

**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

**WRITTEN MOTION RECORD**  
**PHASE 4a – RESOURCE CONSERVATION**  
**(Policies 4.5.10 and 4.5.13)**  
**(Motion in Writing under Rule 36)**

THOMSON, ROGERS  
Barristers and Solicitors  
Suite 3100, 390 Bay Street  
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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

Oct 22, 2015

No.	Appellant	Lawyer/Agent*	E-mail Address
<b>1</b>	County of Simcoe	Roger Beaman	<a href="mailto:rbeaman@thomsonrogers.com">rbeaman@thomsonrogers.com</a>
<b>2</b>	<b>2a</b> Carson Road Development Inc. <b>2b</b> 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>
<b>3[M]</b>	Craighurst Land Corp.	Susan Rosenthal	<a href="mailto:susanr@davieshowe.com">susanr@davieshowe.com</a>
<del><b>4</b></del>	Huntingwood Trails (Collingwood) Ltd.	Appeal Resolved	
<b>5</b>	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>
<b>6</b>	Township of Springwater	Barnet Kussner	<a href="mailto:bkussner@weirfoulds.ca">bkussner@weirfoulds.ca</a>
<b>7</b>	451082 Ontario Limited	James Feehely	<a href="mailto:jfeehely@fglawyers.ca">jfeehely@fglawyers.ca</a>
<b>8</b>	<b>8a</b> 861945 Ontario Ltd. <b>8b</b> Golfview Estates Limited[W/D] <b>8c</b> Mark Rich Homes Limited <b>8d</b> Silver Spring View Estates Limited <b>8e</b> Simcoe Estates Limited <b>8f</b> Royal Heights Estates Limited <b>8g</b> OMC Development Corp.[W/D]	David White A-G D'Andrea	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca
<del><b>9</b></del>	Innisfil Aleona Limited	<i>Appeal Withdrawn</i>	
<b>10</b>	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>
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<b>12</b>	<b>12a</b> Snow Valley Planning Corporation <b>12b</b> 453211 Ontario Limited	David White A-G D'Andrea (	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca
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<b>15</b>	Estate of Marie Louise Frankcom	James Feehely	<a href="mailto:jfeehely@fglawyers.ca">jfeehely@fglawyers.ca</a>
<del><b>16</b></del>	Midhurst Ratepayers' Association	<i>Appeal Dismissed by Board</i>	
<b>17</b>	Narinder Mann	Ian Rowe	<a href="mailto:irowe@barristonlaw.com">irowe@barristonlaw.com</a>
<b>18[M]</b>	Yorkwood Group of Companies [Resolved]	Patricia Foran	<a href="mailto:pforan@airdberlis.com">pforan@airdberlis.com</a>
<del><b>19</b></del>	<del><b>19a</b> Rama Resorts International Inc. <b>19b</b> Fernbrook Homes (Rama) Limited</del>	<i>Appeal Resolved</i>	
<del><b>20</b></del>	<del>4091402 Ontario Ltd.</del>	<i>Appeal Withdrawn</i>	
<b>21</b>	Nicole and Brent Fellman	David White A-G D'Andrea	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca
<b>22</b>	Travel-Rite Property Corp.	David White A-G D'Andrea	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca
<b>23</b>	Aqua-Gem Investments Ltd.	David White A-G D'Andrea	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca

24	442023 Ontario Limited	David White A-G D'Andrea	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca
25	1045901 Ontario Limited	David White A-G D'Andrea	<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	<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	Black Marlin Management Inc. [Resolved]	Caterina Facciolo	<a href="mailto:efacciolo@bratty.com">efacciolo@bratty.com</a> - Resolved
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]	Hanson Development Group [Resolved]	Patricia Foran	<a href="mailto:pforan@airdberlis.com">pforan@airdberlis.com</a>
32	Town of New Tecumseth	James Feehely	<a href="mailto:jfeehely@fglawyers.ca">jfeehely@fglawyers.ca</a>
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	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca
36	Carson Trail Estates Inc.	David White A-G D'Andrea	<a href="mailto:david.white@devrylaw.ca">david.white@devrylaw.ca</a> Anthony-George.D'Andrea@devrylaw.ca
37	Sucession Financial Group Inc.	David White A-G D'Andrea	<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	<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	<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	<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

