

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

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

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

MOTION RECORD
PHASE 1a – 20,000 Population
(Returnable April 15, 2014)

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

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416-868-3157
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Lawyers for the Corporation
of the County of Simcoe

TO: ALL APPELLANTS/PARTIES LISTED IN ATTACHMENTS "A" AND "B"

AND TO: ONTARIO MUNICIPAL BOARD
655 Bay Street, 15th Floor
Toronto, Ontario, M5G 1E5

Attention: Kimberly Livingstone, Planner
kimberly.livingstone@ontario.ca

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ATTACHMENT "A"
LIST OF APPELLANT PARTIES- COUNTY OF SIMCOE OFFICIAL PLAN
OMB File PL091167

March 12, 2014

No.	Appellant	Lawyer/Agent*	E-mail Address
1	County of Simcoe	Roger Beaman	rbeaman@thomsonrogers.com
2	2a Carson Road Development Inc. 2b Midhurst Development Doran Road Inc.	Susan Rosenthal David White	susanr@davieshowe.com david.white@devrylaw.ca
3	Craighurst Land Corp.	Susan Rosenthal	susanr@davieshowe.com
4	Huntingwood Trails (Collingwood) Ltd.	Susan Rosenthal Meaghan McDermid	susanr@davieshowe.com meaghanm@davieshowe.com
5	Midhurst Rose Alliance Inc.	Ira Kagan Paul DeMelo	ikagan@ksllp.ca pdemelo@ksllp.ca
6	Township of Springwater	Barnet Kussner	bkussner@weirfoulds.ca
7	451082 Ontario Limited	James Feehely	jfeehely@feehelegastaldi.com
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 Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca
9	Innisfil Aleona Limited <i>[Appeal Withdrawn]</i>	Lynda Townsend Jennifer Meader	ltownsend@weirfoulds.com jmeader@weirfoulds.com
10	Tesmar Holdings Inc.	Michael Melling Meaghan McDermid	michaelm@davieshowe.com meaghanm@davieshowe.com
11	Janice & David Wright	David White Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca
12	12a Snow Valley Planning Corporation 12b 453211 Ontario Limited	David White Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca
13	McMahan Woods Developments Ltd.	David White Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca
14	Innisfil Beach Farms Inc.	David White Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca
15	Estate of Marie Louise Frankcom	James Feehely	jfeehely@feehelegastaldi.com
16	Midhurst Ratepayers ² Association <i>[Appeal Dismissed]</i>	David Strachan* Margaret Hutchison*	davidistrachan@yahoo.com mhutchis1000@gmail.com
17	Narinder Mann	Ian Rowe Adrianna Pilkington	irowe@barristonlaw.com apilkington@barristonlaw.com
18	Yorkwood Group of Companies	Patricia Foran	pforan@airdberlis.com
19	19a Rama Resorts International Inc. 19b Fernbrook Homes (Rama) Limited <i>[Appeal Resolved]</i>	Brian Goodreid*	briangoodreid@hotmail.com
20	1091402 Ontario Ltd. <i>[Appeal Withdrawn]</i>	David White Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca
21	Nicole and Brent Fellman	David White Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca
22	Travel-Rite Property Corp.	David White Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca

23	Aqua-Gem Investments Ltd.	David White Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca
24	442023 Ontario Limited	David White Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca
25	1045901 Ontario Limited	David White Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca
26	Kellwatt Limited	David White Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca
27	27a Ontario Potato Distributing Inc. 27b 1567219 Ontario Limited	Chris Barnett	cbarnett@davis.ca
28	Black Marlin Management Inc.	Caterina Facciolo Barry Horosko	cfacciolo@bratty.com bhorosko@bratty.com
29	Ahmadiyya Muslim Jama'at Canada Inc. (AMJC)	Caterina Facciolo Barry Horosko	cfacciolo@bratty.com bhorosko@bratty.com
30	D.G. Pratt Construction Limited	Jane Pepino Andrea Skinner	jpepino@airdberlis.com askinner@airdberlis.com
31	Hanson Development Group	Patricia Foran	pforan@airdberlis.com
32	Town of New Tecumseth	James Feehely	jfeehely@feehelygastaldi.com
33	Township of Adjala-Tosorontio	Stephen Waqué Isaac Tang	swaque@blg.com itang@blg.com
34	Robert Schickedanz in Trust	Ian Rowe Adrianna Pilkington	irowe@barristonlaw.com apilkington@barristonlaw.com
35	2115441 Ontario Inc.	David White Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca
36	Carson Trail Estates Inc.	David White Cory Estrela	david.white@devrylaw.ca cory.estrela@devrylaw.ca

