

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: December 29, 2016

CASE NO.: PL091167

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 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
OMB Case Name: Fellman v. Simcoe (County)

BEFORE:

M. SILLS) Monday, the 20th
MEMBER)
) day of June, 2016

S. SUTHERLAND) Monday, the 20th
MEMBER)
) day of June, 2016

Board Rule 107 states:

107. Effective Date of Board Decision A Board decision is effective on the date that the decision or order is issued in hard copy, unless it states otherwise.

Pursuant to Board Rule 107, this decision takes effect on the date that it is e-mailed by Board administrative staff to the clerk of the municipality where the property is located.

THESE MATTERS having come before the Ontario Municipal Board (“Board”) on June 20, 2016 and October 14, 2016 and in accordance with s. 17(50) of the Planning Act, the Board orders as follows:

THE BOARD ORDERS that in accordance with the provisions of section 17(50) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, and further to the partial approval Orders of this Board issued June 13, 2013 as amended by an Order issued July 5, 2013 and Orders issued February 25, 2014, May 15, 2014, July 28, 2014, August 1, 2014, August 25, 2014, February 19, 2015, February 20, 2015, August 31, 2015, January 25, 2016, February 19, 2016, March 10, 2016 and May 9, 2016, the Official Plan of the County of Simcoe as adopted by the County of Simcoe (“County”) on November 25, 2008 and as recommended to be modified by the County on January 22, 2013, (the “Official Plan”), is hereby further modified and approved in part to implement this Order as provided below.

AND THE BOARD FURTHER ORDERS on reading on June 20, 2016 the Motion Record of the County (Exhibit 184) dated June 10, 2016 dealing with certain policies for Sub-Phase 5.1 - Official Plan Schedule 5.1 and reading the Supplementary Affidavit of Kathy Suggitt (Exhibit 187) dated June 16, 2016 and the large-sized copy of Tab G of Exhibit 184 being Schedule 5.1 to the County of Simcoe Official Plan Land Use Designations revised June, 2016 (Exhibit 186) all filed, and hearing the submissions of counsel for the County and reading the supporting email submissions of Appellant Party 18 in Exhibit 189A, the supporting email submissions of Parties J1-J6 in Exhibit 189B, the email submissions of Participant 12 in Exhibit 189C indicating no further concerns and the supporting email submissions of Appellant Party 42 and Party G2 in Exhibit 189D, no other responses being filed or objections being heard, that the Motion be granted and the Official Plan be further modified by:

- (a) Approving Official Plan Map Schedule 5.1 as adopted and as modified and approved by prior Board orders, and, as further modified in Exhibit 186, and as reviewed and further modified with respect to minor mapping corrections to the Settlement Area Boundaries of Victoria Harbour and Bond Head, and as further modified by deleting the wording in the call-out arrow box to the South of Division Road Secondary Plan area in the Township of Severn and replacing same with the wording already approved by the Board in paragraph 6(d)(i) of Attachment 4 of its Order issued February 19, 2015, all being subject to the following exceptions namely:

- (i) the site-specific and area-specific matters for their relevant lands, stated issues and parties as set out in Sub-Phases 5a, 5b, 5c, 5d, 5e, 5g, 5j, 5m, 5n, 5p, 5q, 5r, 5t and 5u inclusive that remain under appeal after this motion, each as set out in the Sub-Phases Remaining shown in Attachment 2 to this Order; and
 - (ii) the designation for the lands appealed by Burls Creek Events Grounds Inc. and five other companies as set out in their letter of appeal dated September 30, 2015 and received by the Ministry of Municipal Affairs and Housing on October 6, 2015;
- (b) Dismissing all other appeals and issues and striking all appellants, parties and participants not listed in the Sub-Phases Remaining under appeal in paragraphs (a)(i) and (a)(ii) above;
- (c) Repealing the prior County of Simcoe Official Plan adopted on October 28, 1997 and all amendments thereto except as it applies to any designations and/or issues on lands for the Sub-Phases Remaining under appeal in paragraphs (a)(i) and (a)(ii) above;

AND THE BOARD FURTHER ORDERS that on hearing the submissions of counsel for the County on June 20, 2016 and reading the emailed submissions of counsel for the Township of Severn (“Severn”) filed as Exhibit 189C indicating that it has no further concerns and hearing the consent of counsel for Severn, that the Board’s Order dated May 9, 2016 be amended by deleting the footnote that deferred approval of policies 3.8.11, 3.8.12, 3.8.13 and 3.8.14 from application to lands in Severn such that the four policies are now in effect in the Township of Severn.