Nov 9, 2015

No.	Party	Lawyer/Agent*	E-mail Address
<b>A</b>	Ministry of Municipal Affairs and Housing	Ken Hare Ugo Popadic	<a href="mailto:ken.hare@ontario.ca">ken.hare@ontario.ca</a> <a href="mailto:Ugo.Popadic@ontario.ca">Ugo.Popadic@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>	White Water Holdings Ltd.	Resolved	
<del>N</del>	<del>[Now Appellant 28]</del>		
<del>O</del>	No Jet Construction Inc. Remington Homes (Manhattan) Inc.	<i>Withdrawn</i>	
<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><b>U1&amp;U2</b> [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>
<b>X</b>	998991 Ontario Inc.	Ian Rowe	<a href="mailto:irowe@barristonlaw.com">irowe@barristonlaw.com</a>
<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-Nahuis</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	<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

**I N D E X**

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Affidavit of Kathy Suggitt, sworn January 20, 2016	4
Exhibit “A” – Email to all Parties from Roger Beaman dated January 6, 2016 on two policies to be deferred	7
Exhibit “B” – Experts’ Report # 4 dated January 18, 2016	9

**Ontario Municipal Board**  
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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

**NOTICE OF WRITTEN MOTION**  
**PHASE 4a – RESOURCE CONSERVATION**  
**(Policies 4.5.10 and 4.5.13)**  
**(Motion in Writing under Rule 36)**

**THE CORPORATION OF THE COUNTY OF SIMCOE** is making the within Written Motion to the Ontario Municipal Board under Rule 36 of the Board's Rules of Practice and Procedure pursuant to permission granted in the Order of the Board issued August 31, 2015. Any Notice of Written Response by Parties to this proceeding must be served by **Friday, February 5, 2016** and the County may thereafter serve a Written Reply by **Tuesday, February, 9, 2016**.

THE MOTION IS FOR AN ORDER:

- (a) Allowing the Official Plan appeal in part and modifying and approving two deferred policies for Phase 4a dealing with Resource Conservation as set out in paragraph 12 of the Affidavit of Kathy Suggitt, sworn January 20, 2016;
- (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 4a Greenlands and Resource Conservation 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 4a hearing.
- (b) The experts produced three Experts' Reports dated Nov. 25, 2015, Dec. 9, 2015 and Dec. 10, 2015 setting out certain Phase 4a policies to be approved or modified and approved.
- (c) The said policies were put forward for approval but two policies, namely s. 4.5.10 and 4.5.13, were deferred from approval by the County.
- (d) The experts produced a further Experts' Report #4 dated January 18, 2016 with revisions to the two deferred policies.
- (e) The two policies as further modified provide a suitable and appropriate policy framework for implementation of the Growth Plan.
- (f) The two policies as further modified are consistent with the PPS 2014, conform with relevant Provincial policy and represent good planning.
- (g) Approval as sought would resolve appeals and concerns of certain parties.
- (h) Relief under Rule 36 to hold motions in writing was granted by the Board in its Order issued August 31, 2015 and the scheduled dates for Responses and Replies were secured from the Board's caseworker;
- (i) Such further and other grounds as counsel may advise and this Board may deem necessary.
- (j) *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 January 20, 2016, and the Exhibits attached thereto;

- (b) Report #4 of Expert Witnesses on Phase 4a contained in the said Affidavit as Exhibit "B";
- (c) the pleadings, proceedings and exhibits filed herein;
- (d) such further and other material as counsel may advise and this Board may permit.