ATTACHMENT "B"
LIST OF PARTIES- COUNTY OF SIMCOE OFFICIAL PLAN PL091167

March 12, 2014

No.	Party	Lawyer/Agent*	E-mail Address
A	Ministry of Municipal Affairs and Housing	Ken Hare Ugo Popadic Michael F. Spagnolo (Student-at-Law)	ken.hare@ontario.ca Ugo.Popadic@ontario.ca Michael.F.Spagnolo@ontario.ca
B	Town of Collingwood	Leo Longo	llongo@airdberlis.com
C	C1 Town of Penetanguishene C2 Township of Ramara	Edward Veldboom	eveldboom@russellchristie.com
D	Town of Innisfil	Quinto Annibale/ Mark Joblin	qannibale@loonix.com mjoblin@loonix.com
E	Town of Bradford West Gwillimbury	Tom Halinski	thalinski@airdberlis.com
F	Town of Midland	Paul Peterson	ppeterson@hgrgp.ca
G	G1 Township of Clearview G2 Township of Tiny G3 Town of Wasaga Beach	Ian Rowe Adrianna Pilkington	irowe@barristonlaw.com apilkington@barristonlaw.com
H	<i>[Now Appellant 32]</i>		
I	<i>[Now Appellant 33]</i>		
J	J1 Ontario Stone, Sand and Gravel Association J2 CBM Aggregates, a division of St. Marys Cement (Canada) Inc. J3 Lafarge Canada Inc. J4 Holcim (Canada) Inc. J5 James Dick Construction Limited J6 Walker Aggregates Inc.	Mary Bull Alexandra Sadvari	mbull@woodbull.ca asadvari@woodbull.ca
K	Georgian International Land Corp.	Mary Bull Alexandra Sadvari	mbull@woodbull.ca asadvari@woodbull.ca
L	San Marco in Lamis Ltd.	Michael Vaughan	michaelbvaughan@yahoo.ca
M	White Water Holdings Ltd.	Barry Horosko Caterina Facciolo	bhorosko@bratty.com cfacciolo@bratty.com
N	<i>[Now Appellant 28]</i>		
O	No Jet Construction Inc. Remington Homes (Manhattan) Inc. <i>[Withdrawn]</i>	Caterina Facciolo Barry Horosko	efacciolo@bratty.com bhorosko@bratty.com
P	Sleeping Lion Development Corporation	John Dawson	jdawson@mccarthy.ca
Q	John Barzo Limited	John Barzo	jbarzo@barzolaw.com
R	Innisfil Mapleview Developments Limited	Susan Rogers	susan.rogers@sdrogerslaw.ca
S	2133952 Ontario Inc.	Harold Elston Aynsley Anderson	harold@elstons.ca aynsley@elstons.ca
T	Talisker Corporation	Harold Elston Aynsley Anderson	harold@elstons.ca aynsley@elstons.ca
U	U1&U2 <i>[Now Appellant 27 a & b]</i>		
V	1651012 Ontario Ltd. now Sandycove Acres Limited	Ian Rowe Adrianna Pilkington	irowe@barristonlaw.com apilkington@barristonlaw.com
W	Township of Oro-Medonte	Chris Williams	cwilliams@airdberlis.com
X	998991 Ontario Inc.	Ian Rowe Adrianna Pilkington	irowe@barristonlaw.com apilkington@barristonlaw.com

PL091167

Ontario Municipal Board

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

Appellant:	451082 Ontario Limited
Appellant:	861945 Ontario Ltd. et al
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PL091167

Ontario Municipal Board

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

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NOTICE OF MOTION PHASE 1a – 20,000 Population

THE CORPORATION OF THE COUNTY OF SIMCOE will make a motion to the Ontario Municipal Board on **Tuesday, the 15th day of April, 2014, at 10:30 am**, or as soon after that time as the motion can be heard at the County of Simcoe, Administration Centre, Council Chambers, 1110 Highway 26, Midhurst, Ontario, L0L 1X0.

THE MOTION IS FOR AN ORDER:

- (a) Allowing the Official Plan appeal in part and modifying and approving replacement policies for Sections 3.5.10 to 3.5.16, reserving ss. 3.5.10(i), 3.5.11.7, 3.5.11.9, 3.5.11A and the word "adopted" in ss. 3.5.11 for further adjudication at the June hearing;
- (b) Deleting Table 2 to the Official Plan;
- (c) Deleting the Issues List approved for Phase 1a and directing issues to be restated for remaining matters;
- (d) for such further and other relief as may seem just and appropriate.