AND THE BOARD FURTHER ORDERS on reading the Motion Record (Exhibit 191) of the County dealing with approval of the text and schedules of the County of Simcoe Official Plan in final form filed as Exhibit 193 and on hearing the submissions of counsel for the County on October 14, 2016, no party being in opposition, that the motion be granted and the Official Plan be further modified and approved as follows:

- a) by correcting under Rule 108 of the Board’s Rules of Practice and Procedure the numbering, punctuation, technical and typographical errors, errors in calculation or similar minor errors as set out in the Motion materials; and
- b) by then approving Exhibit 193 as the County of Simcoe Official Plan, being subject to the following exceptions namely the site-specific and area-specific matters for their relevant lands, stated issues and parties as set out in the Sub-Phases Remaining as 5a, 5b, 5c, 5d, 5e, 5g, 5j, 5m, 5n, 5p, 5q, 5r, 5t and 5u inclusive and the designation of the Burls Creek Events Grounds Inc. lands (“Burls Creek Matter”), all as excepted above.

AND THE BOARD FURTHER ORDERS that the partial approval of the Official Plan as modified shall be without prejudice to, and shall not limit, any party and the Board from seeking, considering and approving modifications, deletions or additions to the unapproved policies and schedules of the Official Plan on an area-specific or site-specific basis, as the case may be, provided that the parties shall be bound by the commitments made by them to scope their issues to an area-specific or site-specific basis.

AND THE BOARD FURTHER ORDERS that the remaining appeals filed in respect of the Official Plan contained in the Sub-Phases Remaining and the Burls Creek Matter all as set out in Attachment 2 shall be determined through the hearing process or as otherwise consented to by the parties and approved by the Board. This panel of the Board is not seized with any of the Sub-Phases Remaining or with the Burls Creek Matter.

A handwritten signature in cursive script, appearing to read "Ma Hurwicks".

SECRETARY

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board
A constituent tribunal of Environment and Land Tribunals Ontario
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

ATTACHMENT 1A

COUNTY OF SIMCOE OFFICIAL PLAN List of Attendees at the June 20, 2016 PHC #17

Counsel/Representative*	Appellant/Party/Participant
Roger Beaman, Marshall Green	Appellant 1
James Feehely	Appellants 15, 32
Susan Rosenthal	Appellants 2a,b, 38, Party Z, Participant 11a,b
Aynsley Anderson	Appellants 34, 42a,b, Parties G2, S, T, Za
Chris Barnett	Appellants 27a,b
Isaac Tang	Appellants 33, 43
Ugo Popadic	Party A
Edward Veldboom	Party C2, Participant 12, Prospective Party Zb
Mark Joblin	Party D
Sandy Agnew*/Ann Truyens*	Participant 1

ATTACHMENT 1B

COUNTY OF SIMCOE OFFICIAL PLAN List of Attendees at the TCC held October 14, 2016 PHC #18

Counsel/Representative*	Appellant/Party/Participant
Roger Beaman	Appellant 1
Mark Joblin	Party D
Katarzyna Sliwa	Appellant Party R

ATTACHMENT 2

Sub-Phases Remaining

Ontario Municipal Board Commission des affaires municipales de l'Ontario

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OMB Case No.: PL091167
OMB File No.: PL091167
OMB Case Name: Fellman v. Simcoe (County)

Simcoe County Official Plan Area-Specific Sub-Phase 5a

Appellant Party – Ontario Potato Distributing Inc.
Appellant Party – 1567210 Ontario Limited [C. Barnett]

