

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 3a – Infrastructure)
(Returnable May 8, 2015)

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

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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

Phone: 416-326-5598
Fax: 416-326-5370

ATTACHMENT "A"

LIST OF APPELLANT PARTIES– COUNTY OF SIMCOE OFFICIAL PLAN

OMB File PL091167

Jan 19, 2015

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9	Innisfil Aleona Limited	Appeal Withdrawn	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	Appeal Withdrawn	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

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

ATTACHMENT "B"

LIST OF PARTIES– COUNTY OF SIMCOE OFFICIAL PLAN PL091167

Jan 19, 2015

No.	Party	Lawyer/Agent*	E-mail Address
A	Ministry of Municipal Affairs and Housing	Ken Hare Ugo Popadic Arthur Ho(student-at-law)	ken.hare@ontario.ca Ugo.Popadic@ontario.ca Arthur.Ho2@ontario.ca
B	Town of Collingwood	Leo Longo	llongo@airdberlis.com
C	C1 Town of Penetanguishene C2 Township of Ramara	Edward Veldboom	eveldboom@russellchristie.com
D	Town of Innisfil	Quinto Annibale/ Mark Joblin	qannibale@loonix.com mjoblin@loonix.com
E	Town of Bradford W-G	Tom Halinski	thalinski@airdberlis.com
F	Town of Midland	Paul Peterson	ppeterson@hgrgp.ca
G	G1 Township of Clearview G2 Township of Tiny G3 Town of Wasaga Beach	Ian Rowe	irowe@barristonlaw.com
H	{Now Appellant 32}		
I	{Now Appellant 33}		
J	J1 Ontario Stone, Sand and Gravel Association J2 CBM Aggregates, a division of St. Marys Cement (Canada) Inc J3 Lafarge Canada Inc. J4 Holcim (Canada) Inc. J5 James Dick Construction Limited J6 Walker Aggregates Inc.	Mary Bull	mbull@woodbull.ca
K[M]	Georgian International Land Corp. [Resolved]	Mary Bull	mbull@woodbull.ca
L	San Marco in Lamis Ltd.	Michael Vaughan	michaelbvaughan@yahoo.ca
M	White Water Holdings Ltd.	Resolved	
N	{Now Appellant 28}		
O	No Jet Construction Inc. Remington Homes (Manhattan) Inc.	<i>Withdrawn</i>	
P	Sleeping Lion Development Corporation	John Dawson	jdawson@mccarthy.ca
Q	John Barzo Limited	John Barzo	jbarzo@barzolaw.com
R[M]	Innisfil Mapleview Developments Limited	Susan Rogers [Adjourned]	susan.rogers@sdrogerslaw.ca
S	2133952 Ontario Inc.	Harold Elston Aynsley Anderson	HElston@barristonlaw.com AAAnderson@barristonlaw.com
T	Talisker Corporation	Harold Elston Aynsley Anderson	HElston@barristonlaw.com AAAnderson@barristonlaw.com
U	U1&U2 {Now Appellant 27-a & b}		
V	1651012 Ontario Ltd. now V1 Sandycove Acres Limited V2 Parkbridge Lifestyle Communities Inc. V3 Belmac Estate Properties Inc.	Ian Rowe	irowe@barristonlaw.com
W	Township of Oro-Medonte	Chris Williams	cwilliams@airdberlis.com
X	998991 Ontario Inc.	Ian Rowe	irowe@barristonlaw.com
Y	Tsam Investments Ltd.	Raivo Uukkivi Signe Leisk	ruukkivi@casselsbrock.com sleisk@casselsbrock.com

ATTACHMENT "C"

LIST OF PARTICIPANTS MONITORING COUNTY OF SIMCOE OP PL091167

Jan 19, 2015

No.	Participant or Interest	Lawyer/Agent	E-mail Address
1*[M]	<i>AWARE Simcoe</i>	<i>Sandy Agnew</i> [M] <i>Ann Truyens</i> [M]	sagnew@ecomedic.ca at@iglide.net
2*[M]	<i>PURE now ERA - Everett Ratepayers Association</i>	<i>Chantale Gagnon</i> [M] <i>David Perryman</i> [M]	chantalegagnon@bell.net dperryman43@sympatico.ca
3[M]	Interest in Midhurst	Anna Romano	am_romano@hotmail.com
8*[M]	<i>Ontario Farmland Preservation</i>	<i>Bernard Pope</i> [M]	bernard@ontariofarmlandpreservation.org
9*[M]	<i>Simcoe County Federation of Agriculture</i>	<i>Colin Elliott</i> <i>Anne Ritchie-Nahius</i>	rockeynol32@gmail.com nahuis@csolve.net
11[M]	11a Nutristock Corporation 11b Solmar (Healy) Corporation (re 27a, 27b)	Michael Melling Meaghan McDermid [M]-3a, 3b, 4a, 4b, 5	michaelm@davieshowe.com meaghanm@davieshowe.com
12[M]	Township of Severn	Henry Sander	hsander@townshipofsevern.com
16*[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
18*[M]	Re 27a, 27b	Ralph MacKenzie	nvf4all@gmail.com
22[M]	R & M Homes Ltd. (Everett) [M]- 2a	David White Anthony-George D'Andrea (student-at-law)	david.white@devrylaw.ca Anthony-George.D'Andrea@devrylaw.ca

