

**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 3e – RURAL)  
(Returnable May 8, 2015)

THOMSON, ROGERS  
Barristers and Solicitors  
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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  
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## 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	<a href="mailto:rbeaman@thomsonrogers.com">rbeaman@thomsonrogers.com</a>
2	2a Carson Road Development Inc. 2b Midhurst Development Doran Road Inc.	Susan Rosenthal David White	<a href="mailto:susanr@davieshowe.com">susanr@davieshowe.com</a> <a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a>
3[M]	Craighurst Land Corp.	Susan Rosenthal	<a href="mailto:susanr@davieshowe.com">susanr@davieshowe.com</a>
<del>4</del>	Huntingwood Trails (Collingwood) Ltd.	Appeal Resolved	
5	Midhurst Rose Alliance Inc.	Ira Kagan Paul DeMelo	<a href="mailto:ikagan@ksllp.ca">ikagan@ksllp.ca</a> <a href="mailto:pdemelo@ksllp.ca">pdemelo@ksllp.ca</a>
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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)	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca
<del>9</del>	Innisfil Aleona Limited	Appeal Withdrawn	
10	Tesmar Holdings Inc.	Michael Melling Meaghan McDermid	<a href="mailto:michaelm@davieshowe.com">michaelm@davieshowe.com</a> <a href="mailto:meaghanm@davieshowe.com">meaghanm@davieshowe.com</a>
11	Janice & David Wright	David White A-G D'Andrea (student-at-law)	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca
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<del>16</del>	Midhurst Ratepayers' Association	Appeal Dismissed by Board	
17	Narinder Mann	Ian Rowe	<a href="mailto:irowe@barristonlaw.com">irowe@barristonlaw.com</a>
18[M]	Yorkwood Group of Companies [Resolved]	Patricia Foran	<a href="mailto:pforan@airdberlis.com">pforan@airdberlis.com</a>
<del>19</del>	19a Rama Resorts International Inc. 19b Fernbrook Homes (Rama) Limited	Appeal Resolved	
<del>20</del>	1091402 Ontario Ltd.	Appeal Withdrawn	
21	Nicole and Brent Fellman	David White A-G D'Andrea (student-at-law)	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca
22	Travel-Rite Property Corp.	David White A-G D'Andrea (student-at-law)	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca
23	Aqua-Gem Investments Ltd.	David White A-G D'Andrea (student-at-law)	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca

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

## ATTACHMENT "B"

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

Jan 19, 2015

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

## ATTACHMENT "C"

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

Jan 19, 2015

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

\* Participant has testified [M] Monitoring

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

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

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

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**Ontario Municipal Board**  
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Municipality: County of Simcoe  
OMB Case No: PL091167  
OMB File No: PL091167

**NOTICE OF MOTION**  
**(PHASE 3e – RURAL)**

**THE CORPORATION OF THE COUNTY OF SIMCOE** will make a motion to the Ontario Municipal Board on **Friday, the 8<sup>th</sup> 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 3e dealing with Rural Policy as set out in the Affidavit of Kathy Suggitt, sworn April 27, 2015 in paragraph 24;
- (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 3e Rural 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 3e 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 27, 2015, and the Exhibit attached thereto;
- (b) the Report of Meetings of Expert Witnesses on Phase 3e 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 27, 2015

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Lawyers for the Corporation  
of the County of Simcoe



PL091167

**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.  
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 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

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

**Phase 3e - Rural**

**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.

**Rural Policies – Phase 3e**

- 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. The entire Rural designation policies in Section 3.7 remain under appeal, except 3.7.12. Specifically the policies that are the subject of Phase 3e of the hearing include 3.7.1 through 3.7.11 as well as the definition of “*Rural Employment Areas*”.
- 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 24, 2015.

**No 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 two policies as they appear in the updated Official Plan, with no proposed modifications:
  - 3.7.2
  - Former 3.7.9 (to be renumbered to 3.7.10)
- 8. It is my opinion that the policies listed in paragraph 7 above are consistent with the Provincial Policy Statement, 2014, conform with the Growth Plan and all relevant 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 3.7.1, adding a new 3.7.3, modifying former 3.7.3 (renumbered as 3.7.4), modifying former 3.7.7 (renumbered as 3.7.8), modifying former 3.7.8 (renumbered as 3.7.9), modifying former 3.7.10 (renumbered as 3.7.11), and modifying former 3.7.11 (renumbered as 3.7.12).
- 10. Several of the proposed modifications are derived from the new Provincial Policy Statement, 2014 for consistency with the policies as well as minor wording changes to clarify the policy for interpretation purposes.

