

ISSUE DATE:

**February 25, 2014**



PL091167

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

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

Appellant: County of Simcoe  
Appellant: Midhurst Development Doran Road Inc.,  
and Carson Road Development Inc.  
Appellant: Midhurst Rose Alliance Inc.  
Appellant: Township of Springwater  
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

**APPEARANCES:**

See Attachment 1

**DECISION DELIVERED BY SYLVIA SUTHERLAND AND M.A. SILLS AND  
ORDER OF THE BOARD**

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[1] The List of Appellant Parties, followed by the List of Parties at this pre-hearing conference ("PHC"), is found as Attachment 1 appended to this order.

[2] The List of Participants is appended to this order as Attachment 2.

[3] The orders of the Board emanating out of this fourth PHC on this matter, held on November 7, 2013 are found on Attachment 3 appended to this order.

[4] The Board further orders the issuance of the Procedural Order and Schedules appended to this order as Attachment 4.

[5] The next PHC on this matter is scheduled for **10:30 a.m. on Tuesday, April 15, 2014 at:**

**Councils Chambers  
County of Simcoe Administrative Centre  
1110 Hwy 26  
1/2 Mile W of Hwy 27  
Midhurst ON L0L 1X0**

[6] A 10-day hearing of this matter will begin on **Monday, June 2, 2014 at 10:30 a.m.** at the same location. It is scheduled for June 2-6 and June 16-20, 2014.

“Sylvia Sutherland”

SYLVIA SUTHERLAND  
MEMBER

“M.A. Sills”

M.A. SILLS  
MEMBER

## ATTACHMENT 1

**COUNTY OF SIMCOE PHC #4  
LIST OF ATTENDEES NOV. 7, 2013**

<b>Counsel/Representative</b>	<b>Appellant/Party</b>
Roger Beaman Marshall Green/Sarah Hahn	Appellant 1
Susan Rosenthal	Appellants 2a, 2b, 3, 4
Ira Kagan	Appellant 5
B. Spagnol*	Appellant 6
James Feehely	Appellant 7, Party H
Cory Estrela	Appellants 8a, 8c, 8d, 8e, 8f, 11, 12a, 12b, 13, 14, 21, 22, 23, 24, 25, 26
Jennifer Meader	Appellant 10
Joseph Hoffman	Appellant 15
Ian Rowe/Adrianna Pilkington	Appellant 17, Parties G1, G2, G3, V ,X
Brian Goodreid*	Appellants 19a, 19b
Chris Barnett	Appellants 27a, 27b
Andrea Skinner (also for Patricia Foran and Leo Longo)	Appellant 30 (also for Appellant 18 and Party B)
Ken Hare/Ugo Popadic/ Michael Spagnolo (Student-at-Law)	Party A
Edward Veldboom	Parties C1, C2
Mark Joblin	Party D (also for Party P)
Paul Peterson	Party F
Issac Tang	Party I
Mary Bull	Parties J1, J2, J3, J4, J5, J6, K
John Barzo	Party Q
Susan Rogers	Party R
Aynsley Anderson	Parties S, T
Andrea Leigh*	Party W

\* Agent

**ATTACHMENT 2****COUNTY OF SIMCOE PHC #4  
LIST OF ATTENDEES NOV. 7, 2013**

<b>Counsel/Representative</b>	<b>Participants</b>
Cory Estrela	Participant 22
Jennifer Meader	Participant 11a and 11b
Sandy Agnew* K. Harries* T. Kurtz* A. Truyen*	Participant 1
D. Perryman*	Participant 2
Bernard Pope*	Participant 8
Wendy Harry*	Participant 10
John Strong*	Participant 16

**\* Agent**

## ATTACHMENT 3

PL091167

1. **THE BOARD ORDERS** that in accordance with the provisions of section 17(50) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, and further to the partial approval Order of this Board issued June 13, 2013 as amended by an Order issued July 5, 2013, the Official Plan of the County of Simcoe (the "*Plan*"), as adopted by the County of Simcoe on November 25, 2008 and as recommended to be modified by the County of Simcoe on January 22, 2013, is hereby further modified and approved in part to implement this Order as provided below.
  