* Participant has testified [M] Monitoring

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Appellant:	Midhurst Rose Alliance Inc.
Appellant:	Township of Springwater And Others
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NOTICE OF MOTION
(PHASE 3a – INFRASTRUCTURE)

THE CORPORATION OF THE COUNTY OF SIMCOE will make a motion to the Ontario Municipal Board on **Friday, the 8th day of May, 2015, at 10:00 am**, or as soon after that time as the motion can be heard at the Nottawasaga Inn Resort & Conference Centre, 6015 Highway 89, Alliston, Ontario.

THE MOTION IS FOR AN ORDER:

- (a) Allowing the Official Plan appeal in part and approving, and modifying and approving, several policies for Phase 3a dealing with Infrastructure Policy as set out in the Affidavit of Kathy Suggitt, sworn April 28, 2015 in paragraph 33;
- (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 3a Infrastructure 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 3a hearing.

- (b) The policies as modified provide a suitable and appropriate policy framework for implementation of the Growth Plan.
- (c) The policies and modified policies are consistent with the PPS 2014, conform with relevant Provincial policy and represent good planning.
- (d) Approval as sought would resolve appeals and concerns of specific parties.
- (e) Such further and other grounds as counsel may advise and this Board may deem necessary.
- (f) *Planning Act*, R.S.O. 1990, c. P.13, as amended, subsections 17(40), 17(45), 17(50).

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at

the hearing of the motion:

- (a) the Affidavit of Kathy Suggitt, sworn April 28, 2015, and the Exhibit attached thereto;
- (b) the Report of Meetings of Expert Witnesses on Phase 3a contained in the said Affidavit;
- (c) the pleadings, proceedings and exhibits filed herein;
- (d) such further and other material as counsel may advise and this Board may permit.

APRIL 28, 2015

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 Toronto, Ontario
 M5H 1W2

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 Fax No. 416-868-3134

Lawyers for the Corporation
 of the County of Simcoe

PL091167

**Ontario Municipal Board
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 Municipality: County of Simcoe
 OMB Case No: PL091167
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AFFIDAVIT OF KATHY SUGGITT, MCIP, RPP

Phase 3a - Infrastructure

**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.

Infrastructure Policies – Phase 3a

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. Portions of the Infrastructure, Healthy Communities, Community Facilities and related policies remain under appeal. These policies were grouped together under Phase 3a and include the following policies specifically: Settlement 2.3, General Development 3.3.2, 3.3.3, 3.3.5, 3.3.6, 3.3.7, Healthy Communities 4.1.3, 4.1.4, 4.1.5, Community Facilities 4.2.1 and 4.2.2, Infrastructure policies 4.7.2, 4.7.4, 4.7.5, 4.7.8, 4.7.9, 4.7.10, 4.7.11 and the Definition of “Affordable”.
5. The expert witnesses for the parties involved 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, an Experts’ Report was provided to the County solicitor, who has circulated the report to the Board and to all parties and participants. Attached as Exhibit “A” is a copy of the experts’ report dated April 22, 2015.

Proposed Modifications

6. The experts who participated in the discussions either support or do not oppose/have no opinion with the current wording of certain policies as they appear in the updated County Official Plan, Exhibit 72 of these proceedings.
7. Having achieved agreement or no opposition from the experts, the County seeks approval of the following policies as they appear in the updated Official Plan, with no proposed modifications:
 - Former 3.3.7 (renumbered as 3.3.8)
 - 4.1.3
 - 4.7.2
 - Former 4.7.8 (renumbered as 4.7.11)
 - Former 4.7.10 (renumbered as 4.7.17)
 - Former 4.7.11 (renumbered as 4.7.18)
 - Definition of “Affordable”
8. It is my opinion that the policies listed in paragraph 7 above are consistent with the Provincial Policy Statement 2014, conform to the Growth Plan and other applicable Provincial plans and represent good planning.

Policies with Proposed Modifications

9. As reflected in Exhibit “A”, the experts reached further agreement on certain policies based on proposed modifications. The Attachment to Exhibit “A” contains the proposed modified policies. The experts either support or do not oppose/have no

opinion on the proposed modifications to policies 2.3, former 3.3.2, former 3.3.3, former 3.3.5, 4.1.4, 4.1.5, 4.2.1, 4.2.2, inserting a new 4.2.3 and a new 4.2.4, former 4.7.4, former 4.7.5, inserting a new 4.7.7 and a new 4.7.9, and former 4.7.9. Former 3.3.6 (to be renumbered as 3.3.7) as modified is agreed to by the experts with the exception of an objection by Party X on a site-specific basis for the lands owned by Party X within the Township of Adjala-Tosorontio.