Lands: On Map Schedule 5.1 as 5 and on Map Schedule 5.5.2

- Conc. 10: Part of Lots 5,6,7,8,9 and 10;
- Conc. 11: Part of Lots 3 & 4, Lots 5,6,7,8, 9 & 10;
- Conc. 12: Part of Lot 3, Lots 4,5,6,7,8 & Part of Lots 9 & 10;
- Conc. 13: Part of Lots 3,4,5,6,7,8, & 9, Town of New Tecumseth

Lands: On Map Schedule 5.1

The Settlement Area Boundary and Built Boundary of Alliston

Issues:

1. Is the Urban Boundary in Alliston appropriate and should it be expanded to include the lands that are the subject of the appeal in OMB Case PL110017, with the necessary amendments to Schedules 5.1 and 5.5.2 of the County Official Plan?
2. Should the existing large-scale employment sector in Alliston be given appropriate policy priority through designation as, or similar to, an Economic Employment District or a Strategic Settlement Employment Area or District?
3. Are the density and intensification targets for the Town of New Tecumseth in policies 3.5.23 and 3.5.24 appropriate and achievable, and do they conflict with other policies of the plan including 3.5.30?

Appellant Party – Robert Schickendanz in Trust [H. Elston/A. Anderson]

Lands: On Map Schedule 5.1 as 6

- 6114 14th Line, New Tecumseth being part of Lot 10, Concession 14 and part of the road allowance between the south halves of Lots 10 and 11, Concession 14, 51R19872, Parts 3, 4 and 5, in the Town of New Tecumseth

Lands: On Map Schedule 5.1

The Settlement Area Boundary and Built Boundary of Alliston

Issues:

4. Should 6114 14th Line, New Tecumseth being part of Lot 10, Concession 14 and part of the road allowance between the south halves of Lots 10 and 11, Concession 14 in the Town of New Tecumseth be included within the settlement area boundary of Alliston as shown on Schedule 5.1 of the County Official Plan?

Appellant Party – Rayville Developments (Alliston) Inc.

[D. White/A-G. D'Andrea], Watching Brief.

Appellant Party – Copperglen Estates Inc. [D. White/A-G. D'Andrea], Watching Brief.

PARTIES: County of Simcoe, Ontario Potato Distributing Inc., 1567219 Ontario Limited, Town of New Tecumseth, Robert Schickendanz In Trust, Rayville Developments (Alliston) Inc., Copperglen Estates Inc., Ministry of Municipal Affairs; Participant: Ralph MacKenzie.

*Courtesy Notice to AWARE Simcoe.

Disposition – Adjourned *sine die* to permit completion of the Town's Municipal Comprehensive Review and the County's Municipal Comprehensive Review.

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Simcoe County Official Plan
Site-Specific Sub-Phase 5b

Appellant Party – Carson Road Development Inc. [S. Rosenthal]
Appellant Party – Midhurst Development Doran Road Inc. [D. White]

Lands: On Map Schedule 5.1 as 3

- 1432 Snow Valley Road being part of the west half of Lot 13, Concession 6, Vespra, PIN 583580049

Issues:

1. Is policy 3.2.10* consistent with the *Provincial Policy Statement, 2005* (“PPS”) and does it conform to the *Growth Plan for the Greater Golden Horseshoe* (“Growth Plan”)? [**Note: Policy 3.2.10 is otherwise approved*]

2. Is it appropriate and reasonable to exempt the lands located on the north-east corner of Snow Valley Road and Wilson Drive, Township of Springwater from the provisions of Policy 3.2.10 in light of the non-decision by the County in relation to the Midhurst Secondary Plan for these lands?

PARTIES: County of Simcoe, Carson Road Development Inc., Midhurst Development Doran Road Inc., Midhurst Rose Alliance Inc., Estate of Marie Louise Frankcom, Ministry of Municipal Affairs, Township of Springwater.