- 11. Objective 3.7.1 is proposed to be deleted and replaced given the former wording is more accurately captured in policies in this section and the new wording more closely reflects the Provincial Policy Statement, 2014 changes.
- 12. A new policy 3.7.3 is proposed to be added for consistency with the Provincial Policy Statement, 2014.
- 13. Former policy 3.7.3 is renumbered as 3.7.4 and proposed to be modified to be consistent with the Provincial Policy Statement, 2014 and clearly list the permitted uses for ease of reference.
- 14. Former policy 3.7.7 is renumbered as 3.7.8 and proposed to be modified for clarification purposes to more accurately explain the concept of consents for limited residential development.
- 15. Former policy 3.7.8 is renumbered as 3.7.9 and modified. The proposed new wording clarifies that three recreational districts exist as identified in local municipal official plans and these are subject to special policy requirements for comprehensive planning purposes.
- 16. Former policy 3.7.10 is renumbered as 3.7.11 and modified for clarification purposes as it relates to Growth Plan conformity. Given the land use designation of local municipal official plans is referred to in the former policy, an additional sentence is added to clarify that local municipalities may continue to recognize this type of development and provide appropriate policies in the local plans.
- 17. Former policy 3.7.11 is renumbered as 3.7.12 and modified to add an additional sentence to clarify that until such time as the County has studied the shoreline areas more in depth, local municipalities may continue to consider applications and plan for shoreline development or restrictions as necessary.

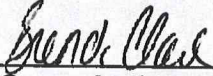
**Policies that Remain Under Appeal with No Agreement to Date**

- 18. There is no agreement amongst the expert witnesses on former 3.7.4, former 3.7.5 and former 3.7.6 and as such those policies should remain under appeal.
- 19. There is no agreement amongst the expert witnesses on the definition of "*Rural Employment Areas*". As such the definition should remain under appeal.
- 20. The expert witnesses with interest in the matters that remain under appeal have agreed to continue discussions with the prospect of further refining the issues to be addressed at the hearing or reaching final resolution.

**Summary Opinion**

- 21. Three of the Phase 3 topics namely Rural, Agriculture and Infrastructure have been dealt with during the same time period, although they were not 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.
- 22. It is my professional planning opinion that the proposed modifications to the policies listed in paragraph 9 and contained in the Attachment to Exhibit "A" accurately reflect the agreement reached by the experts involved in Phase 3e of this hearing, on the understanding that the experts either support or do not oppose/have no opinion on the proposed modifications.
- 23. The policies addressed in this Affidavit and the County's motion seeking approval of this set of the Phase 3e 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.
- 24. 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 modify and approve certain policies all as detailed in the Attachment to Exhibit "A" as follows:
  - a. To approve 3.7.2;
  - b. To approve former 3.7.9 (renumbered as 3.7.10);
  - c. To delete 3.7.1 and replace it and approve same;
  - d. To add a new 3.7.3 and approve same;
  - e. To modify and approve former 3.7.3, renumbered as 3.7.4;
  - f. To modify and approve former 3.7.7, renumbered as 3.7.8;
  - g. To modify and approve former 3.7.8, renumbered as 3.7.9;
  - h. To modify and approve former 3.7.10, renumbered as 3.7.11;
  - i. To modify and approve former 3.7.11, renumbered as 3.7.12; and
  - j. To retain former 3.7.4, 3.7.5, 3.7.6 and the definition of "*Rural Employment Areas*" under appeal.

**SWORN BEFORE ME** )  
at the Township of Springwater )  
in the County of Simcoe )  
this 27th day of April, 2015. )

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

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

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

THIS IS EXHIBIT "A" REFERRED TO IN THE AFFIDAVIT  
OF KATHY SUGGITT SWORN BEFORE ME THIS  
27TH DAY OF APRIL, 2015.

*Brenda Clark*

A Commissioner, etc.