10. Several of the proposed modifications are minor wording changes to either clarify the policy or change it as a direct result of changes brought about by the Provincial Policy Statement, 2014 and the need to ensure that the policies are consistent with that Statement.
11. Policy 2.3 is proposed to be modified by removing the italics font from the word "development" given the use of the word within this policy is more general and not as it is defined in the Plan.
12. Former policy 3.3.2 is proposed to be modified by splitting it into two policies and renumbering them as a new 3.3.1 and 3.3.3. In this regard policy 3.3.1 addresses the number of dwelling units permitted on any given lot and policy 3.3.3 addresses the prohibition of creating a separate lot in the Rural, Agricultural or Greenlands designations where two dwelling units have been permitted by 3.3.1.
13. Former policy 3.3.3 is renumbered as 3.3.4 and modified to clarify that lots can be created on existing private roads or water only access subject to local municipal by-laws and official plans.
14. Former policy 3.3.5 is renumbered as 3.3.6 and modified for clarification purposes.
15. Policy 4.1.4 is modified to modernize the language.
16. Policy 4.1.5 is modified to delete the last sentence.
17. Policy 4.2.1 is modified to clarify the difference between defined terms in the Provincial Policy Statement, 2014 and those terms which have already been approved by the Board for this Plan.
18. Policy 4.2.2 is modified to align with the Infrastructure policies that will also be modified.
19. Two new policies, namely policies 4.2.3 and 4.2.4 are proposed to be added to address new Provincial Policy Statement, 2014 policies that were not in the previous version of the Provincial policies.
20. Former policy 4.7.4 being a very complex policy, is proposed to be modified by splitting it into three separate policies to be numbered as 4.7.4, 4.7.5 and 4.7.8.

These modifications are necessary to address consistency with the Provincial Policy Statement, 2014 in terms of the servicing hierarchy.

21. Former policy 4.7.5 is a complex policy and is proposed to be modified by splitting it into two policies to be numbered as 4.7.6 and 4.7.10 to better address instances where individual on-site sewage services and individual on-site water services may be permitted and in accordance with changes brought about by the Provincial Policy Statement, 2014 and the need for policies in the County Plan to be consistent with the new policies.
22. A new policy 4.7.7 is proposed to be added to be consistent with new policy in the Provincial Policy Statement, 2014.
23. A new policy 4.7.9 is proposed to be added for consistency with the Provincial Policy Statement, 2014.
24. Former policy 4.7.9 is a complex policy and is proposed to be modified by splitting it into three separate policies to be numbered as 4.7.14, 4.7.15 and 4.7.16 to address changes brought about through the Provincial Policy Statement, 2014 as well as to clarify the interpretation of the use of the infrastructure servicing database to be maintained by the County in consultation with the local municipalities.
25. Former policy 3.3.6 is renumbered to 3.3.7 and modified for clarification of interpretation. There is one site-specific objection to this policy as described in paragraph 27 below as well as two notes to this modified policy as described in paragraphs 28 and 29 below.
26. Former policies 3.3.1, 3.3.4, 4.7.6 and 4.7.7 (already approved by the OMB) are proposed to be renumbered as 3.3.2, 3.3.5, 4.7.12 and 4.7.13 as a consequence of these other modifications. Furthermore, policies 4.7.12 through 4.7.15 (already approved by the OMB) are proposed to be renumbered as 4.7.19 through 4.7.22 respectively as a consequence of the other modifications.

Site-Specific Policy Objection

27. Party X retains its objection to former policy 3.3.6, renumbered as 3.3.7, and as modified, on a site-specific basis for the lands owned by Party X.

Notes on Policy 3.3.7

28. I note that former policy 3.3.6, renumbered as 3.3.7 would not apply to the Primary Settlement Areas of Alliston and Alcona until such time as the respective boundary of each has been finalized by mapping and/or related policy.

29. I further note that former policy 3.3.6, renumbered as 3.3.7 would not apply at this time to the approved rural employment area in the Township of Adjala-Tosorontio, approved locally in April 2008, adjacent to the settlement area of Alliston. The matter will be further addressed in the reserved Rural policies.

Summary Opinion

30. Three of the Phase 3 topics, namely Rural, Agriculture and Infrastructure have been dealt with during the same time period, although they were never integrated. However, expert witnesses for the registered parties for these three Phases of the hearing in many cases were also involved in other Phase 3 matters given the desire to understand how their concerns were ultimately to be addressed. The expert witnesses who needed to participate in any given phase declared their interest and participated accordingly.