THE GROUNDS FOR THE MOTION ARE:

- (a) The experts for parties involved in Phase 1a of the hearing met and supported modified policies resolving concerns

about most of the matters to be considered in the Phase 1a hearing.

- (b) The modifications provide a comprehensive policy framework for implementation of the additional 20,000 population.
- (c) Table 2 is now redundant and can be deleted.
- (d) The modified policies are consistent with both the 2005 and 2014 PPS, conform with relevant Provincial policy and represent good planning.
- (e) Approval as sought would resolve appeals and concerns of specific parties.
- (f) Such further and other grounds as counsel may advise and this Board may deem necessary.
- (g) *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 3, 2014, and the Exhibits attached thereto;
- (b) the Reports of Meetings of Expert Witnesses on Phase 1a contained in the said Affidavit;
- (c) the pleadings and proceedings herein;
- (d) such further and other material as counsel may advise and this Board may permit.

APRIL 4, 2014

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Toronto, Ontario, M5H 1W2

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416-868-3157
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Lawyers for the Corporation
of the County of Simcoe

PL091167

ONTARIO MUNICIPAL BOARD

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

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

**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 23 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.

Growth Management Policies – Phase 1a (20,000 population)

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. A major area that remains under appeal is the growth management policies, including sections 3.5.10 through 3.5.16 including Table 2, which are all related to the additional 20,000 population available to the County of Simcoe for approvals of redesignation of lands within settlement areas.

5. The Growth Plan Amendment 1 was introduced on January 19, 2012. The amendment added a new chapter to the Growth Plan, section 6 – Simcoe Sub-Area. The policies in section 6 provide specific direction on how the Growth Plan's vision is to be achieved in the Simcoe Sub-Area. Specifically it directs that a significant portion of growth is to be directed to settlement areas where it can be most effectively serviced and contribute to the achievement of complete communities, with particular emphasis on the primary settlement areas.
6. The Procedural Order for Phase 1 of the hearing set out the final issues list for Phase 1a. The parties involved in Phase 1a of the hearing were required to submit alternative wording for the policies under appeal related to this phase as a basis for discussions amongst the expert witnesses. Alternative wording was received from some but not all parties. Attached as **Exhibit "A"** is the final issues list for Phase 1a in this hearing taken from the Procedural Order.
7. 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, two experts' reports were provided to the County solicitor, which have been circulated to all parties and participants. Attached as **Exhibit "B"** are the two experts' reports and related attachments.

Policies with No Modifications

8. The experts have reached agreement on policy 3.5.13 as well as the Phasing policies 3.5.14 through 3.5.16 on the basis of the current wording, with no modifications required.

Policy Requiring Minor Modifications

9. The experts reached agreement on policy 3.5.12 based on the proposed minor modifications to add words for clarification. Attached as **Exhibit "C"** is the proposed modified policy 3.5.12. The modifications address the frequency of reporting to County Council (semi-annually rather than annually), clarify that the reporting addresses both policies 3.5.10 and 3.5.11, and include wording to address the possibility of an extension to the deadline of January 19, 2017, in the event that the Growth Plan specifies an alternate date through a subsequent amendment.

Policies 3.5.10 and 3.5.11 Proposed Modifications

10. The experts had extensive discussions related to policies 3.5.10, 3.5.11 and Table 2. Much of the discussion related to the need for transparency and consistency in determining the lands that would qualify within settlement areas and the accounting/reporting of the 20,000 population allocations; what would trigger the applications to be considered; what criteria would qualify an application for consideration; the perceived duplication of criteria between the two policies and the

Table 2 criteria; and the need for more clarity on the procedures that the County would follow to administer the program.