2. **AND THE BOARD FURTHER ORDERS** that on reading the Motion Record of the County of Simcoe dealing with Primary Settlement Areas, including the Affidavit of Kathy Suggitt dated October 25, 2013, filed, and reading the supporting Notices of Response of the Township of Springwater and the Town of Innisfil, filed, and hearing the submissions of counsel for the County of Simcoe, no Party being in opposition,
  - (a) That the definitions of *primary settlement areas* and *municipalities with primary settlement areas* of the *Plan* be approved as shown below:

“**PRIMARY SETTLEMENT AREAS** are those locations set out in Schedule 5.1.2 and include the *settlement areas* of the Town of Collingwood, the Town of Midland together with the Town of Penetanguishene, and the *settlement areas* of the communities of Alcona in the Town of Innisfil, Alliston in the Town of New Tecumseth and Bradford in the Town of Bradford West Gwillimbury.”

“**MUNICIPALITIES WITH PRIMARY SETTLEMENT AREAS** include the Town of Bradford West Gwillimbury, the Town of Collingwood, the Town of Innisfil, the Town of Midland, the Town of New Tecumseth, and the Town of Penetanguishene.”

- (b) That the *primary settlement areas* of Alcona, Alliston, Bradford, Collingwood, and Midland/Penetanguishene shown on map Schedule 5.1.2 of the *Plan* be approved and that the said Schedule be modified and approved in its entirety as shown on **Schedule “A”** attached;
  
- (c) That the *primary settlement areas* of Alcona, Alliston, Bradford, Collingwood, and Midland/Penetanguishene shown on Table 5.1 of the *Plan* be approved but such approval shall not affect the issue of the deletion of Tioga and the addition of Fennell’s Corners on Table 5.1, which items remain under appeal;

- (d) That Issue 1 on the Issues List [Exhibit 54] of Appellant Party 15 be removed.
3. **AND THE BOARD FURTHER ORDERS** on reading the Motion Record of the County of Simcoe dealing with Employment Areas, including the Affidavit of Kathy Suggitt dated October 16, 2013, filed, and reading the supporting Notice of Response of the Town of Innisfil, filed, and hearing the submissions of counsel for the County of Simcoe, no Party being in opposition,
- (a) That those parts of Schedule 5.1 Land Use Designations of the *Plan* being the boundaries and designations of four site-specific areas dealing with Economic Districts and outlined in heavy dashed lines on the four pages attached as **Schedule "B"** are hereby modified and approved as shown thereon;
  - (b) That Rama Resorts International Inc. [Appellant 19a] and Fernbrook Homes (Rama) Limited [Appellant 19b] are hereby deleted as Appellant Parties to this proceeding and their Issues are removed from the Issues List [Exhibit 54]; and
  - (c) That K. Winter Sanitation Inc. [Participant 13] and Kenneth and Ruth Winter [all Participants 13], are hereby deleted as Participants to this proceeding.
4. **AND THE BOARD FURTHER ORDERS** on reading the Motion Record of the County of Simcoe dealing with Aggregate Mapping, including the Affidavit of Kathy Suggitt dated October 18, 2013, filed, and hearing the submissions of counsel for the County of Simcoe, no Party being in opposition,
- (a) That those parts of Schedule 5.1 Land Use Designations of the *Plan* being the boundaries and designations of six site-specific areas dealing with Aggregate Resources as outlined in heavy dashed lines on the six pages attached as **Schedule "C"** are hereby modified and approved as shown thereon;
  - (b) That Issue 2 on the Issues List [Exhibit 54] of Party J2 be removed;
  - (c) That Issues 2, 3, 4, 5, 6 and 7 on the Issues List [Exhibit 54] of Party J3 be removed.
5. **AND THE BOARD FURTHER ORDERS** on reading the Motion Records of the Town of New Tecumseth, Township of Adjala-Tosorontio, Robert

Schickedanz, 2115441 Ontario Inc. and Carson Trail Estates Inc., filed, and hearing the submissions of counsel, no Party being in opposition,