31. It is my professional planning opinion that the proposed modifications to the policies listed in paragraph 10 and contained in the Attachment to Exhibit "A" accurately reflect the agreement reached by the experts involved in Phase 3a of this hearing, on the understanding that the experts either support or do not oppose/have no opinion on the proposed modifications. There is one site-specific objection by Party X as noted in paragraph 27 above and in Exhibit "A" as it relates to policy 3.3.7 for the lands owned by Party X in the Township of Adjala-Tosorontio.

32. The policies addressed in this Affidavit and the County's motion seeking approval of this set of the Phase 3a policies including the proposed modifications would bring the policies 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.

33. 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 to modify and approve certain policies all as detailed in the Attachment to Exhibit "A" as follows:

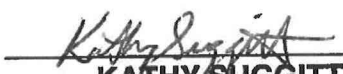
- a. To approve former 3.3.7 (renumbered as 3.3.8);
- b. To approve 4.1.3;
- c. To approve 4.7.2;
- d. To approve former 4.7.8 (renumbered as 4.7.11);
- e. To approve former 4.7.10 (renumbered as 4.7.17);
- f. To approve former 4.7.11 (renumbered as 4.7.18);
- g. To approve the Definition of "Affordable";
- h. To modify and approve 2.3;
- i. To split former 3.3.2 into two separate policies numbered 3.3.1 and 3.3.3 and modify and approve both;
- j. To renumber former 3.3.1 (already approved by the Board) as 3.3.2;
- k. To modify and approve former 3.3.3, renumbered as 3.3.4;
- l. To renumber former 3.3.4 (already approved by the Board) as 3.3.5;

- m. To modify and approve former 3.3.5, renumbered as 3.3.6;
- n. To modify and approve 4.1.4;
- o. To modify and approve 4.1.5;
- p. To modify and approve 4.2.1;
- q. To modify and approve 4.2.2;
- r. To insert a new 4.2.3 and approve same;
- s. To insert a new 4.2.4 and approve same;
- t. To split former 4.7.4 into three separate policies numbered as 4.7.4, 4.7.5 and 4.7.8 and modify and approve all three;
- u. To split former 4.7.5 into two separate policies numbered as 4.7.6 and 4.7.10 and modify and approve both;
- v. To renumber former 4.7.6 (already approved by the Board) as 4.7.12;
- w. To renumber former 4.7.7 (already approved by the Board) as 4.7.13;
- x. To insert a new 4.7.7 and approve same;
- y. To insert a new 4.7.9 and approve same;
- z. To modify and approve former 3.3.6, renumbered as 3.3.7, reserving specifically the following:
 - i. Party X retains its objection to this policy on a site-specific basis for the lands owned by Party X.

SWORN BEFORE ME)
 at the Township of Springwater)
 in the County of Simcoe)
 this 28th day of April, 2015.)
)
)
)
)



 Commissioner for Taking Oaths, etc.



 KATHY SUGGITT

**Lealand Sibbick, Treasurer
 A Commissioner for the
 Corporation of the
 County of Simcoe**

THIS IS EXHIBIT "A" REFERRED TO IN THE AFFIDAVIT
OF KATHY SUGGITT SWORN BEFORE ME THIS
28TH DAY OF APRIL, 2015.



A Commissioner, etc.

**Leeland Sibbick, Treasurer
A Commissioner for the
Corporation of the
County of Simcoe**

*A Commissioner of the
Corporation of the
County of Simcoe*

OMB File No: PL091167

County of Simcoe Official Plan

Experts' Report on Phase 3a (Infrastructure)

Dated April 24, 2015

Expert Planning Witnesses Registered for Phase 3a of the Hearing:

- Ray Duhamel – D. G. Pratt Construction Limited (Appellant Party 30)
- Brian Goodreid – Estate of Marie Louise Frankcom (Appellant Party 15)
- Bob Lehman – Talsker Corporation (Party T)
- Andria Leigh – Township of Oro-Medonte (Party W)
- Paul Lowes – Carson Road Development Inc. (Appellant Party 2a) and Midhurst Development Doran Road Inc. (Appellant Party 2b)
- Darryl Lyons – Ministry of Municipal Affairs and Housing (Party A)
- Kris Menzies – 998991 Ontario Inc. (Party X)
- Nicola Mitchinson – Mark Rich Homes Limited (Appellant Party 8c)
- Steve Montgomery – Town of Innisfil (Party D)
- Shawn Persaud – Township of Tiny (Party G2)
- Tim Schilling – Town of New Tecumseth (Appellant Party 32)
- Kathy Suggitt – County of Simcoe (Appellant Party 1)
- Jacquie Tschekalin – Township of Adjala-Tosorontio (Appellant Party 33)
- Peter Walker – Ontario Potato Distributing Inc. (Appellant Party 27a), 1567219 Ontario Ltd. (Appellant Party 27b)
- Michael Wynia – Township of Clearview (Party G1)

Phase 3a Policies:

The policies included in Phase 3a of the hearing include: Settlement policy 2.3; General Development Policies 3.3.2, 3.3.3, 3.3.5, 3.3.6 and 3.3.7; Infrastructure policies Section 4.7.2, 4.7.4, 4.7.5, 4.7.8 to 4.7.11; Healthy Communities Section 4.1.3 to 4.1.5; Community Facilities Section 4.2 and the Definition for *Affordable*.