11. The experts agreed that Table 2 should be deleted and instead blended into policy 3.5.11. As well there was general agreement that the duplication of criteria should be addressed by listing the requirements to be met in policy 3.5.10 and the additional considerations should be listed in 3.5.11 along with the administrative framework. In that regard, the two policies work together. Attached as **Exhibit "D"** is proposed modified policy 3.5.10. Attached as **Exhibit "E"** is proposed modified policy 3.5.11.
12. Although the experts agreed to the approach and to blend Table 2 into policy 3.5.11, there remain some objections by individual Parties to the proposed modified policies 3.5.10 and 3.5.11 on specific sub-points, which are highlighted in the attachments and were noted in the Second Experts' Report (Exhibit "B").
13. The proposed modifications to policy 3.5.10 include the wording similar to the proposed modification in 3.5.12 where it covers the possibility of an extension to the deadline of this program beyond January 19, 2017 if there is a new date specified in the Growth Plan through a subsequent amendment. Furthermore, the first criteria has been expanded to clarify the qualification of servicing capability being demonstrated which it was felt was appropriate so there were no apparent conflicts with section 4.7 of the County official plan inadvertently created.
14. Policy 3.5.11 was completely reworked to remove the duplication of listing the requirements to be met by applications, since these are already specified in policy 3.5.10. As well, the additional considerations from Table 2 were put into a list within the policy instead, and the administration details were expanded upon to ensure clarity and better understanding of how the program would work. As highlighted in Exhibit "B" in the Second Experts' Report, consent by all Parties was not reached, as three Parties have identified sub-points of no agreement.
15. In my opinion the proposed modifications to policy 3.5.11 achieve the intent of the original policy which is to provide additional planning considerations to evaluate applications that qualify for part of the 20,000 population, as well as detailing the administrative procedures of the program for greater clarity and understanding.
16. Given the deadline imposed within the Growth Plan on the approvals by the County with respect to the additional 20,000 population, the policy and administrative framework to implement this program needs to be decided upon and come into effect in order for County Council to make decisions on the allocation of population to qualifying applications. Although the policies were modified to address the possibility of a further amendment extending the deadline of this program, it seems unlikely and it is best not to count on any extension being given. As such the urgency to get a policy framework in place to allow sufficient time for County Council to consider qualifying applications and allocate the population accordingly, is very real.


Summary Opinion

17. It is my professional planning opinion that the proposed modifications to policies 3.5.10, 3.5.11 and 3.5.12 accurately reflect the agreement reached by the experts involved in Phase 1a of this hearing, with the specific sub-points being contested. All policies addressed in this Phase of the hearing including the proposed modifications bring the policies into conformity with relevant Provincial policy. The modifications are consistent with both the 2005 and 2014 versions of the Provincial Policy Statement and represent good planning.

18. 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 to approve policies 3.5.13, 3.5.14, 3.5.15 and 3.5.16 and to modify and approve policy 3.5.12, 3.5.10 and 3.5.11 with the exception of the sub-points with no agreement. The specific sub-points that remain with no agreement include 3.5.10(i), 3.5.11.7, 3.5.11.9, 3.5.11A and the word "adopted" in 3.5.11. These will require determination by the Board.

SWORN BEFORE ME)
at the Township of Springwater)
in the County of Simcoe)
this 3rd day of April, 2014.)


Commissioner for Taking Oaths, etc.)


KATHY SUGGITT

Amanda Flynn, Deputy 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

3rd DAY OF APRIL, 2014.

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

ATTACHMENT 2a

Issues List for Phase 1a

1. Are the criteria listed on Table 2: Decision-Making Matrix for Applications considered by policy 3.5.10 appropriate, reasonable and sufficiently clear and do they represent good planning? Should more direction be given with respect to the application and evaluation of the criteria? *[Source - Appellants 2a, 2b, Issue 4; Appellant 3, Issue 3; Appellant 4, Issue 7; Appellant 5, Issue 2]*
2. Does policy 3.5.10 of the Simcoe County Official Plan conform to policy 6.3.2.2 of the Growth Plan? *[Source - Appellant 10, Issue 6]*
3. Is the cap in policy 3.5.11 on the amount of population that can be allocated to any one local municipality pursuant to policy 3.5.10 reasonable and appropriate? *[Source - Appellant 15, Issue 4]*
4. Are the criteria in Table 2 for the assessment of applications to be considered under policy 3.5.10 reasonable and appropriate? In particular, is it appropriate to assess an application on the basis of whether it is on lands within a Primary Settlement Area? *[Source - Appellant 15, Issue 5]*
5. Is additional detail needed with respect to how the criteria in Table 2 will be applied to assess applications to be considered under policy 3.5.10? *[Source-Appellant 15, Issue 6]*
6. Is the effect of policies ~~3.4,~~ 3.5.14-3.5.15, and ~~4.10~~ to restrict growth in local municipalities? Do these policies confirm with the Growth Plan? *[Source - Appellant 18, Issue 3]*
7. What does the phrase “the Environmental Assessment process is finalized” practically mean for purposes of policy 3.5.16? *[Source - Appellant 18, Issue 7]*
8. Is policy 3.5.15 appropriate to address phasing and does it represent good planning? *[Source - Appellant 18, Issue 8]*
9. What criteria should be added, deleted and/or qualified in Policy 3.5.10 of the Simcoe County Official Plan? Does the criteria contained Policy 3.5.10 conform with the Growth Plan for the Greater Golden Horseshoe and is it consistent with the Provincial Policy Statement (2005)? Should the criteria in Policy 3.5.10 be amended to encourage a good planning result for rural townships? *[Source - Appellant 33, Issue 12]*
10. Does Policy 3.5.11 need to be amended or modified? Does it conform with the Growth Plan for the Greater Golden Horseshoe and is it consistent with the Provincial Policy Statement (2005)? Should references to private communal services be deleted? What criteria should be added, deleted and/or qualified in Policy 3.5.11? Should the