JANUARY 20, 2016

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M5H 1W2

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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

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 and Carson Road Development Inc.  
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 Appellant: Township of Springwater  
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 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 4a – Resource Conservation**

**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 over 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.

5

#### **Phase 4a - Resource Conservation Policies**

4. The expert witnesses for the parties registered in Phase 4a of the hearing met on several occasions up to November 6, 2015 to try to resolve issues and/or reduce the number of issues. Arising from the meetings, three Experts' Reports were provided to the County solicitor, who circulated the reports to the Board and to all parties and participants. The three Experts' Reports, dated November 25, 2015, December 9, 2015 and December 10, 2015, were contained in the County's Motion record of December 23, 2015.
5. On January 6, 2016 the County solicitor notified all parties that the County "will not be seeking approval of policies 4.5.10 and 4.5.13 contained in the Motion at this time. These policies will remain to be considered in due course". Attached as **Exhibit "A"** is a copy of the email from Roger Beaman dated January 6, 2016.
6. Withholding the two policies allowed the expert witnesses for the parties registered in Phase 4a to further review the language of the policies.

#### **Proposed Modifications**

7. The experts involved in the discussions reached agreement or have no opposition/no opinion on the two policies, namely 4.5.10 and 4.5.13, given further proposed modifications as detailed in the Attachment to the Experts' Report dated January 18, 2016, herein marked as **Exhibit "B"** to this affidavit.
8. The proposed further modifications ensure that the policies conform with the Growth Plan and are consistent with the Provincial Policy Statement, 2014.

#### **Policies and Definitions that Remain Under Appeal with No Agreement to Date**

9. The expert witnesses with interest in the policies and definitions that remain under appeal in Phase 4a may continue discussions with the prospect of further refining the issues to be addressed at the hearing or reaching final resolution.

#### **Summary Opinion**

10. It is my professional planning opinion that the proposed modifications to the policies listed in paragraph 7 and detailed in the Attachment to the Experts Report attached as **Exhibit "B"** accurately reflects the agreement reached by the experts involved in Phase 4a of this hearing, on the understanding that the experts either support or do not oppose/have no opinion on the proposed modifications.


11. The proposed modifications 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.

12. 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 modify and approve policies 4.5.10 and 4.5.13 as detailed in the Attachment to **Exhibit "B"**.

**SWORN BEFORE ME** )  
at the Township of Springwater )  
in the County of Simcoe )  
this 20th day of January, 2016. )

  
**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  
20th DAY OF JANUARY, 2016.

A handwritten signature in cursive script that reads "Amanda Flynn". The signature is written in black ink and is positioned above a horizontal line.

A Commissioner, etc.