The expert witnesses who participated met on two occasions to consider the adopted policies and discuss the issues.

Experts Agreement

The experts agreed that supporting or not opposing/having no opinion on a particular policy in Phase 3a where that policy includes a cross reference to other policies in the Plan should not prejudice or infer support of the cross referenced policy.

No modifications:

The experts who participated in the meetings either support or do not oppose/have no opinion on the following Policies as they appear in the New OP submitted to the Board as Exhibit 72 on June 2, 2014 (with no modifications):

- Former 3.3.7 (Is renumbered to 3.3.8 if other proposed modifications are approved)
- 4.1.3
- 4.7.2
- Former 4.7.8 (Is renumbered to 4.7.11 if other proposed modifications get approved)
- Former 4.7.10 (Is renumbered to 4.7.17 if other proposed modifications get approved)
- Former 4.7.11 (Is renumbered to 4.7.18 if other proposed modifications get approved)
- Definition of *Affordable*

Proposed Modifications:

The experts who participated in the meetings either agree with or do not oppose/have no opinion on the following Policies with the Proposed Modifications as shown in the Attachment:

- 2.3 as modified to delete the italics from the word "development" each time it appears
- Former 3.3.2 is split into 2 policies as a new 3.3.1 and 3.3.3 and modified
- Former 3.3.1 (already approved by OMB) is renumbered to 3.3.2
- Former 3.3.3 is renumbered to 3.3.4 and modified
- Former 3.3.4 (already approved by the OMB) is renumbered to 3.3.5
- Former 3.3.5 is renumbered to 3.3.6 and modified
- 4.1.4 as modified
- 4.1.5 as modified
- 4.2.1 as modified
- 4.2.2 as modified
- Insert a new 4.2.3
- insert a new 4.2.4
- Former 4.7.4 is split into 3 policies and modified as 4.7.4, 4.7.5 and 4.7.8
- Former 4.7.5 is split into 2 policies and modified as 4.7.6 and 4.7.10
- Former 4.7.6 (already approved by the OMB) is renumbered to 4.7.12
- Former 4.7.7 (already approved by the OMB) is renumbered to 4.7.13
- Insert a new 4.7.7
- Insert a new 4.7.9
- Former 4.7.9 is split into 3 separate policies and modified as 4.7.14, 4.7.15 and 4.7.16

- Former 3.3.6 is renumbered to 3.3.7 and modified
 - Party X retains its objection to this policy on a site-specific basis for the lands owned by Party X
 - The policy does not apply to the Settlement Areas of Alliston and Alcona until such time as the respective boundary of each has been finalized by mapping and/or related policy
 - This policy would not apply to the rural employment area in the Township of Adjala-Tosorontio adjacent to the settlement area of Alliston, which was approved in April 2008

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



Attachment to Experts Report on Phase 3a Infrastructure dated April 24, 2015

Phase 3a – Infrastructure, etc.

Proposed Modifications from the January 20th and Feb 4th experts' meetings

2.3 Settlement

The County of Simcoe had a permanent 2006 population of 272,200. In addition about 166,400 people reside in the adjacent cities of Barrie and Orillia. Projected growth to the year 2031 is stated in Section 3.2.

Population density in general and urban development in particular, is greater in the southern portion of the *County*. This is as a result of economic and employment links with the highly urbanized Greater Toronto Area immediately south of Simcoe County. Residential development has also been attracted to the shores of Georgian Bay and Lake Simcoe. This development is a mixture of permanent and seasonal occupancy. In summer months, seasonal occupancy swells the population of the *County* well above the permanent population.

Much development is currently focused in numerous *settlement areas*, ranging in size from about 20,000 people to small hamlets of only a few dozen people. However, thousands are also housed in country residential or cottage clusters, or isolated lots, found throughout the *County*.

Agricultural use is found in many places throughout the County, except in the Precambrian Shield at the northern end of the *County*.

Settlement of the *County* by First Nations and subsequently by non-aboriginal settlers has resulted in a wealth of *cultural features* and heritage resources.

