A" (cont'd)

Schedule Es



ONTARIO LAND TRIBUNAL

PROCEEDING COMMENCED UNDER subsection 17(36) of the Planning Act, R.S.O. 1990, c. P.13, as amended

Appellant: ADM Agri-Industries Company
Appellant: Ed Boyd and Gloria Campbell
Appellant: Hanson Development Group
Appellant: Midland Bay Estates Inc.; and others
Subject: Proposed Official Plan Amendment No. MD-OP-1901
Municipality: Town of Midland
OMB Case No.: PL200391
OMB File No.: PL200391
OMB Case Name: ADM Agri-Industries Company v. Midland (Town)

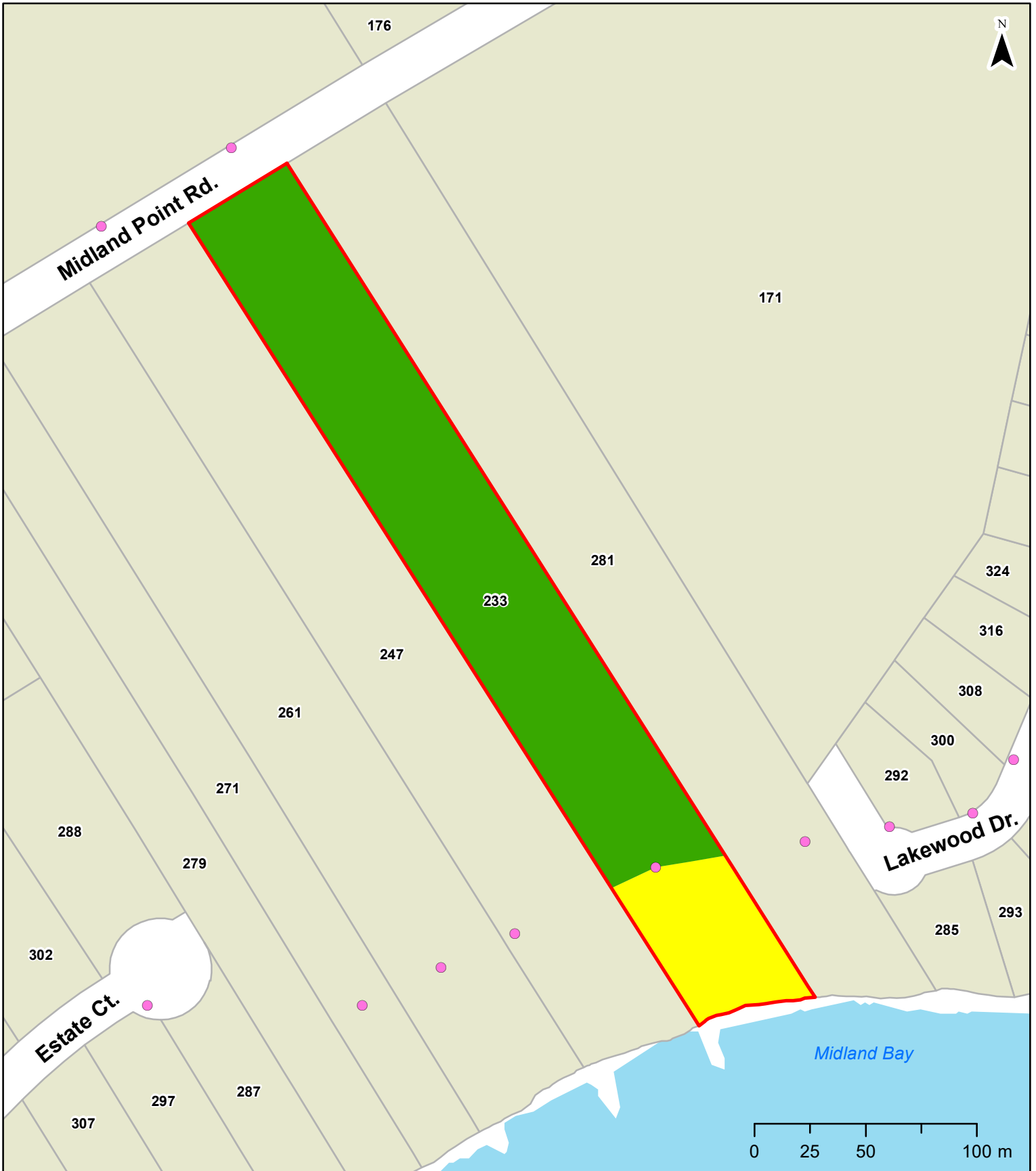
DRAFT ORDER

THIS MATTER having come before the Tribunal as a motion in writing and upon reviewing the notice of motion of the Town of Midland (the "Town"), the evidence of Steve Farquharson, RPP and the settlements between Ed Boyd and Gloria Campbell and the Town, and Hanson Development Group and the Town;

THE TRIBUNAL ORDERS that the Boyd and Campbell Appeal as well as the Hanson Development Group Appeal are allowed in part and

1. the Official Plan is modified by the site-specific modifications attached hereto as Schedule "A" and Schedule "B"
2. as modified the Official Plan in respect of the lands covered by these two appeals and Policy 5.4.3. d) is hereby approved; and
3. the balance of these two appeals are dismissed.