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

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

**OMB File No: PL091167**

**County of Simcoe Official Plan**

**Experts' Report on Phase 3e (Rural)**

**Dated April 24, 2015**

---

**Expert Planning Witnesses Registered for Phase 3e of the Hearing:**

Derek Abbotts – Town of New Tecumseth (Appellant Party 32)  
Anthony Biglieri – Tesmar Holdings Inc. (Appellant Party 10)  
Mark Dorfman – Township of Ramara (Party C2)  
Ray Duhamel – D. G. Pratt Construction Limited (Appellant Party 30)  
Bob Lehman & Alison Luoma – Talisker Corporation (Party T)  
Andria Leigh – Township of Oro-Medonte (Party W)  
Darryl Lyons – Ministry of Municipal Affairs and Housing (Party A)  
David McKay & Armando Lopes – AMJC (Appellant Party 29)  
Kris Menzies – 998991 Ontario Inc. (Party X)  
Nicola Mitchinson – Mark Rich Homes Limited (Appellant Party 8c) and 2115441 Ontario Inc.  
(Appellant Party 35)  
Steve Montgomery – Town of Innisfil (Party D)  
Josh Morgan – Nicole & Brent Fellman (Appellant Party 21)  
Shawn Persaud – Township of Tiny (Party G2)  
Jamie Robinson – Succession Financial Group Inc. (Appellant Party 37)  
Kathy Suggitt – County of Simcoe (Appellant Party 1)  
Darren Vella – McMahan Woods Developments Ltd. (Appellant Party 13)  
Alan Wiebe – Town of Bradford West Gwillimbury (Party E)  
Michael Wynia – Township of Clearview (Party G1)

**Phase 3e Policies:**

The policies included in Phase 3e of the hearing include: all of Section 3.7 (i.e. 3.7.1 to 3.7.11) and the Definition of *Rural Employment Areas*.

The expert witnesses who participated met on several 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 3e 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 have reached agreement that the following policies, as they appear in the new OP submitted to the Board as Exhibit 72 on June 2, 2014, should be approved with no modifications:

- 3.7.2
- Former 3.7.9 (which will be renumbered to 3.7.10 if the other proposed modifications below are approved)

**Proposed Modifications:**

The experts who participated in the meetings have reached agreement on the following Policies with the Proposed Modifications as shown in the Attachment:

- 3.7.1 is deleted and replaced
- Add a new 3.7.3 and renumber the rest of the Section
- Former 3.7.3 is renumbered as 3.7.4 and modified
- Former 3.7.7 is renumbered as 3.7.8 and modified
- Former 3.7.8 is renumbered as 3.7.9 and modified
- Former 3.7.10 is renumbered as 3.7.11 and modified
- Former 3.7.11 is renumbered as 3.7.12 and modified
- Existing policy 3.7.12 (already approved by the OMB) is renumbered as 3.7.13

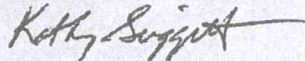
**No Agreement:**

The expert witnesses who have participated in the meetings have not reached agreement on:

- Former 3.7.4
- Former 3.7.5
- Former 3.7.6
- Definition of "*Rural Employment Areas*"

The experts will continue their discussions on these remaining matters.

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





Attachment to Experts Report on Phase 3e (Rural) dated April 24, 2015

Phase 3e – Rural policies – Proposed Modifications from Experts' Meetings  
(Experts met on March 5<sup>th</sup>, 11<sup>th</sup> and March 30<sup>th</sup>, 2015)

**3.7 Rural**

**Objectives**

Delete former 3.7.1 and replace as follows:

**3.7.1** ~~To direct growth and development to settlement areas except where necessary to provide for development outside of prime agricultural areas for rural uses such as the management or use of resources, resource-based recreational activities, rural land uses that cannot be located in settlement areas and limited residential, subject to the other policies of this Plan while protecting the rural character and the viability of existing and potential agricultural operations.~~

To recognize, preserve and protect the rural character and promote long-term diversity and viability of rural economic activities.

**3.7.2** To encourage maintenance, protection, and restoration of *significant natural heritage features* and functions and to conserve the *built heritage resources* and *cultural heritage landscapes* associated with *rural* and agricultural areas.

**Policies**

Add a new 3.7.3 as follows and renumber the rest of the section accordingly.

**3.7.3** Lands in the Rural designation shall be the focus of rural and agricultural land uses.

Former 3.7.3 is renumbered as 3.7.4 and modified as follows:

~~**3.7.3** In the Rural designation permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses, those uses listed in 3.6.4 and existing rural employment areas.~~

**3.7.4** The following are permitted in the Rural designation:

- a) those land uses permitted in the Agricultural designation;
- b) development related to the management or use of resources (subject to section 4.4 and other policies of this Plan as applicable);
- c) resource-based recreational activities (including recreational dwellings);
- d) limited residential development, subject to Section 3.7.11;
- e) home occupations and home industries;
- f) cemeteries; and,
- g) other rural land uses.

Former 3.7.4 – No Agreement

Former 3.7.5 – No Agreement

Former 3.7.6 – No Agreement

Former 3.7.7 is renumbered as 3.7.8 and modified as follows:

**3.7.8** ~~In the Rural Designation, and the Agricultural designation for Section 3.6.5 only,~~ Limited residential development lots may be created by consent provided they satisfy the following are satisfied:

- a) Lots should be restricted in size in order to conserve other lands in larger blocks for *agricultural uses* or environmental purposes. Consent lots should be developed to an approximate maximum size of one hectare, except where larger sizes may be suitable because of environmental constraints or design considerations; and
- b) The number of lots on the *grid road* system shall be restricted in order to maintain the *rural* character and road function and to avoid *strip development*.