3.3 General Development Policies

Following the preamble, add a new 3.3.1 (previously 3.3.2 and re-number) as follows:

3.3.1 In the Rural, Agricultural, and Greenlands Designations, only one detached dwelling may be located on ~~an existing a~~ lot as permitted described in this *Plan* and subject to appropriate *local municipal* official plan, zoning and municipal by-laws. In areas outside of the Oak Ridges Moraine Conservation Plan area, *local municipal* official plans may make provision for second units such as semi detached dwelling units, accessory apartments, structures providing accommodation for temporary or seasonal farm help, garden suites, or other temporary accommodations, with the provision of adequate water and sewage treatment facilities. Second detached accessory dwellings may be permitted ~~as part of an agricultural use~~ in accordance with local municipal official plan policies and shall be located in the farm building cluster. ~~Subsequent consents to create separate lots for the two dwellings in an agricultural designation are expressly prohibited.~~

In the *Settlement* Designation, in addition to lots for commercial, industrial, institutional, recreational, and other urban uses, zoning bylaws may make provision for detached dwelling units, garden suites, second units in residential dwellings and mixed use buildings, and multi dwelling residential buildings. Notwithstanding the above, areas

identified in local municipal official plans as lands not for urban uses within settlements/settlement areas shall be subject to the applicable policies of the local municipal official plan.

Lot Creation

Existing 3.3.1 (already approved by OMB) gets renumbered as 3.3.2

Add new 3.3.3 (split from original 3.3.2) as follows:

3.3.3 ~~Subsequent~~ In the Rural, Agricultural and Greenlands designations consents to create separate lots for the two dwellings established in accordance with Section 3.3.1 in an agricultural designation are expressly prohibited.

Former 3.3.3 gets renumbered as 3.3.4 and modified as follows:

3.3.4 Lots may be created only where they have access to and frontage on a public highway and where an access permit to that highway can be obtained in accordance with the policies of this *Plan* and the County of Simcoe, the Province of Ontario, ~~and or local municipalities.~~ Exceptions may occur in plans of condominium where the condominium development has access to a public highway. ~~but the lots may be created on private roads, or lots with water only access,~~ Subject to local municipal bylaws and official plans lots may be created on existing private roads or water only access.

Former 3.3.4 (already approved by OMB) gets renumbered as 3.3.5

Former 3.3.5 gets renumbered as 3.3.6 and modified as follows:

3.3.6 Where feasible, and subject to *local municipal* policies and bylaws, infrastructure and passive recreational uses may be located in any designation of this *Plan*, subject to Sections 3.8, and 4.2, and the requirements of the Niagara Escarpment Plan, Oak Ridges Moraine Conservation Plan, Greenbelt Plan and Lake Simcoe Protection Plan where applicable, and applicable *provincial* and federal policy and legislation. Where applicable, the only such uses permitted in the Greenlands Designation (see Section 3.8) are those which have successfully completed any required *provincial* and/or federal environmental assessment process or proceedings under the *Drainage Act*. Lot creation for *infrastructure* in the Agricultural designation is discouraged and should only be permitted where the use cannot be accommodated through an easement or right-of-way.

Former 3.3.6 gets renumbered as 3.3.7 and modified as follows:

3.3.7 *Development*, including lot creation, is discouraged outside of but adjacent to, or in close proximity to *settlement area* boundaries in order to enable the efficient expansion of *settlement areas*. Where lands are designated Rural within one kilometre of a primary settlement area, the ~~The~~ land use policies for *prime agricultural areas* shall apply, ~~to land within one kilometre of primary settlement area boundaries except on existing properties with a Rural designation as of the approval date of this Plan.~~ In certain circumstances, the existence of natural or ~~man~~ human-made boundaries can be

considered justification for an increase or decrease in the one kilometre distance as established in the local municipal official plan.

- Party X objects to new 3.3.7 on a site-specific basis
- Party 33 seeks to have the rural employment area adjacent to SA of Alliston, approved in April 2008, recognized and exempted from this restriction
- This policy does not apply to the Alliston Settlement Area or the Alcona Settlement Area until such time as the respective boundary of each has been finalized by mapping and/or related policy

Former 3.3.7 gets renumbered as 3.3.8 (with no modifications) and rest of section gets renumbered accordingly:

- 3.3.8** Co-ordination and integration of planning policies and planning application decisions that impact more than one municipality, upper tier or lower tier, shall take place on matters including growth management targets and projections, *natural heritage systems* and *cultural features* and heritage resources, water conservation, provision of *infrastructure*, conservation of shorelines and watersheds, and natural and human-made hazards. Consultation with appropriate agencies, as applicable, is encouraged on matters related to watersheds, *natural heritage systems*, *hazardous lands* and shoreline conservation.