*Courtesy Notice to AWARE Simcoe.

Disposition – Adjourned *sine die*. (Related Township file OPA 38, PL111181)

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 OMB File No.: PL091167
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Simcoe County Official Plan
Site-Specific Sub-Phase 5c

Appellant Party – Crestwood Park Holdings Inc. [S. Waque/I. Tang]

Lands: On Map Schedule 5.1 as 4

- Lands municipally known as 99 Mount St. Louis Road East being located in the southeast quadrant of Highway 400 and Mount St. Louis Road East in the Township of Oro-Medonte as in PIN 58524-0091(LT) being East Part of Lot 10, Concession 7, Medonte as in RO101513, in the Township of Oro-Medonte and encompassing approximately 88 acres

Issues:

1. Does the re-numbered policy 3.7.4 need to be further amended or modified? Should this policy include “highway commercial uses” in the permitted uses list to be consistent with the current County of Simcoe Official Plan policy? Is the policy consistent with the Provincial Policy Statement, 2014 and does it conform with the Growth Plan for the Greater Golden Horseshoe?

2. Is the re-numbered policy 3.7.9 appropriate? Should the County of Simcoe restrict the recreational districts in the Rural designation to only the existing recreational districts specifically referenced in the Township of Oro-Medonte as Mt. St. Louis/Moonstone Special Policy Area? Is this policy consistent with the Provincial Policy Statement, 2014 and does it conform with the Growth Plan for the Greater Golden Horseshoe?

3. Are there other policies in the Greenlands designation not approved as of April 1, 2016 that may impact on Crestwood Park Holdings Inc.'s future development potential for its property at 99 Mount Saint Louis Road East, Township of Oro-Medonte?

NOTE: Without prejudice to challenges which may be made by the County or the Township to the appropriateness of the issues in any OMB proceeding, the scoped, site-specific appeal and issues were adjourned *sine die* while a local site-specific development application filed by Crestwood is processed locally, all parties to act expeditiously.

Parties: County of Simcoe, Crestwood Park Holdings Inc., Township of Oro-Medonte.

*Courtesy Notice to AWARE Simcoe.

Disposition March 17, 2016 – Adjourned *sine die* pending processing of local development application in Oro-Medonte.

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Simcoe County Official Plan
Site-Specific Sub-Phase 5d

Appellant Party – D.G. Pratt Construction Limited
[J. Pepino/A. Skinner]

Lands: On Map Schedule 5.1 as 8

- Part of the North Half of Lot 25, North Half of Lots 21, 22, 23, 24, Conc. 8, Lots 21, 22, 23, 24 and Part of Lot 25, Conc. 9, South Half of Lots 22 and 23 and Part of the South Half of Lots 24 and 25, Conc. 10, in the Town of Innisfil. Restricted to 211 ha. [see Exhibit 94, Schedule A]

Lands: On Map Schedule 5.1

- The relevant Settlement Area Boundary for Alcona.

Issues: Adjourned

1. Should any part of the proposed County Official Plan, including policy 3.5.9, apply to the Pratt Lands until, and/or after, the issues before the Board in OMB Case No. PL121103 respecting Pratt's 2004 application for an Official Plan Amendment have been resolved or determined?

2. Is policy 3.4.6 appropriate and should it be amended as noted underlined below, to recognize OMB approvals that may occur after the Plan is approved?
 "3.4.6 - Notwithstanding any other provisions of this Plan, *development* within land use designations, draft *subdivision* approvals, site plans, and other *developmental* approvals approved prior to the approval of this Plan or approved by the Ontario Municipal Board in accordance with Ontario Regulation 311/06 – Transitional Matters – Growth Plan for the Greater Golden Horseshoe, 2006 as

amended, and/or other transitional regulations of other *Provincial Plans* may proceed without amendment to this *Plan*.”

3. Once the issues in OMB Case No. PL121103 have been determined by the Board, what are the policies, definitions and mapping of the proposed County Official Plan, that are appropriately applicable to Pratt’s Lands, and should the urban boundary of Alcona in the Town of Innisfil, shown on Schedule 5.1 (among others), be amended to include the lands that are the subject to OMB Case No. PL121103?