- (a) That Party H (Town of New Tecumseth) be changed to Appellant Party 32 with the same issues;
  - (b) That Party I (Township of Adjala-Tosorontio) be changed to Appellant Party 33 with the same issues;
  - (c) That Robert Schickedanz in Trust be added as Appellant Party 34 with one issue;
  - (d) That 2115441 Ontario Inc. be added as Appellant Party 35 with ten issues;
  - (e) That Carson Trail Estates Inc. be added as Appellant Party 36 with six issues, and
  - (f) That the issues of Appellant Parties 32 to 36 be added to the Issues List [Exhibit 54] as pages 47a to 47i.
6. **AND THE BOARD FURTHER ORDERS** that the partial approval of the *Plan* as modified shall be without prejudice to, and shall not limit, any party and the Board from seeking, considering and approving modifications, deletions or additions to the unapproved policies, schedules and appendices of the *Plan* on a general, area-specific or site-specific basis, as the case may be, provided that the parties shall be bound by the commitments made by them to scope their issues to an area-specific or site-specific basis.
7. **AND THE BOARD FURTHER ORDERS** that the remaining appeals filed in respect of the *Plan* shall be determined through the hearing process or as otherwise consented to by the parties and approved by the Board.
8. **AND THE BOARD FURTHER ORDERS** that it may be spoken to in the event some matter should arise in connection with the implementation of this Order.

## ATTACHMENT 4

PL091167

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

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

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

### PROCEDURAL ORDER PHASES 1a, 1b, 1c

1. The Board may vary or add to these rules at any time, either on request of a Party or as it sees fit. It may alter this Order by an oral ruling, or by another written Order.

#### Organization of the Hearing

2. The hearing will begin on **Monday, June 2, 2014 at 10:30 a.m.** at the County of Simcoe Administrative Centre, 1110 Highway 26, Midhurst, Ontario, L0L 1X0 and is scheduled for **June 2-6 and June 16-20, 2014**. A Prehearing Conference is scheduled for **Tuesday, April 15, 2014 at 10:30 a.m.** at the same location.

3. The length of the hearing will be 10 hearing days.

4. The hearing of this portion of the appeals is divided into three separate phases as set out in Attachment 1.

5. (a) The Parties to this proceeding are listed in Attachment 1. Except for deletions, there shall be no changes to these lists unless the Board permits it following written motion to the Board.

(b) The Participants to this proceeding are listed in Attachment 1.

6. The Issues are set out in the Issues Lists filed as Attachments 2a, 2b, and 2c. Except for deletions, there will be no changes to this list unless the Board permits it, and a party who asks for changes may have costs awarded against it.



7. Any person intending to participate in the hearing must provide a telephone number and e-mail address to the Parties and the Board as soon as possible. Any person who retains a representative must advise the other Parties and the Board of the representative's name, address, e-mail address and phone number as soon as possible.

### **Requirements Before the Hearing**

8. With respect to any phase of the hearing in which they are testifying, expert witnesses in the same field ("like-experts") shall have at least two meetings (unless they agree that one meeting is sufficient) before the hearing to try to resolve or reduce the issues for the hearing. The first meeting of like experts will be scheduled for approximately two weeks after the production of Expert Witness Lists. The second meeting will take place approximately one week after the exchange of witness statements and before delivery of Reply Witness Statements. At each meeting, the like-experts must prepare a list of agreed facts and the remaining issues to be addressed at the hearing, and provide this list to all of the Parties and the County Clerk.

9. A Party who intends to call witnesses, whether by summons or not, shall provide to the Board, the other Parties and the County Clerk a list of their witnesses, their professional qualifications, their areas of expertise, completed Acknowledgements of Expert's Duty, the precise area and discipline in which they will seek to be qualified to provide expert testimony, and the intended order in which the witnesses will be called during the hearing. This information must be delivered by the dates set out for service of Witness Lists in Attachment 3. Any challenge by a Party to the qualifications or expertise of a witness must be filed with the Board with supporting reasons within 30 days.

10. An expert witness shall prepare an expert witness statement, which shall list any reports prepared by the expert, or any other reports or documents to be relied on at the hearing. Copies of this statement must be provided as in section [13]. Instead of a witness statement, the expert may file his or her entire report if it contains the required information. If neither of these requirements is complied with, the Board may refuse to hear the expert's testimony.

11. A Participant must provide a participant statement to the Board and the Parties, as provided for in section [13], or the witness or participant may not give oral evidence at the hearing.

12. Expert witnesses who are under summons but not paid to produce a report do not have to file an expert witness statement; but the Party calling them must file a brief outline of the expert's evidence, as provided for in section [13].

13. On or before the dates set out in Attachment 3, the Parties and Participants shall provide copies of their witness, expert and participant statements and brief outlines, as applicable, to the Parties and to the County Clerk.