4.1 Healthy Communities and Housing Development

- 4.1.3** The *County* encourages the provision of a full range and equitable distribution of publicly accessible built and natural settings for recreation, including parkland, open space, trails, and water-based facilities.
- 4.1.4** *Development* form shall facilitate accessibility for persons with disabilities and the elderly older persons by identifying, preventing and removing land use avoiding barriers to mobility and which restrict their full participation in society. An annual Accessibility Plan may be prepared by the *County*.
- 4.1.5** The design of streetscapes, building orientation, and traffic flow should be planned to provide safe pedestrian and cycling access and movement in downtowns, main streets, and other activity areas. ~~For detailed guidelines, refer to Sections 4.8.31 and 4.8.32.~~

4.2 Community Facilities and Services

- 4.2.1** *Community facilities* and services except public service facilities shall be directed to *settlements*. ~~Emergency services for serving rural areas may be permitted in the Rural designation if a planning justification report is submitted to the satisfaction of the County demonstrating that the proposed use is necessary and cannot be located in a settlement.~~ Public service facilities should be directed to settlements, but may be located outside of settlements. ~~Proposals for emergency services~~ new public service facilities in the Agricultural designation outside of the ~~Rural or Settlements~~ designations on Schedule 5.1

shall require an amendment to this Plan. An *EIS* will be required for proposed locations within Greenlands and in accordance with Sections 3.8, 3.10, 3.11 and 3.12. Passive recreational uses are subject to policy 3.3.6.

4.2.2 *Community facilities shall be connected to municipal sewage services and municipal water services or private communal sewage services and private communal water services where available. Where the site can only be developed on individual on-site sewage services and individual on-site water services, a servicing feasibility study in accordance with Section 4.7 of this Plan will be required to demonstrate to the satisfaction of the County and local municipality that adequate water supply is available and the proposed sewage treatment method will meet provincial standards.*

Add new 4.2.3 as follows:

4.2.3 Before consideration is given to developing new infrastructure and public service facilities, opportunities for adaptive re-use should be considered, wherever feasible and subject to local municipal official plans.

Add new 4.2.4 as follows:

4.2.4 Community facilities and public service facilities should be co-located in community hubs, where appropriate, to promote cost-effectiveness and facilitate service integration, access to transit and active transportation.

4.7 Infrastructure

Objectives

4.7.2 To promote the development of sewage and water service systems which are financially supported by their users to enable their maintenance and effective operation.

Policies

Split policy 4.7.4 into 3 policies (4.7.4, 4.7.5 and 4.7.8) to reflect the PPS hierarchy

4.7.4 The preferred method of servicing *settlement areas* and other multi-lot developments is full *municipal sewage services* and full *municipal water services*. A local municipality may direct growth towards a particular settlement area to achieve this policy. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.

4.7.5 ~~Where full municipal sewage services and municipal water services are not provided, and where site conditions are suitable over the long term, municipalities may allow the use of private communal water services and private communal sewage services may be developed. The County encourages local municipalities to undertake comprehensive master servicing plans for development within settlement areas. As referenced in Sections 3.2 and 3.5, municipal growth management strategies shall consider the ability to provide full municipal or private communal services as a key element in identifying settlements to which to direct long term and/or major growth and the timing of approvals.~~

~~Applications for development of resource-based recreational uses, development in shoreline areas, expansion of rural employment areas or new multiple lots and units for residential development outside of settlement areas shall be required to assess the feasibility of providing full municipal sewage services and municipal water services or private communal sewage services and private communal water services. Official Plan amendments proposing settlement area expansions or other developments proposed on full municipal sewage services and municipal water services or private communal sewage services and private communal water services shall be supported by a servicing feasibility study. Approval of such amendments and proposed developments listed above require confirmation of the ability to provide water and sewage services in keeping with the requirements of the Environmental Assessment Act, where applicable.~~

Former 4.7.5 is split into 2 policies (4.7.6 and 4.7.10) as follows:

4.7.6 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided and ~~W~~where a servicing feasibility study concludes that the provision of full municipal sewage services and municipal water services or private communal sewage services and private communal water services cannot be implemented, for the types of development identified in Section 4.7.4 4.7.6, and private individual on-site sewage services and individual on-site water services are proposed may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, these services may only be used for infilling and minor rounding out of existing development.

Add a new policy 4.7.7 as follows:

4.7.7 Subject to the hierarchy of services provided in the policies above, planning authorities may allow lot and/or unit creation only if there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity within municipal sewage services and municipal water services or private communal sewage services and private communal water services. The determination of sufficient reserve sewage capacity shall include treatment capacity for hauled sewage from private communal sewage services and individual on-site sewage services.

4.7.8 The County encourages local municipalities to undertake comprehensive master servicing plans for development within settlement areas. As referenced in Sections 3.2 and 3.5, local municipal growth management strategies shall consider the ability to provide full municipal or private communal services where not already provided, as a key element in identifying directing and/or focusing development to particular settlements for long-term growth and development. ~~to which to direct long-term and/or major growth and the timing of approvals.~~

Add a new policy 4.7.9 as follows:

4.7.9 Planning for sewage and water services shall:
a) direct and accommodate expected growth or development in a manner that promotes the efficient use and optimization of existing services;

- b) ensure that the systems are provided in a manner that can be sustained by the water resources upon which such services rely; is feasible, financially viable and complies with all regulatory requirements; and protects human health and the natural environment;
- c) promote water conservation and water use efficiency;
- d) integrate servicing and land use considerations at all stages of the planning process;
and
- e) be in accordance with the servicing hierarchy outlined in the policies above.