Parties: County of Simcoe, D. G. Pratt Construction Limited, Town of Innisfil, Ministry of Municipal Affairs.

Disposition September 14, 2014 – Adjourned *sine die*.

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Simcoe County Official Plan
Area-Specific Sub-Phase 5e

Appellant Party – Township of Adjala-Tosorontio [S. Waqué/I. Tang]

Lands: On Map Schedule 5.1

- The Settlement areas of Colgan, Everett, Glencairn, Hockley, Lisle, Loretto, Rosemont and Tioga.

Lands: On Map Schedule 5.1 as 14

- The lands within the area outlined in red on the map below being Lots 9 to 13 in Concessions 3 to 6, and Lots 14 in Concessions 5 and 6, Geographic Township of Tosorontio.



Issues: Growth Management

1. Do the policies of the Simcoe County Official Plan achieve or frustrate the goal of building complete communities in rural settlements?
2. Should Secondary Plans already in process be grandfathered or should the clergy principle be applied with respect to those Secondary Plans re Policy 3.5.5?
3. Is Policy 3.2.16, which requires, among other items, a local municipality to conduct a land budget, appropriate?
4. Is it appropriate or necessary that Policy 3.5.5 requires a County of Simcoe Official Plan Amendment, and therefore Provincial approval, for expansion to an existing local settlement, whereas the Growth Plan contemplates settlement area boundary expansions “as part of *municipal comprehensive review*” (which would not require amendment of the County Official Plan.)

Issues: Local Municipal Official Plans

5. Do the maps/schedules contained in the Simcoe County Official Plan accurately reflect the local council approved settlement boundaries? If not, to what extent do they need to be modified?
6. What is the trigger for the timeframe under which the Township’s local Official Plan and Comprehensive Zoning By-law must be in compliance with the County’s Official Plan pursuant to Policy 4.11.1? Further, is a two-year timeframe sufficient time to permit local municipalities to come into conformity? Is it more appropriate to require sufficient time following final Official Plan approval to allow for zoning by-law conformity?

Issues: Settlement Area Boundaries

7. Does the Simcoe County Official plan properly reflect the Everett Settlement Boundary?

8. What settlement boundary adjustments, by way of additions and deletions, ought to be made within each of the settlement areas in the Township of Adjala-Tosorontio being Colgan, Everett, Glencairn, Hockley, Lisle, Loretto, Rosemont and Tioga (Tioga to be removed) in order to best achieve the goals and objectives of the Provincial Policy Statement (2005) and the Growth Plan for the Greater Golden Horseshoe?

Note: Prior Board Orders have reserved rights for Party 33 to seek:

- (1) additions to the last paragraph of policy 3.2,
 - (2) additional items for the land budget in policy 3.2.16,
 - (3) additional language and/or clarification to a subsequent paragraph in policy 3.5.5,
 - (4) removal of the Tioga settlement area from Table 5.1, and
 - (5) adjustments to the settlement area boundaries in the Township, being Colgan, Everett, Glencairn, Hockley, Lisle, Loretto, Rosemount and Tioga (Tioga to be removed).
- These matters are also scoped on an area-specific basis.

PARTIES: County of Simcoe, Township of Adjala-Tosorontio, Ministry of Municipal Affairs.

*Courtesy Notice to AWARE Simcoe.

Disposition – Adjourned *sine die*.

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Simcoe County Official Plan
Site-Specific Sub-Phase 5g

Party – Narinder Mann [H. Elston/A. Anderson]
Party – Tesmar Holdings Inc. [M. Melling/M. McDermid]

Lands: On Map Schedule 5.1 as 2

- 8926 McKinnon Road being Part of Lot 21, Concession 3, in the Township of Essa - North of County Road 90, west of McKinnon Road and east of the Mad River
- Part of Lot 21, Concession 1, Township of Sunnidale (now Essa) and North Half of Lot 20, Concession 1 and part of the South half of Lot 20, Concession 1, Township of Sunnidale (now Essa) (117 ha)

Lands: On Map Schedule 5.1

- The northern settlement area boundary of Angus.