**14.** On or before the dates set out in Attachment 3, the Parties and Participants shall provide copies of their visual evidence to all of the Parties. If a model will be used, all Parties must have a reasonable opportunity to view it before the hearing.

**15.** Parties may provide to all other Parties and file with the Clerk a written response to any written evidence within the time set out in Attachment 3.

**16.** A person wishing to change written evidence, including witness statements, must make a written motion to the Board. Such a motion shall be in accordance with the Board's Rules 34 to 41, which require that the moving party provide copies of the motion to all other Parties 10 days before the Board hears the motion.

**17.** A party who has filed an expert witness statement must have the witness attend the hearing to give oral evidence, unless the Party notifies the Parties and the Board by **May 28, 2014** that the written evidence is not part of the record.

**18.** Documents may be delivered by e-mail, personal delivery, facsimile, courier or registered or certified mail or otherwise as the Board may direct. The delivery of documents by fax shall be governed by the Board's Rules on this subject. Material delivered by mail shall be deemed to have been received five business days after the date of registration or certification.

**19.** The Board's file number **PL091167** is to be clearly marked on all documents served by the Parties or filed with the Board.

**20.** No adjournments or delays will be granted before or during the hearing except for serious hardship or illness. The Board's Rules 61 to 65 apply to such requests.

**These Members are [are not] seized.**

**So orders the Board.**

## ADDITIONAL INFORMATION FOR THE PROCEDURAL ORDER

### **Meaning of terms used in the Procedural Order:**

**Party** is an individual or corporation permitted by the Board to participate fully in the hearing by receiving copies of written evidence, presenting witnesses, cross-examining the witnesses of the other parties, and making submissions on all of the evidence. If an **unincorporated group** wishes to become a party, it must appoint one person to speak for it, and that person must accept the other responsibilities of a party as set out in the Order. Parties do not have to be represented by a lawyer, and may have an agent speak for them. The agent must have written authorisation from the party.

**NOTE** that a person who wishes to become a party before or at the hearing, and who did not request this at the prehearing conference, must ask the Board to permit this.

**Participant** is an individual, group or corporation, whether represented by a lawyer or not, who may attend only part of the proceeding but who makes a statement to the Board on all or some of the issues in the hearing. Such persons may also be identified at the start of the hearing. The Board will set the time for hearing this statement. **NOTE** that such persons will likely not receive notice of mediations or conference calls on procedural issues. They also cannot ask for costs, or review of a decision as parties can. If a participant does not attend the hearing and only files a written statement, the Board will not give it the same attention or weight as submissions made orally. The reason is that parties cannot ask further questions of a person if they merely file material and do not attend.

**Written and Visual Evidence:** **Written evidence** includes all written material, reports, studies, documents, letters and witness statements which a party or participant intends to present as evidence at the hearing. These must have pages numbered consecutively throughout the entire document, even if there are tabs or dividers in the material. **Visual evidence** includes photographs, maps, videos, models, and overlays which a party or participant intends to present as evidence at the hearing.

### **Witness Statements:**

A **witness statement** is a short written outline of the person's background, experience and interest in the matter; a list of the issues which he or she will discuss and the witness' opinions on those issues; and a list of reports that the witness will rely on at the hearing.

An **expert witness statement** is a written statement that must include: (1) The expert's name and address (2) qualifications and area of expertise, (3) The nature of the retainer, (4) A list of the issues he or she will address, (5) The expert's opinions on those issues and the complete reasons for the opinions including an analysis of how the experts arrived at the opinion, including a policy analysis where applicable and, (6) a list of reports that the witness will rely on at the hearing.

*A **participant statement** is a short written outline of the person's or group's background, experience and interest in the matter; a list of the issues which the participant will address and a short outline of the evidence on those issues; and a list of reports, if any, which the participant will refer to at the hearing.*

**Additional Information**

***Summons:** A party must ask a Board Member or the senior staff of the Board to issue a summons. This request must be made before the time that the list of witnesses is provided to the Board and the parties. (See Rules 45 and 46 on the summons procedure.) If the Board requests it, an affidavit must be provided indicating how the witness' evidence is relevant to the hearing.*

*If the Board is not satisfied from the affidavit, it will require that a motion be heard to decide whether the witness should be summoned.*