4.7.10 ~~Where a servicing feasibility study concludes that the provision of full municipal sewage services and municipal water services or private communal sewage services and private communal water services cannot be implemented for the types of development identified in Section 4.7.4, and private individual on-site sewage services and individual on-site water services are proposed in keeping with the other policies of this Plan, a servicing capability study is required. Where a servicing feasibility capability study supports development on individual services, a proposed plan of development or subdivision must be supported by a hydrogeological study which will, among other things, provide for site specific implementation of the findings/recommendations of the servicing feasibility capability study, including the determination of specific site-related minimum lot sizes. Should an extension to a draft plan approval be requested, the recommendations of the hydrogeological study may be required to be reconfirmed. All draft approved plans of subdivision shall contain a provision requiring that the recommendations of the hydrogeological study be reconfirmed prior to final approval if this does not occur within three years of draft approval. Proposals for development of more than 5 lots within a settlement area shall not be permitted on private individual on-site sewage services and individual on-site water services. Despite this, individual on-site sewage services and individual on-site water services may be used to service more than five lots or private residences in rural areas provided these services are solely for these uses permitted by Section 3.7.3 and site conditions are suitable for the long term provision of such services.~~

Renumber 4.7.8 to 4.7.11

- 4.7.11** Municipalities should only consider construction of new, or expansion of existing, *municipal sewage services and municipal water services or private communal water services and private communal sewage services* where:
- i. strategies for water conservation and other water demand management initiatives are being implemented in the existing servicing area
 - ii. plans for expansion or for new services are to serve growth in a manner that supports achievement of the *intensification target and density targets* as set out in this Plan, and
 - iii. plans have been considered in the context of applicable inter-provincial, national, bi-national, or state-provincial Great Lakes Basin agreements.

NOTE: 4.7.6 and 4.7.7 were previously approved and will need to be re-numbered given the above proposed modifications – renumber as 4.7.12 and 4.7.13

Former 4.7.9 to be split into 3 separate policies (4.7.14, 4.7.15 and 4.7.16) as follows:

~~4.7.9~~**4.7.14** ~~Municipalities should take measures to ensure that municipal water service and municipal sewage service systems and private communal sewage services and private communal water services are efficient and financially sustainable. Planning for infrastructure and public service facilities may go beyond a 20-year time horizon.~~

4.7.15 ~~A county-wide infrastructure servicing database plan, based on long-term population forecasts and employment forecasts in the Growth Plan, and Environmental Assessment approved servicing master plans should be maintained by the County of Simcoe in consultation with the local municipalities to document existing and planned sewage and water infrastructure to inform land use planning, infrastructure and financial decision making by the County and local municipalities. ensure that infrastructure for development is appropriately and efficiently planned, and that financing is secured in advance of need. Municipal water service and municipal sewage service system expansions shall have regard for this document that can serve as background information and a modelling tool to assess infrastructure strategies. Municipalities that share an inland water source and/or receiving water body, should co-ordinate their planning for potable water, stormwater, and wastewater systems to ensure that water quality and quantity is maintained or improved~~

4.7.16 ~~Municipalities that share an inland water source and/or receiving water body, should co-ordinate their planning for potable water, stormwater, and wastewater systems to ensure that water quality and quantity is maintained or improved.~~

Renumber former 4.7.10 to 4.7.17

4.7.17 ~~Designated Greenfield area development, redevelopment, intensification, and greyfield and brownfield development for settlement area uses should generally be directed to locations with full municipal sewage services and municipal water services or private communal sewage services and private communal water services or to adjacent locations where the services can be efficiently extended to those forms of development through an approved EA. Similarly, such services should be extended to the areas of such development in co-ordination with the staging of development and in accordance with planned and targeted population and employment allocations. Nevertheless, the service systems of nearby settlements, municipalities or other development nodes may be linked where it is economically advantageous.~~

Renumber former 4.7.11 to 4.7.18

4.7.18 ~~Any servicing capability study, servicing feasibility study, or hydrological study must be prepared to the satisfaction of the County and local municipality in consultation with relevant agencies.~~

~~Rest of section 4.7 policies already approved would have to be renumbered accordingly.~~

Definition:

AFFORDABLE means:

- a) In the case of home ownership, the least expensive of:
 - 1) Housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for *low and moderate Income households*; or
 - 2) Housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the *regional market area*;
- b) In the case of rental housing, the least expensive of:
 - 1) A unit for which the rent does not exceed 30 percent of gross annual household income for *low and moderate Income households*; or
 - 2) A unit for which the rent is at or below the average market rent of a unit in the *regional market area*.

ONTARIO MUNICIPAL BOARD

**MOTION RECORD
PHASE 3a - INFRASTRUCTURE
(Returnable May 8, 2015)**

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