PARTIES ON LOCAL HEARING: County of Simcoe, Narinder Mann, Tesmar Holdings Inc., Township of Essa, Ministry of Municipal Affairs.

Disposition - Northern Settlement Area Boundary of Angus and Designation of the subject lands Deconsolidated by Order issued January 25, 2016 to be dealt with the local hearing process in File PL090519.

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Simcoe County Official Plan
Site-Specific Sub-Phase 5j

Appellant Party – Ahmadiyya Muslim Jama'at Canada [B. Horosko]

Lands: On Map Schedule 5.1 as 10

- South ½ of Lot 11, Concession 11, West Gwillimbury except Part 10 on Reference Plan 51R1339; subject to Instrument No. WG8139, Bradford West Gwillimbury being all of PIN 58045-0038(LT)
- Part of South ½ Lot 12, Concession 11, West Gwillimbury as in Instrument No. RO943469 except Part 1 on Reference Plan 51R-16888; subject to interest in Instrument No. RO374225, if any, Bradford West Gwillimbury being all of PIN 58045-0042(LT)
- Part of North ½ Lot 11, Concession 11, West Gwillimbury, being Part 1 on Reference Plan 51R-26166, except Parts 5,6,7, and 8 on Reference Plan 51R-33347, Bradford West Gwillimbury.
- being all of PIN 58045-0107(LT)

Issues:

1. What is the appropriate land use designation for the AMJC Lands in the County Official Plan?
2. Should the AMJC Lands be re-designated from Agricultural in the County Official Plan to Rural?
3. Should the AMJC Lands be re-designated from Agricultural in the County Official Plan to Special Policy Area?

4. Should the AMJC Lands be re-designated to permit institutional uses in light of the existing institutional use located on the AMJC Lands (place of worship) and the proposed cemetery and gathering place uses?
5. Would the use of a portion of the AMJC Lands for a cemetery as proposed be considered a "Rural" land use in the County Official Plan?
6. Are the Rural Assessment Reports prepared for the AMJC Lands (dated December 22, 2010 and May 2011) sufficient to meet the test as set out in policy 3.6.9.c) of the County Official Plan?
7. If the lands are removed from the agricultural land use designation in the County Official Plan, does the proposed cemetery application conform to the County of Simcoe Official Plan, the Growth Plan for the Greater Golden Horseshoe and is it consistent with the Provincial Policy Statement 2005?
8. What role should the existing development applications have in the Board's consideration of the County Official Plan under appeal?

PARTIES: County of Simcoe, Ahmadiyya Muslim Jama'at Canada, Town of Bradford-West Gwillimbury

Disposition – Adjourned *sine die*.

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**Simcoe County Official Plan
Site-Specific Sub-Phase 5m**

Appellant Party – McMahon Woods Developments Ltd.
[D. White/A-G. D'Andrea]

Lands: On Map Schedule 5.1 as 1

- Part Lot 23, Concession 4, Block 21, Plan 1064 Township of Tiny

Issues:

1. Is the Greenlands designation appropriate for these lands?

PARTIES: County of Simcoe, McMahon Woods Developments Ltd., Township of Tiny.

Disposition – Adjourned *sine die*.

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Simcoe County Official Plan
Site-Specific Sub-Phase 5n

Party – 2133952 Ontario Inc. [H. Elston/A. Anderson]

Lands: On Map Schedule 5.1 as 12

- North Part of Lot 4, Part of Broken Lot 3, Concession 7; Lots 5 and 6, Concession 6, Township of Ramara, (1418, 1422, 1443, 1436, 1606, 1617 Concession Road 7)

Issues:

1. Should the lands owned by 2133952 Ontario Inc. at Dalrymple Lake be designated as “Rural” based on existing development permissions, rather than “Greenlands”?