***The order of examination of witnesses:** is usually direct examination, cross-examination and re-examination in the following way:  
direct examination by the party presenting the witness;  
direct examination by any party of similar interest, in the manner determined by the Board;  
cross-examination by parties of opposite interest;  
re-examination by the party presenting the witness; or  
another order of examination mutually agreed among the parties or directed by the Board.*

**The Order of Parties calling Evidence is:**

- *The County of Simcoe;*
- *Those in support;*
- *Those in opposition;*
- *The County of Simcoe, in Reply.*

**ATTACHMENT 1**

**Simcoe County OP PL091167**

**Hearing on Phases 1a, 1b, 1c**

**June 2-6, June 16-20, 2014**

1(a) Policy Framework for the 20,000 pop. s. 3.5.10 to 3.5.16, Table 2.  
Appellants/Parties: 2, 3, 4, 5, 10, 15, 18, 30, 32, 33, 36, A, D, Q, R, W  
Participants: 1, 2, 3, 5, 6, 8, 9, 10

1(b) Midland/Penetanguishene Boundary  
Appellants/Parties: 11, 31, A, C1, F, M.  
Participants: 9

1(c) D4 Assessment Areas, s. 4.9.9 to 4.9.24, related definitions, Sch. 5.6.1, 5.6.2, App 5  
Appellants/Parties: 32, A, B, D, F, G1, G2.  
Participants: 1, 9

## ATTACHMENT 2a

### Issues List for Phase 1a

1. Are the criteria listed on Table 2: Decision-Making Matrix for Applications considered by policy 3.5.10 appropriate, reasonable and sufficiently clear and do they represent good planning? Should more direction be given with respect to the application and evaluation of the criteria? *[Source - Appellants 2a, 2b, Issue 4; Appellant 3, Issue 3; Appellant 4, Issue 7; Appellant 5, Issue 2]*
2. Does policy 3.5.10 of the Simcoe County Official Plan conform to policy 6.3.2.2 of the Growth Plan? *[Source - Appellant 10, Issue 6]*
3. Is the cap in policy 3.5.11 on the amount of population that can be allocated to any one local municipality pursuant to policy 3.5.10 reasonable and appropriate? *[Source - Appellant 15, Issue 4]*
4. Are the criteria in Table 2 for the assessment of applications to be considered under policy 3.5.10 reasonable and appropriate? In particular, is it appropriate to assess an application on the basis of whether it is on lands within a Primary Settlement Area? *[Source - Appellant 15, Issue 5]*
5. Is additional detail needed with respect to how the criteria in Table 2 will be applied to assess applications to be considered under policy 3.5.10? *[Source-Appellant 15, Issue 6]*
6. Is the effect of policies ~~3-4~~, 3.5.14-3.5.15, ~~and 4.10~~ to restrict growth in local municipalities? Do these policies confirm with the Growth Plan? *[Source - Appellant 18, Issue 3]*
7. What does the phrase “the Environmental Assessment process is finalized” practically mean for purposes of policy 3.5.16? *[Source - Appellant 18, Issue 7]*
8. Is policy 3.5.15 appropriate to address phasing and does it represent good planning? *[Source - Appellant 18, Issue 8]*
9. What criteria should be added, deleted and/or qualified in Policy 3.5.10 of the Simcoe County Official Plan? Does the criteria contained Policy 3.5.10 conform with the Growth Plan for the Greater Golden Horseshoe and is it consistent with the Provincial Policy Statement (2005)? Should the criteria in Policy 3.5.10 be amended to encourage a good planning result for rural townships? *[Source - Appellant 33, Issue 12]*
10. Does Policy 3.5.11 need to be amended or modified? Does it conform with the Growth Plan for the Greater Golden Horseshoe and is it consistent with the Provincial Policy Statement (2005)? Should references to private communal services be deleted? What criteria should be added, deleted and/or qualified in Policy 3.5.11? Should the