Former 3.7.8 is renumbered as 3.7.9 and modified as follows:

**3.7.9** Within the Rural designation there are three existing recreational districts that have developed intended as recreation destinations and ~~attracted that provide for~~ significant seasonal and permanent residential *development*. The purpose of the recreational districts are to developing the economic potential of these districts as existing tourism and recreation resources. These recreational districts are identified in local municipal official plans, as of November 25, 2008, being: Devil's Glen Recreational District, Osler Bluffs Recreation District, and Mt. St. Louis/Moonstone Special Policy Area.

Development of existing recreational districts shall be compatible ~~Local municipal official plans shall plan for these areas by designating them as recreational districts with the objective of protecting~~ with the environment, protecting the visual, landform and rural character, and ~~ensuring~~ ensure the effective, efficient and environmentally sustainable delivery of services and infrastructure. ~~The districts shall be mapped and planned in accordance with the following criteria:~~

- ~~i. Delineation of the districts shall be based on the particular geographic features and associated areas for recreational, residential and related commercial development;~~
- ~~ii. Development and land use in recreational districts should be planned and mapped on a comprehensive basis and implemented through a secondary plan or appropriate official plan amendment(s) in order to assess and address their cumulative impacts.~~
- ~~iii. Where private communal or full municipal servicing exists in recreational districts, new development shall also occur on these services. Where new development is proposed on private individual services, the new development is subject to Section 4.7 of this Plan.~~

**3.7.10** *Development in rural areas* should wherever possible be designed and sited on a property so as to minimize adverse impacts on agriculture and to minimize any *negative impact* on *significant natural heritage features and areas* and *cultural features*.

Former 3.7.10 is renumbered to 3.7.11 and modified as follows:

**3.7.11** *New multiple lots and units for residential development will be directed to settlement areas, and may be allowed in rural areas in site-specific locations with approved zoning or designation that permits this type of development in local municipal official plans, as of June 16, 2006. Local municipal official plans may continue to recognize this type of development permitted under this policy and provide appropriate policies for development.*

Former 3.7.11 is renumbered as 3.7.12 and modified as follows:

**3.7.12** *The extensive shorelines within the County have historically attracted significant seasonal residential and related tourism development. More recently, shoreline areas have attracted a greater amount of permanent residential development and /or the conversion of seasonal residences into year-round housing. Historically shoreline areas have been developed on private individual services on small lots. Ecologically, shorelines perform and contain a variety of natural functions and features and are important components of the natural heritage system. The ecological sensitivity and importance of shorelines together with the implications of extensive permanent residential development on the ecological functions of shorelines and the growth management strategies of municipalities needs to be further assessed. The County will study the shoreline areas and determine the most appropriate management approach for new development within these areas in consultation with the local municipalities and other affected stakeholders and bring forward an amendment to this Plan as necessary. In the interim, local municipalities may continue to consider applications and plan for shoreline development or restrictions thereto in accordance with other policies of this Plan.*

Existing policy 3.7.12 (already approved by the OMB) would get renumbered to 3.7.13

**Definition:**

No Agreement on definition of "Rural Employment Areas"

**ONTARIO MUNICIPAL BOARD**

**MOTION RECORD  
PHASE 3e - RURAL  
(Returnable May 8, 2015)**

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

ROGER T. BEAMAN  
L.S.U.C. No. 14079T  
416-868-3157  
Fax No. 416-868-3134

Lawyers for the Corporation  
of the County of Simcoe

(050873 RTB/aph)

**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 3e – RURAL – Remaining Policies)**  
**(Returnable July 10, 2015)**

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

ROGER T. BEAMAN  
416-868-3157  
Fax No. 416-868-3134

Lawyers for the Corporation  
of the County of Simcoe

**TO: ALL APPELLANTS/PARTIES LISTED IN ATTACHMENTS "A" AND "B" WITH A  
COPY TO ALL PARTICIPANTS LISTED IN ATTACHMENT "C"**

AND TO: **ONTARIO MUNICIPAL BOARD**

655 Bay Street, 15th Floor  
Toronto, Ontario, M5G 1E5

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

Phone: 416-326-5598

Fax: 416-326-5370

**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

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Municipality: County of Simcoe  
OMB Case No: PL091167  
OMB File No: PL091167

**I N D E X**

	<u>TAB</u>
Notice of Motion	1
Affidavit of Kathy Suggitt, sworn June 26, 2015	2

**TAB 1**



**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

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Official Plan for the County of Simcoe  
Municipality: County of Simcoe  
OMB Case No: PL091167  
OMB File No: PL091167

**NOTICE OF MOTION**  
**(PHASE 3e – RURAL – Remaining Policies)**

**THE CORPORATION OF THE COUNTY OF SIMCOE** will make a motion to the Ontario Municipal Board on **Friday, the 10<sup>th</sup> day of July, 2015, at 10:00 am**, or as soon after that time as the motion can be heard at the Council Chambers of the Corporation of the County of Simcoe, Administration Centre, 1110 Highway 26, Midhurst, Ontario, L0L 1X0.