SCHEDULE "A"



● Utility Poles

▭ Subject Property
(233 Midland Point Road)

Official Plan Land Use Classification

▭ Lands to be Designated Shoreline Residential

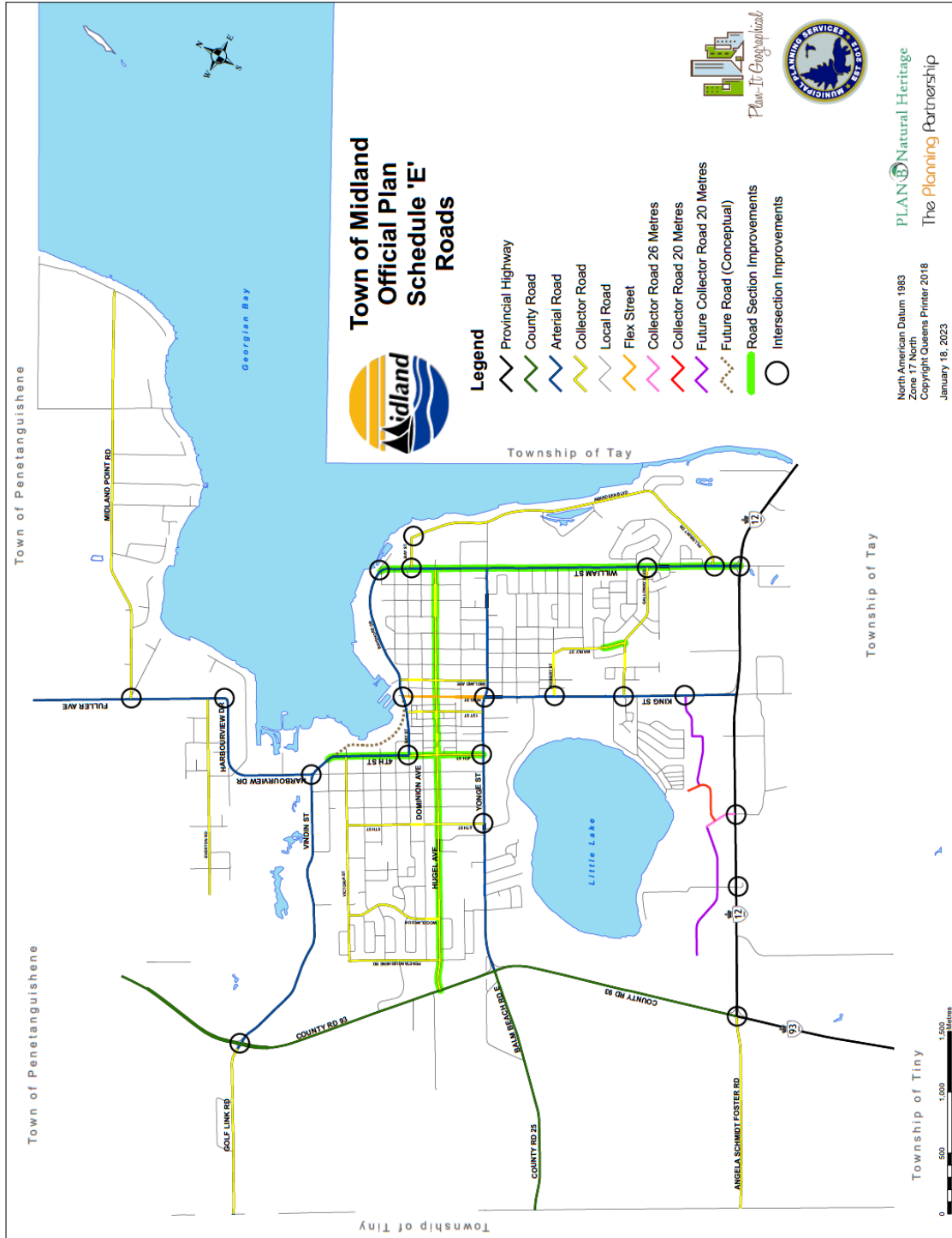
▭ Lands to be Designated Natural Heritage

SCHEDULE "B"**Policy 5.4.3 d)**

d) Except where existing development or circumstance precludes it, the general standards for right-of-way widths are as follows:

- i. Arterial Roads – 30 metres;**
- ii. Collector Roads – 26 metres;**
- iii. Collector Roads- 20 metres (where shown on Schedule E)**
- iv. Local Roads – 20 metres.; and**
- v. Future Collector Road – 20 metres (where shown on Schedule E).**

Topographic conditions may require a greater width in order to achieve design requirements. Widenings may be added to the road width requirement in these circumstances, justified through engineering studies.



Town of Midland Official Plan Schedule 'E' Roads



Legend

- Provincial Highway
- County Road
- Arterial Road
- Collector Road
- Local Road
- Flex Street
- Collector Road 26 Metres
- Collector Road 20 Metres
- Future Collector Road 20 Metres
- Future Road (Conceptual)
- Road Section Improvements
- Intersection Improvements



North American Datum 1983
Zone 17 North
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January 18, 2023

PLAN Natural Heritage
The Planning Partnership