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

**Suggitt, Kathy**

**From:** ahatzi@thomsonrogers.com on behalf of rbeaman@thomsonrogers.com  
**Sent:** Wednesday, January 06, 2016 11:19 AM  
**To:** Anthony-George.D'Andrea@devrylaw.ca; askinner@airdberlis.com; bhorosko@horoskoplanninglaw.com; bkussner@weirfoulds.com; chris.barnett@dlapiper.com; David.white@devrylaw.ca; lkagan@ksllp.ca; irowe@barristonlaw.com; itang@blg.com; jfeehely@fglawyers.ca; jpepino@airdberlis.com; meaghanm@davieshowe.com; michaelm@davieshowe.com; pdemelo@ksllp.ca; pforan@airdberlis.com; rbeaman@thomsonrogers.com; susanr@davieshowe.com; swaque@blg.com; AAnderson@barristonlaw.com; cwilliams@airdberlis.com; eveldboom@russelchristie.com; HElston@barristonlaw.com; irowe@barristonlaw.com; jdawson@mccarthy.ca; jfeehely@fglawyers.ca; Jbarzo@barzolaw.com; ken.hare@ontario.ca; llongo@airdberlis.com; mbull@woodbull.ca; michaelbvaughan@yahoo.ca; mjoblin@loonix.com; ppeterson@hgrgp.ca; qannibale@loonix.com; rhouser@goodmans.ca; ruukkivi@casselsbrock.com; sleisk@casselsbrock.com; sdrogerslaw@rogers.com; thalinski@airdberlis.com; Popadic, Ugljesa (MAH)  
**Cc:** aleigh@oro-medonte.ca; allison@lehmanplan.ca; bhoppe@newtecumseth.ca; Brent.Spagnol@springwater.ca; clarkson@mhbcpplan.com; ctripp@midland.ca; darryl.lyons@ontario.ca; Parks, David; dmark@midpi.ca; dsiade@dcsiade.ca; gmcknight@townofbwg.com; goodreidplanninggroup@gmail.com; jhilburt@airdberlis.com; jtschekalln@townshipadjtos.on.ca; johnpaul.loiacono@ontario.ca; Suggitt, Kathy; Marshall Green; michael@msplanning.ca; nfarrer@collingwood.ca; nick@meridian-vaughan.ca; plowes@sglplanning.ca; shahn@hgrgp.ca; skirsch@bellnet.ca; tschilling@newtecumseth.ca; Anthony-George.D'Andrea@devrylaw.ca; am\_romano@hotmail.com; at@iglide.net; bernard@ontariofarmlandpreservation.org; chantalegagnon@bell.net; david.white@devrylaw.ca; dperryman43@sympatico.ca; hsander@townshipofsevern.com; meaghanm@davieshowe.com; michaelm@davieshowe.com; nahuis@csolve.net; nvf4all@gmail.com; rockeynol32@gmail.com; sagnew@ecomedic.ca  
**Subject:** Simcoe Cty OP - PL091167 - Written Motion Phase 4a Greenlands - Urgent

The above-noted Motion was served by the County on Dec 23, with Responses due by January 15.

Please be advised that the County will not be seeking approval of policies 4.5.10 and 4.5.13 contained in the Motion at this time. These policies will remain to be considered in due course.

Roger Beaman  
Thomson, Rogers  
Direct Line 416-868-3157

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THIS IS EXHIBIT "B" REFERRED TO IN THE AFFIDAVIT  
OF KATHY SUGGITT SWORN BEFORE ME THIS  
20th DAY OF JANUARY, 2016.

A handwritten signature in cursive script, reading "Amanda Flynn", 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 #4 on Phase 4a (Greenlands and Resource Conservation)**

**Dated January 18, 2016**

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**Expert Planning Witnesses Registered for Phase 4a of the Hearing:**

Anthony Biglieri – Tesmar Holdings Inc. (Appellant Party 10)  
 David Butler – Crestwood Park Holdings (appellant status pending)  
 Tim Cane & Steve Montgomery – Town of Innisfil (Party D)  
 Brent Clarkson & Brian Zeman – OSSGA and others (Parties J1-J6)  
 Mark Dorfman – Township of Ramara (Party C2)  
 Ray Duhamel – D. G. Pratt Construction Limited (Appellant Party 30)  
 Brian Goodreid – Narinder Mann (Party 17)  
 Bob Lehman – 2133952 Ontario Inc. (Party S) & Talisker Corporation (Party T)  
 Andria Leigh – Township of Oro-Medonte (Party W)  
 Marie Leroux – Township of Clearview (Party G1)  
 Paul Lowes – Carson Road Development Inc. & Midhurst Development Doran Road (Appellant Parties 2a and 2b)  
 Darryl Lyons & Aldo Ingraldi – Ministry of Municipal Affairs and Housing (Party A)  
 Nicola Mitchinson – Simcoe Estates Limited (Appellant Party 8e), Royal Heights Estates (Appellant Party 8f) and 2115441 Ontario Inc. (Appellant Party 35)  
 Shawn Persaud & Kris Menzies – Township of Tiny (Party G2)  
 Celeste Phillips – Innisfil Beach Farms (Appellant Party 14)  
 Tim Schilling/ Bruce Hoppe – Town of New Tecumseth (Appellant Party 32)  
 Brent Spagnol & Chris Russell – Township of Springwater (Appellant Party 6)  
 Kathy Suggitt, Rachele Hamelin & Tiffany Thompson – County of Simcoe (Appellant Party 1)  
 Jacquie Tschekalin – Township of Adjala-Tosorontio (Appellant Party 33)  
 Darren Vella – McMahan Woods Developments Ltd. (Appellant Party 13) & Janis & David Wright (Appellant Party 11)  
 Peter Walker – Ontario Potato Distributing Inc. & 1567210 Ontario Limited (Appellant Parties 27a & 27b)