PARTIES: County of Simcoe, 2133952 Ontario Inc., Township of Ramara.

Disposition – Adjourned *sine die*.

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Simcoe County Official Plan
Site-Specific Sub-Phase 5p

Appellant Party – Innisfil Mapleview Developments Limited [K. Sliwa]

Lands: On Map Schedule 5.1 as 9

- Part of North Half of Lot 25, Concession 11, designated as Part 1 on 51R-35677, in the Town of Innisfil;
- Part of Lot 25, Concession 11, designated as Part 1 on 51R-1771, in the Town of Innisfil.

Lands: On Map Schedule 5.1

Related part of Settlement Area Boundary of Sandy Cove Acres

Issues: Adjourned: Designation and Part of the Settlement Area Boundary of Sandy Cove Acres consolidated with local matters in PL090024 and remaining County Issues adjourned sine die.

1. Is the County Official Plan “Greenland” designation of the lands at the southwest corner of Mapleview Road and 25th Sideroad in the Town of Innisfil appropriate and justified? If not, then what is the appropriate designation of these lands?

2. Are any part of the lands at the southwest corner of Mapleview Road and 25th Sideroad in the Town of Innisfil designated as “Agricultural” in the County Official Plan, and if so is that designation appropriate and justified? If not, then what is the appropriate designation of these lands?

3. Should the lands at the southwest corner of Mapleview Road and 25th Sideroad or any part of them be included within the Sandy Cove Settlement Boundary and if so, what land use designation should apply?
4. Should the lands at the southwest corner of Mapleview Road and 25th Sideroad be required to be part of a Secondary Plan process prior to proceeding to be developed? Is such a process necessary and justified?
5. Should any part of the County OP apply to the lands at the southwest corner of Mapleview Road and 25th Sideroad until a resolution of the issues respecting the designation of these lands under the Town of Innisfil Official Plan currently before the Ontario Municipal Board has been determined?
6. Innisfil Mapleview Developments Limited seeks the deletion of Policy 3.5.11.A for the subject lands.

PARTIES: County of Simcoe, D.G. Pratt Construction Limited, Town of Innisfil, Innisfil Mapleview Developments Limited.

Disposition September 14, 2014 – Remaining County issues scoped and adjourned *sine die*. Designation of lands and adjoining parcel and related part of the settlement area boundary of Sandy Cove Acres consolidated with Town's Official Plan under PL090024.

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 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
OMB Case Name: Fellman v. Simcoe (County)

Simcoe County Official Plan
Site-Specific Sub-Phase 5q

Appellant Party – 2000463 Ontario Limited and
Appellant Party – Angelo and Yvette Santorelli
[D. White/A-G. D'Andrea]

Lands: On Map Schedule 5.1 as 11

- South Part of Lot 23, Concession 1, Town of Bradford West Gwillimbury (5584, 5618 and 5650 Hwy 9)

Issues:

1. Should proposed Schedule 5.1 be modified so that the designation on the Site is visible?
2. Is the proposed Agricultural designation on the Site appropriate considering the existing residential development and contractor's yard?
3. Should all or portions of the Site be designated as Rural?
4. Do the policies of the Simcoe Official Plan, including 3.4.6, appropriately recognize existing uses on the Site and provide for their continuation and reasonable expansion?

5. Depending upon the designation applied to the Site (Rural or Agricultural), should the policies applicable to the designation, or related definitions, be modified to more clearly permit the continuation and reasonable expansion of the existing uses on the Site?

PARTIES: County of Simcoe, 2000463 Ontario Limited, Angelo and Yvette Santorelli, Town of Bradford West Gwillimbury

Disposition – Adjourned *sine die*. Local application to be brought by Appellants.