criteria in Policy 3.5.11 be amended to encourage a good planning result for rural townships? *[Source - Appellant 33, Issue 13]*

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

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

THIS IS EXHIBIT "B" REFERRED TO IN THE AFFIDAVIT
OF KATHY SUGGITT SWORN BEFORE ME THIS

3rd DAY OF APRIL, 2014.

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

Report on Meeting of Expert Witnesses on Phase 1a (20,000 population equivalent policies)

January 23, 2014

Attendees:

Kathy Suggitt – County of Simcoe (Appellant Party 1)

Tim Cane – Town of Innisfil (Party D)

Tim Haldenby – MMAH (Party A)

Jacque Tschekalin – Township of Adjala-Tosorontio (Appellant Party 33)

Ron Palmer – for Township of Adjala-Tosorontio (Appellant Party 33)

Jim Hartman – for Township of Adjala-Tosorontio (Appellant Party 33)

Andria Leigh – Township of Oro-Medonte (Party W)

Tim Schilling – Town of New Tecumseth (Appellant Party 32)

Brent Spagnol – Township of Springwater (Appellant Party 6)

David Slade – Huntingwood Trails (Collingwood) Ltd. (Appellant Party 4)

Jeanette Gillezeau – Carson Road Development Inc. (Appellant Party 2a), Midhurst Development Doran Road Inc. (Appellant Party 2b), Craighurst Land Corp. (Appellant Party 3), Huntingwood Trails (Collingwood) Ltd. (Appellant Party 4) and D.G. Pratt Construction Limited (Appellant Party 30)

Paul Lowes – Carson Road Development Inc. (Appellant Party 2a), Midhurst Development Doran Road Inc. (Appellant Party 2b), and Craighurst Land Corp. (Appellant Party 3)

Ray Duhamel – D. G. Pratt Construction Limited (Appellant Party 30)

Darren Vella – Carson Trail Estates Inc. (Appellant Party 36), Innisfil Mapleview Developments Limited (Party R)

Brian Goodreid – Estate of Marie Louise Frankcom (Appellant Party 15)

Tony Biglieri – Tesmar Holdings Inc. (Appellant Party 10)

Policies Under Appeal include: 3.5.10 through 3.5.16 including Table 2

Alternative wording was provided by the Experts for the following: (due Jan 15th)

- Appellant Parties 2a, 2b and 3
- Appellant Party 4
- Appellant Party 10
- Appellant Party 15
- Appellant Party 33
- Appellant Party 36 and Party R
- Party A

All Experts are in Agreement with the following Policies as adopted (no modifications):

- 3.5.13
- 3.5.14
- 3.5.15
- 3.5.16

Proposed Policy Modifications that all Experts agree to:

- Policy 3.5.12 would be modified with the additional words in **bold underlined type** and yellow highlight as follows:

3.5.12 The *County* will monitor and report semi-annually to County Council on the approvals made pursuant to 3.5.10 and 3.5.11 until the sum of the population growth that can be accommodated on the redesignated *lands for urban uses* approved pursuant to 3.5.10 and 3.5.11 reaches a maximum total population of 20,000 or until January 19, 2017 (or such date as is specified in the Growth Plan), whichever is sooner.

Policies that remain under appeal with no agreement:

- 3.5.10
- 3.5.11
- Table 2

The expert witnesses have agreed to meet again to further discuss policies 3.5.10, 3.5.11 and Table 2.

A second meeting is scheduled for Thursday February 13, 2014.

Report prepared by Kathy Suggitt, County of Simcoe

Concurrence of all Attendees:

This report was circulated via email to all attendees on January 24, 2014. All attendees have concurred with the report via reply email.