**THE MOTION IS FOR AN ORDER:**

- (a) Allowing the Official Plan appeal in part and approving, and modifying and approving, several policies for Phase 3e dealing with Rural Policy and a site-specific map modification to Schedule 5.1 as set out in paragraph 17 of the Affidavit of Kathy Suggitt, sworn June 26, 2015;
- (b) for such further and other relief as may seem just and appropriate.

**THE GROUNDS FOR THE MOTION ARE:**

- (a) Rural policies of the Official Plan ("Plan") were approved by the Board on May 8, 2015 with some policies remaining under appeal.
- (b) Following further discussions by the experts registered for Phase 3e, a second Expert's Report dealing with the remaining policies was finalized.
- (c) A related modification to map Schedule 5.1 for certain lands of Party X was also found to be appropriate.
- (d) The proposed modifications to the Plan and Schedule 5.1 would bring the policies into conformity with relevant Provincial Policy.
- (e) The modifications are consistent with the PPS 2014, conform with the Growth Plan and represent good planning.
- (f) The experts for parties registered for involvement in Phase 3e Rural 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 a Phase 3e hearing.
- (g) The policies as modified provide a suitable and appropriate policy framework for implementation of the Growth Plan.
- (h) The policies and modified policies are consistent with the PPS 2014, conform with relevant Provincial policy and represent good planning.
- (i) Approval as sought would resolve appeals and concerns of specific parties.
- (j) Such further and other grounds as counsel may advise and this Board may deem necessary.
- (k) *Planning Act*, R.S.O. 1990, c. P.13, as amended, ss 17(40), 17(45), 17(50).

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

- (a) the Affidavit of Kathy Suggitt, sworn June 26, 2015, and the Exhibits attached thereto;

- (b) the Experts' Report on Phase 3e (Rural) 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.

JUNE 30, 2015

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

ROGER T. BEAMAN  
416-868-3157  
Fax No. 416-868-3134

Lawyers for the Corporation  
of the County of Simcoe

**TAB 2**

PL091167

**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.  
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 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

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

**Phase 3e - Rural**

**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.

### **Rural Policies – Phase 3e**

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. The entire Rural designation policies in Section 3.7 remained under appeal at that time, except 3.7.12. In an oral decision on May 8, 2015 the Board approved parts of the Rural policy section. Certain policies continued to remain under appeal, specifically new policy 3.7.4g), former 3.7.4, former 3.7.5, and former 3.7.6 as well as the definition of "*Rural Employment Areas*".
5. The expert witnesses for the parties involved in this phase of the hearing continued their discussions to try to resolve the remaining issues. Arising from those further discussions, a Second 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 Second Experts Report dated June 25, 2015.

### **Policies with Proposed Modifications**

6. As reflected in Exhibit "A", the experts reached further agreement on the remaining 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 the policies as follows: no further modification to policy 3.7.4g), deleting and replacing former 3.7.4 (renumbered as 3.7.5), deleting and replacing former 3.7.5 (renumbered as 3.7.6) and modifying former 3.7.6 (renumbered as 3.7.7) and deleting and replacing the definition of "*Rural Employment Areas*".
7. The proposed modifications address the "other rural land uses" as permitted in the Provincial Policy Statement, 2014 including recognizing *rural employment areas* and help to clarify the policies for interpretation and implementation purposes.
8. Policy 3.7.4g) has not changed from what was proposed in the May 8, 2015 Motion given the clarity is now provided in the other policies as proposed to be modified.
9. Former policy 3.7.4 is deleted and replaced and renumbered as 3.7.5. The new policy wording provides clarification to detail requirements for other rural land uses such as rural industrial or rural commercial development.
10. Former policy 3.7.5 is deleted and replaced and renumbered as 3.7.6. The proposed new wording clarifies the existence of rural employment areas and the ability to consider minor expansions of those.