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 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
 OMB Case Name: Fellman v. Simcoe (County)

Simcoe County Official Plan
Area-Specific Sub-Phase 5r

Party – Township of Ramara [E. Veldboom]
Party – Talisker Corporation [H. Elston, A. Anderson]

Lands: On Map Schedule 5.1 as 13

- West Part Lot 13 RP 51R22227 Part 1 to 3, Concession 4; East Part Lot 13, Concession 4; Part Lot 12 and 13, Concession 4 Plan 51M901; South Part Lot 12, Concession 4; South Part Lot 11 RP 51R25936 Parts 1 to 3, Township of Ramara

Lands: On Map Schedule 5.1

- Settlement Area Boundary of Lagoon City, Township of Ramara

Issues:

1. Should the County Official Plan permit minor modifications to existing settlement boundaries in the Township of Ramara by way of amendment to the local Official Plan, rather than through a comprehensive County Official Plan review, provided the overall land budget for the settlement boundary remains the same?

2. Section 3.5.5 should not require a municipal comprehensive review prior to a local municipal official plan amendment that adjusts a designated settlement area boundary, which boundary adjustment does not expand the total area of the designated settlement area. * *right to request additional language/clarification.*

3. Section 3.6.11 (formerly 3.6.9(a)) should not require an amendment to the County Official Plan if as a result of local municipal official plan amendment adjusting a designated settlement area boundary pursuant to section 3.5.5, lands designated as Agricultural in the County Official Plan are incorporated into the designated settlement area.

PARTIES: County of Simcoe, Township of Ramara, Talisker Corporation, Ministry of Municipal Affairs.

Disposition – Adjourned *sine die*.

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 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
OMB Case Name:	Fellman v. Simcoe (County)

Simcoe County Official Plan
Site-Specific Sub-Phase 5t

Appellant Party – Innisfil Beach Farms Inc. [D. White/A-G. D'Andrea]

Lands: On Map Schedule 5.1 as 7

- Part of the South Half of Lot 25, Conc. 9, in the Town of Innisfil (2404 Ralph Street) [Roll No. 4316 010 039 00100]

Issues:

1. Is the Greenlands designation appropriate for the lands?
2. Should a portion of these lands be outside the Greenlands designation?
3. Does the Simcoe County Official Plan, and in particular the Greenlands section (Section 3.8) provide enough flexibility so as to allow for limited residential development of the lands?

PARTIES: County of Simcoe, Innisfil Beach Farms Inc., D.G. Pratt Construction, Town of Innisfil.

Disposition – Adjourned *sine die*.

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 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
OMB Case Name: Fellman v. Simcoe (County)

Simcoe County Official Plan
Area-Specific Sub-Phase 5u

Party – Township of Tiny [H. Elston, A. Anderson]

Lands:

- Multiple Locations throughout the township as shown cross-hatched in blue and labelled as “Lands Subject to Non-Decision” in the Motion Record filed as Exhibit 184, Tab 1, Maps 1 to 6 on Pages 28 to 33 inclusive, and Maps 9 to 18 on Pages 36 to 45 inclusive.

Issues:

1. What is the appropriate designation for each parcel shown cross-hatched?

PARTIES: County of Simcoe, Township of Tiny

Disposition – Lands that are subject to Non-Decision adjourned *sine die*.

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 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
OMB Case Name: Fellman v. Simcoe (County)

Simcoe County Official Plan
Appeal Dated September 30, 2015
and Filed October 6, 2015

Appellants: Burls Creek Events Grounds Inc., 1350341 Ontario Inc., 2440656 Ontario Inc., 2437339 Ontario Inc., 2434219 Ontario Inc., Farova Investments Ltd. [N. Macos]

Lands: On Map Schedule 5.1 as 15

Issues:

Proposed designations on the land.

Status of County Appeal – Not added to PL091167 Proceeding.
No request for a PHC or motion date has been made.

Note 1 – Applications for a County OPA (SC-OPA-1601) and a Township OPA (2015-OPA-02) and ZBA (2015-ZBA-15) were filed by 1350341 Ontario Inc., 2440656 Ontario Inc., 2437339 Ontario Inc., 2434219 Ontario Inc. and Farova Investments Ltd. and were deemed complete on February 18, 2016.

Note 2 – Related local file PL151011 before OMB.