- criteria in Policy 3.5.11 be amended to encourage a good planning result for rural townships? *[Source - Appellant 33, Issue 13]*
11. What criteria should be added, deleted and/or qualified within Table 2 (the “Decision-Making Matrix”) of Section 3.5 of the Simcoe County Official Plan? Does the criteria matrix conform with the Growth Plan for the Greater Golden Horseshoe and is it consistent with the Provincial Policy Statement (2005)? Should the criteria in Table 2 be amended to encourage a good planning result for rural townships? *[Source - Appellant 33, Issue 14]*
  12. Do proposed Simcoe County Official Plan policies 3.5.10, 3.5.11 and Table 2: Decision-Making Matrix for Applications considered by policy 3.5.10 conform to the policies of the Growth Plan, in particular Section 6.3.2.? *[Source - Appellant 36, Issue 1]*
  13. Are the criteria listed in policies 3.5.10, 3.5.11 and Table 2: Decision-Making Matrix for Applications considered by policy 3.5.10 appropriate and consistent with good planning? Should any criteria be deleted, or amended? *[Source - Appellant 36, Issue 2]*
  14. Should additional criteria or more policy direction be provided with respect to the operation of policies 3.5.10, 3.5.11 or the decision making criteria specified in those policies and Table 2: Decision-Making Matrix for Applications considered by policy 3.5.10? *[Source - Appellant 36, Issue 3]*
  15. Do policies 3.5.10, 3.5.11 and Table 2: Decision-Making Matrix for Applications considered by policy 3.5.10 have the effect of prohibiting the approval of applications on lands that are not within Primary Settlement Areas? *[Source - Appellant 36, Issue 4]*
  16. Do policies 3.5.10, 3.5.11 and Table 2: Decision-Making Matrix for Applications considered by policy 3.5.10 establish a preference that applications be on lands within a Primary Settlement Areas? If so is that warranted, appropriate, or reasonable? *[Source - Appellant 36, Issue 5]*
  17. Should the deadline of January 19, 2017 in policy 3.5.10 be amended to refer to the date required by policy 6.3.2.5 of the Growth Plan, as such date may be amended? Is it good planning to require the County Official Plan to be further amended if the deadline in the Growth Plan is extended? *[Source - Appellant 36, Issue 6]*
  18. Are the policies in sections ~~3.1.1, 3.2.11, 3.3.2, 3.4~~ and 3.5 of the Official Plan as they apply to lands within Settlements in conformity with the policies in the Growth Plan? Specifically, do these policies create confusion as to what development can or cannot take place within these areas? *[Source - Party A, Issue 2]*
  19. Should the deadline of January 19, 2017, in Policy 3.5.10 be amended to allow for flexibility in the event an extension is granted by the Province? *[Source-Party D, Issue 10]*
  20. Does the “Decision-Making Matrix” (Table 2) contain factors beyond what is authorized by the Growth Plan? *[Source - Party Q, Issue 10]*

21. Is it appropriate that Adjala-Tosorontio Official Plan Amendment #8, as approved by the County and the Township, be subject to any potentially more restrictive provisions contained in the Decision-Making Matrix in particular, and the County Official Plan in general? *[Source - Party Q, Issue 11]*



## **ATTACHMENT 2b**

### **Issues List for Phase 1b**

1. Are the settlement boundaries of the Penetanguishene Settlement Area appropriate?  
*[Source - Appellant 11, Issue 1]*
2. Is the settlement area boundary for Midland appropriate in light of policies 3.5.17 to 3.5.22? *[Source - Appellant 31, Issue 5]*
3. Do the “Settlement Area Boundaries” and the designation of all lands within the municipal boundaries of the Towns of Midland and Penetanguishene as “Settlements” shown on Schedule 5.1 - Land Use Designations conform with the Growth Plan for the Greater Golden Horseshoe, in particular, the definition of “Settlement Areas”? If not, has a municipal comprehensive review been undertaken to substantiate settlement area boundary expansions within the Towns of Midland and Penetanguishene? *[Source - Party A, Issue 1]*
4. What is the appropriate Settlement Area Boundary for the Town of Penetanguishene?  
*[Source - Party C1, Issue 1]*