11. Former policy 3.7.6 is renumbered as 3.7.7 and modified for clarification purposes to provide the necessary considerations for a possible expansion of a rural employment area.
12. The definition of *Rural Employment Areas* is deleted and replaced to better describe these areas. The definition works in conjunction with the policies 3.7.6 and 3.7.7 described above.
13. Related to the above policy modifications, the County recommends a site-specific modification to map Schedule 5.1 - Land Use Designations to more accurately reflect the appropriate land use designations on the lands owned by Party X to these proceedings. **Exhibit "B"**, attached hereto, reflects the modification to designate the easterly portion (approximately 4.1 hectares) as Rural designation leaving the westerly portion (approximately 4.8 hectares) as Agricultural designation.
14. In addition to the above proposed modifications to the Rural policies, an additional sentence is proposed to be added to policy 3.3.7, previously approved by the Board and noted as being under objection by Party X as described in the County's Motion Record and my supporting affidavit on Phase 3a – Infrastructure dated April 28, 2015. The discussions to resolve the remaining issues on the Rural policies detailed above also resulted in a recommendation to add a sentence to policy 3.3.7 to ensure a cross-reference to the rural employment area policies for clarity of interpretation and implementation. The proposed additional sentence is as follows: "Where a *rural employment area* exists in accordance with 3.7.6 or where an expansion of same is proposed in accordance with 3.7.7, the Rural policies shall apply." The expert witnesses in the Rural discussions were provided the proposed additional sentence for policy 3.3.7 to consider the cross-reference to the modified rural policies being proposed.

### **Summary Opinion**

15. It is my professional planning opinion that the proposed modifications to the policies listed in paragraph 6 and contained in the Attachment to Exhibit "A" and the addition of the sentence to policy 3.3.7 as described in paragraph 14 above, accurately reflect the agreement reached by the experts involved in Phase 3e of this hearing, on the understanding that the experts either support or do not oppose/have no opinion on the proposed modifications.
16. The policies addressed in this Affidavit and in the County's motion seeking approval of this set of the Phase 3e 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.

17. 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 a site-specific map modification, approve certain policies and modify and approve certain policies all as detailed in the Attachment to Exhibit "A" as follows:

- a. To approve the site-specific map Schedule 5.1 modification for the lands owned by Party X as reflected in Exhibit B;
- b. To add a sentence to approved policy 3.3.7 and approve same;
- c. To approve policy 3.7.4g);
- d. To delete former 3.7.4 and replace it, renumbered as 3.7.5 and approve same;
- e. To delete former 3.7.5 and replace it, renumbered as 3.7.6 and approve same;
- f. To modify and approve former 3.7.6, renumbered as 3.7.7; and
- g. To delete and replace the definition of "Rural Employment Areas" under appeal.

**SWORN BEFORE ME** )  
 at the Township of Springwater )  
 in the County of Simcoe )  
 this 26th day of June, 2015. )

  
 Commissioner for Taking Oaths, etc. )

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

  
 KATHY SUGGITT



THIS IS EXHIBIT "A" REFERRED TO IN THE AFFIDAVIT  
OF KATHY SUGGITT SWORN BEFORE ME THIS  
26TH DAY OF JUNE, 2015.

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

A Commissioner, etc.

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

**OMB File No: PL091167**

**County of Simcoe Official Plan**

**Experts' Report on Phase 3e (Rural)**

**Dated June 25, 2015**

---

**Expert Planning Witnesses Registered for Phase 3e of the Hearing:**

- Derek Abbotts – Town of New Tecumseth (Appellant Party 32)
- Anthony Biglieri – Tesmar Holdings Inc. (Appellant Party 10)
- Mark Dorfman – Township of Ramara (Party C2)
- Ray Duhamel – D. G. Pratt Construction Limited (Appellant Party 30)
- Bob Lehman & Alison Luoma – Talisker Corporation (Party T)
- Andria Leigh – Township of Oro-Medonte (Party W)
- Marie Leroux – Township of Clearview (Party G1)
- Darryl Lyons – Ministry of Municipal Affairs and Housing (Party A)
- David McKay & Armando Lopes – AMJC (Appellant Party 29)
- Kris Menzies – 998991 Ontario Inc. (Party X)
- Nicola Mitchinson – Mark Rich Homes Limited (Appellant Party 8c) and 2115441 Ontario Inc. (Appellant Party 35)
- Steve Montgomery – Town of Innisfil (Party D)
- Josh Morgan – Nicole & Brent Fellman (Appellant Party 21)
- Shawn Persaud – Township of Tiny (Party G2)
- Jamie Robinson – Sucession Financial Group Inc. (Appellant Party 37)
- Brent Spagnol – Township of Springwater (Appellant Party 6)
- Kathy Suggitt – County of Simcoe (Appellant Party 1)
- Darren Vella – McMahan Woods Developments Ltd. (Appellant Party 13)
- Alan Wiebe – Town of Bradford West Gwillimbury (Party E)

**Phase 3e Policies:**

The policies remaining under appeal in Phase 3e – Rural, of the hearing include: new section 3.7.4g), former 3.7.4 (renumbered as 3.7.5), former 3.7.5 (renumbered as 3.7.6) and former 3.7.6 (renumbered as 3.7.7) and the Definition of *Rural Employment Areas*.