**Policies 4.5.10 and 4.5.13:**

Further to the Experts' Report 3 dated December 10, 2015, and the County's Motion Record of December 23, 2015, Roger Beaman sent an email to all Parties dated January 6, 2016 stating that "the County will not be seeking approval of policies 4.5.10 and 4.5.13 contained in the Motion at this time".

This is a further report to the Board that there is agreement or no opposition/no opinion amongst the experts who participated in meetings up to November 6, 2015, on those two policies given further proposed modifications as detailed in the Attachment. These proposed modifications resolve all concerns which had caused them to be withheld from the Motion.

**NOTE:** Party 13 maintains a site-specific appeal.



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

## Attachment to Experts' Report 4 on Phase 4a (Greenlands and Resource Conservation)

### Proposed Modifications:

Split policy 4.5.10 into 2 policies (4.5.10 and new 4.5.11, and renumber accordingly) and modify as follows:

4.5.10 *Development and site alteration* shall not be permitted within:

- a) the *dynamic beach hazards*;
- b) areas that would be rendered inaccessible to people and vehicles during times of *flooding hazards, erosion hazards and/or dynamic beach hazards*, unless it has been demonstrated that the site has safe access appropriate for the nature of the *development* and the natural hazard; and
- c) a *floodway* regardless of whether the area of inundation contains high points of land not subject to flooding.

4.5.11 Notwithstanding 4.5.9 through 4.5.17 4.5.10, *development and site alternation* may be permitted in certain areas associated with the *flooding hazard along river, stream and small inland lake systems* within an approved *Special Policy Area(s)* according to their respective policies, or where the *development* is limited to uses which by their nature must locate within the *floodway*, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows. Any change or modification to the official plan policies, land use designations or boundaries applying to *Special Policy Area* lands, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources and Forestry prior to the approval authority approving such changes or modification.

4.5.13 Where there is a *Two Zone Concept* in place applied, and except as prohibited in policy 4.5.10, ~~a *flood fringe* means an area where flood depths and velocities would be less severe than those experienced in the *floodway*.~~ *Development and site alteration* may be permitted within the *flood fringe* of a *river, stream, and inland lake systems* subject to appropriate flood proofing to the *flooding hazard* elevation or another *flooding hazard* standard approved by the Minister of Natural Resources and Forestry, and if the following criteria can be achieved:

- a) the hazards can be safely addressed, and the *development and site alteration* is carried out in accordance with *floodproofing standards, protection works standards, and access standards established standards and procedures for flood fringe development*;

- b) new hazards will not be created and existing hazards are not aggravated;
- c) no adverse environmental impacts will result;
- d) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion, and other emergencies; and
- e) the *development* does not include *institutional uses*, *essential emergency services*, or the disposal, manufacture, treatment, or storage of *hazardous substances*.

Generally, subject to the approval of the appropriate regulatory agencies, agricultural structures in the *flood fringe* may be rebuilt where destroyed by fire or other event.

**NOTE:** Appellant Party 13 maintains a site-specific appeal.

**ONTARIO MUNICIPAL BOARD**

**MOTION RECORD**  
**PHASE 4a – RESOURCE CONSERVATION**  
**(Policies 4.5.10 and 4.5.13)**  
**Written Motion Under Rule 36**

THOMSON, ROGERS  
Barristers and Solicitors  
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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  
(050873 RTB/aph)