## ATTACHMENT 2c

### Issues List for Phase 1c

1. Section 4.9.20 to Section 4.9.24, being the policy to incorporate the D-4 Guidelines into the County Plan Policies which would be overly restrictive and would have the effect of unnecessarily placing the entire downtown areas in the communities of Alliston and Tottenham in a “holding” zone. *[Source - Appellant 32, Issue 1]*
2. Are the proposed waste management policies appropriate and consistent with Provincial laws and guidelines and the PPS? *[Source - Party B, Issue 1]*
3. Are the assessment areas within Collingwood depicted on Schedules 5.6.1 and 5.6.2 necessary, appropriate and consistent with Provincial laws and guidelines and the PPS? *[Source - Party B, Issue 2]*
4. Are the policies in the New County Official Plan with respect to waste disposal sites appropriate for the context of closed waste disposal sites and the risks posed by such sites? Are the proposed policies, including those related to holding symbols, appropriate for limiting the issuance of building permits? *[Source - Party D, Issue 5]*
5. Should the Waste Disposal Sites within the Town of Innisfil on Schedules 5.6.1 and 5.6.2 be adjusted so as to be consistent with the Town of Innisfil Official Plan and Zoning By-law? *[Source - Party D, Issue 6]*
6. Should policies be added to Policy 4.9 to encourage the investigation and removal of waste disposal sites? *[Source - Party D, Issue 21]*
7. Are the proposed Waste Disposal and D-4 Assessment Area policies and related provisions of the proposed County Official Plan justified and reasonable and do those policies and provisions provide appropriate policy guidance especially for existing and closed waste disposal sites? The issue applies to the policy provisions and sections of the proposed County Official Plan listed below (especially in so far as they apply to the Town of Midland):
  - a. All of that part of Section 4.9. beginning under the heading of “D-4 Assessment Areas” and including the Sub-sections beginning at 4.9.9 consecutive through to and including Sub-section 4.9.24;
  - b. Appendix 5 to the Official Plan entitled “D-4 Assessment Area Implementation”;
  - c. The related definitions in Section 5.8 including:
    - i. Assessment Area Environmental Study;
    - ii. Assessment Areas, Waste Disposal Sites;
    - iii. Buffer Area;
    - iv. D-4 Approval Authority;

- v. D-4 Assessment Area;
- vi. D-4 Study;
- vii. Fill Area;
- viii. Guideline D-4;
- ix. Sensitive Land Uses;
- x. Waste Disposal Site. *[Source - Party F, Issue 1]*

- 8. Are Schedule 5.6.1 (County Waste Disposal Sites) and Schedule 5.6.2 (Private, Other Municipal and Government Waste Disposal Sites) accurate or do they require updating? *[Source - Party G2, Issue 18]*

### ATTACHMENT 3

#### County of Simcoe Official Plan – PL091167 Phase 1 Hearing – Key Dates

<b>Deliverable</b>	<b>Phase 1(a) (20,000 pop.)</b>	<b>Phase 1(b) (Midland/Penetang)</b>	<b>Phase 1(c) (D4 Guidelines)</b>
Parties to Declare their involvement in Phase 1a, 1b and/or 1c	Thurs Dec 12, 2013	Thurs Dec 12, 2013	Thurs Dec 12, 2013
First Settlement Meeting by Parties	(optional)	By Fri Dec 20, 2013	By Fri Dec 20, 2013
Witness Lists served by Parties	Wed Dec 18, 2013	Fri Jan 17, 2014	Fri Jan 17, 2014
Participants to declare their involvement in Phase 1a, 1b and/or 1c	Wed Dec 18, 2013	Fri Jan 17, 2014	Fri Jan 17, 2014
Experts to serve alternative wording for disputed policies	Wed Jan 15, 2014	Not Applicable as wording in w/o prejudice mediation briefs	Not Applicable as wording in w/o prejudice mediation briefs
Second Settlement Meeting by Parties	(optional)	by Fri Jan 24, 2014	by Fri Jan 24, 2014
First Experts Meeting Report due	Wed Jan 29, 2014	Not applicable - have already met and mediation expected	Not applicable - have already met and mediation expected
Discussions/Mediation by Parties – Mediation Briefs provided in advance	February and March, 2014	February and March, 2014	February and March, 2014
First Experts Meeting Report Due	Done – see above	Wed April 2, 2014	Wed April 2, 2014
<b>OMB Prehearing No. 5</b>	<b>April 15, 2014</b>	<b>April 15, 2014</b>	<b>April 15, 2014</b>
Witness and Participant Statements served	Thurs April 17, 2014	Thurs April 10, 2014	Thurs April 10, 2014
Second Experts Meeting Report Due	Fri May 2, 2014	Wed Apr 30, 2014	Wed Apr 30, 2014
Reply Witness Statements served	Wed May 14, 2014	Wed May 14, 2014	Wed May 14, 2014
Visual Evidence served	Wed May 21, 2014	Wed May 21, 2014	Wed May 21, 2014
<b>Phase 1 Hearing (10 hearing days)</b>	<b>Mon – Fri, June 2-6 and June 16-20, 2014</b>		