Following the issuance of the first experts report dated April 24, 2015, the expert witnesses have continued discussions to try to resolve the remaining issues.

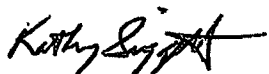
**Experts Agreement**

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

**Proposed Modifications:**

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

- 3.7.4g) no modification
- Former 3.7.4 is deleted and replaced as 3.7.5
- Former 3.7.5 is deleted and replaced as 3.7.6
- Former 3.7.6 is renumbered as 3.7.7 and modified
- Definition of *Rural Employment Areas* is deleted and replaced



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

**Attachment to Second Experts Report on Phase 3a (Rural policies) dated June 25, 2015**

Add a sentence at the end of approved policy 3.3.7 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 land use policies for *prime agricultural areas* shall apply. In certain circumstances, the existence of natural or 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*. Where a *rural employment area* exists in accordance with 3.7.6 or where an expansion of same is proposed in accordance with 3.7.7, the Rural policies shall apply.

No change to 3.7.4g) from what was shown in First Experts Report dated April 24, 2015:

- 3.7.4** The following are permitted in the Rural designation:
- a) those land uses permitted in the Agricultural designation;
  - b) development related to the management or use of resources (subject to section 4.4 and other policies of this Plan as applicable);
  - c) resource-based recreational activities (including recreational dwellings);
  - d) limited residential development, subject to Section 3.7.11;
  - e) home occupations and home industries;
  - f) cemeteries; and,
  - g) other rural land uses.

Delete former 3.7.4 (renumbered to 3.7.5) and replace with the following:

**3.7.5** Other rural land uses such as rural industrial and rural commercial development that cannot be located and are not appropriate in a settlement area may be permitted in the Rural designation and also subject to the following additional criteria:

The proposed use must:

- a) generate minimal traffic or be in the proximity of an arterial road or highway;
- b) have sewage and water service needs suitable for individual services;
- c) not be located on prime agricultural lands except for land uses otherwise permitted in the Agricultural designation;
- d) for rural industrial uses, not be located in the proximity of residential or other incompatible uses in accordance with applicable guidelines for industrial use and distance separation; and
- e) for rural commercial uses, must primarily serve the travelling public and tourists to the area on the basis of convenience and access.

Local official plans shall also contain policies which require applicants to consider, as part of their development application, matters such as site hydrogeology, storm water management, and spills containment.

Delete former 3.7.5 (renumbered to 3.7.6) and replace as follows:

**3.7.6** ~~Rural employment areas refer to existing clusters of small-scale, industrial and associated commercial and ancillary uses. Residential development is not permitted within these areas.~~

Rural employment areas that are identified in local municipal official plans as of November 25, 2008 may continue to be recognized, at the discretion of the local municipality. Such rural employment areas may expand in accordance with Section 3.7.7.

Former 3.7.6 is renumbered as 3.7.7 and modified as follows:

**3.7.7** The County, in collaboration with the applicable local municipality, may give consideration to permitting a minor expansion to an existing rural employment area as identified in Section 3.7.6, to accommodate a new business or the expansion of an existing businesses in keeping with the future employment needs of the local municipality. Any such expansions shall not extend into the Agricultural and/or Greenlands designation and will require an amendment to the local municipal official plan.

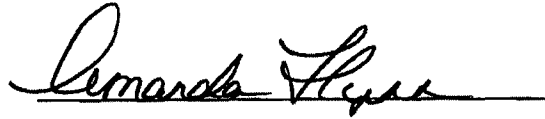
A proposed minor expansion for a new business shall be in accordance with provincial policies and the development shall be appropriate to the infrastructure which is planned or available and shall be compatible with existing development in accordance with applicable guidelines for industrial uses and distance separation.

Definition:

Delete definition of **RURAL EMPLOYMENT AREAS** and replace with the following:

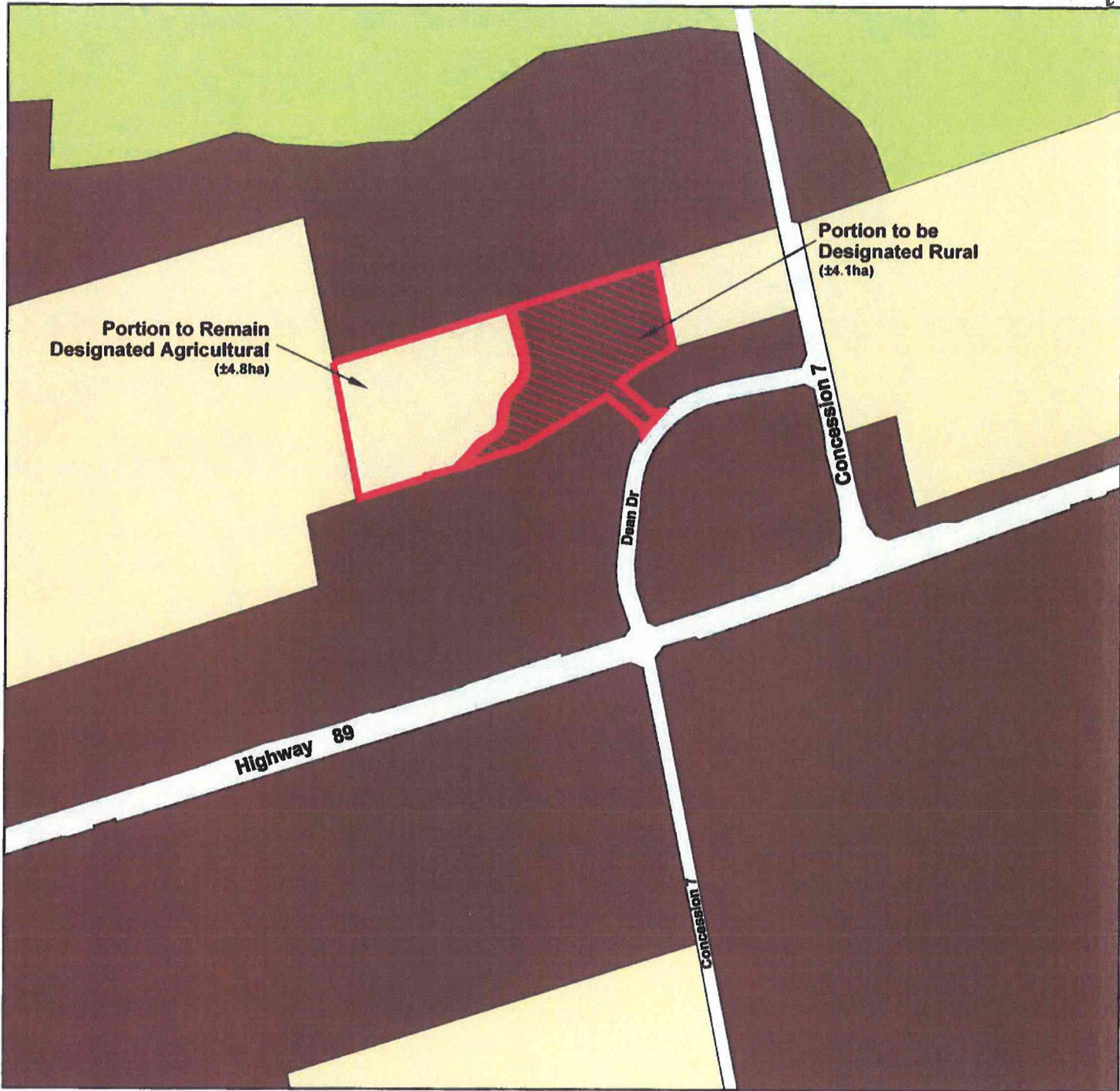
**RURAL EMPLOYMENT AREAS** are clusters of industrial and commercial uses, including vacant lands that are designated and zoned for such uses and are located in the Rural designation outside of settlement areas.

THIS IS EXHIBIT "B" REFERRED TO IN THE AFFIDAVIT  
OF KATHY SUGGITT SWORN BEFORE ME THIS  
26TH DAY OF JUNE, 2015.

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

A Commissioner, etc.

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







**Township of Adjala-Tosorontio**

Part of Simcoe County  
Official Plan Schedule 5.1  
Land Use Designations

OMB Case Number  
PL091167

Party X

**LEGEND**

-  Subject Lands
-  Agricultural
-  Greenlands
-  Rural
-  Lands to be Designated Rural



DATE  
**May 6, 2015**

SCALE  
**1 : 8,000**

SOURCE  
County of Simcoe Official Plan  
Schedule 5.1, December 2012

**MHBC** PLANNING  
URBAN DESIGN  
& LANDSCAPE  
ARCHITECTURE

113 COLLIER STREET BARRIE, ON, L4M 1H3  
P: 705.728.0245 F: 705.728.2010 | WWW.MHBCPLAN.COM

**ONTARIO MUNICIPAL BOARD**

**MOTION RECORD  
(Phase 3e - RURAL - Remaining Policies)  
(Returnable July 10, 2015)**

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Lawyers for the Corporation  
Of the County of Simcoe

(050873/aph)