

ISSUE DATE:

May 15, 2014



PL091167

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: 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

B E F O R E:

M. A. SILLS) Thursday, the 15th
MEMBER)
S. SUTHERLAND) day of May, 2014
MEMBER

THESE MATTERS having been appealed to the Board and the Board having conducted a fifth prehearing conference ("PHC") on April 15, 2014;

THE BOARD ORDERS that the List of Appellant/Party Attendees at the April 15, 2014 PHC is appended to this order as **Attachment 1**;

AND THE BOARD ORDERS that the List of Participant Attendees at the April 15, 2014 PHC is appended to this order as **Attachment 2**;

AND THE BOARD ORDERS that the orders of the Board emanating out of this fifth PHC held on April 15, 2014 are found appended to this order as **Attachment 3**;

AND THE BOARD ORDERS that the Procedural Order for Phase 1 be varied by changing the Key Dates to the Revised Key Dates as shown appended to this order in **Attachment 4**;

AND THE BOARD ORDERS that the next PHC on this matter is scheduled for **10:30 a.m. on Friday, June 20, 2014 at:**

**Council Chambers
County of Simcoe Administrative Centre
1110 Hwy 26, 1/2 Mile W of Hwy 27
Midhurst ON L0L 1X0**

AND THE BOARD ORDERS that a 5-day hearing of the remaining Phase 1a matters will begin on **Monday, June 2, 2014 at 10:30 a.m.** at the same location. It is scheduled for **Monday, June 2 through Thursday June 5, 2014 and, if necessary, Friday, June 20, 2014**;

AND THE BOARD ORDERS that the Participants who have filed Participant Statements by April 30, 2014 for the Phase 1a hearing have been allotted 15 minutes each for their oral statements to the Board;

AND THE BOARD ORDERS that further hearing time is scheduled for **Monday, August 11 to Friday, August 15, 2014**;

AND THE BOARD FURTHER ORDERS that Phase 2 of the proceeding will consider Growth Management, s. 3.1, 3.2, 3.4.1 and 3.5 and Transition, s. 3.4.6 of the proposed Official Plan.



SECRETARY

ATTACHMENT 1

**County of Simcoe Official Plan PHC #5
List of Appellant/Party Attendees April 15, 2014**

Counsel/Representative	Appellant/Party/Participant
Roger Beaman Marshall Green/Sarah Hahn	Appellant 1
Susan Rosenthal/Meaghan McDermid	Appellants 2a, 2b, 3, 4
Brent Spagnol*	Appellant 6
James Feehely	Appellants 7, 15, 32
Cory Estrela	Appellants 8a, 8c, 8d, 8e, 8f, 11, 12a, 12b,13, 14, 21, 22, 23, 24, 25, 26
Meaghan McDermid	Appellant 10
Ian Rowe	Appellant 17, 34, Parties G1, G2, G3, V, X
Patricia Foran	Appellants 18, 31
Chris Barnett	Appellants 27a, 27b
Caterina Facciolo	Appellants 28, 29
Patricia Foran (for Jane Pepino)	Appellant 30
Isaac Tang	Appellant 33
Ugo Popadic/ Michael Spagnolo (Student-at-Law)	Party A
Edward Veldboom	Parties C1, C2
Quinto Annibale/Mark Joblin	Party D
Paul Peterson	Party F
Alexandra Sadvari	Parties J1, J2, J3, J4, J5, J6, K
John Barzo	Party Q
Susan Rogers	Party R
Harold Elston	Parties S, T
Christopher Williams	Party W

*Agent

ATTACHMENT 2

**County of Simcoe Official Plan PHC #5
List of Participant Attendees April 15, 2014**

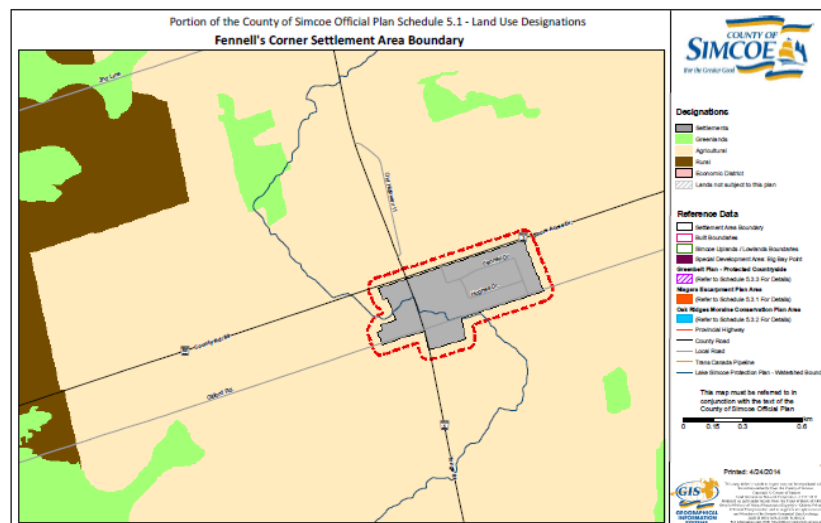
Sandy Agnew* Ann Truyens*	Participant 1
Chantale Gagnon*	Participant 2
Anna Romano*	Participant 3
Bernard Pope*	Participant 8
Anne Ritchie-Nahuis*	Participant 9
Meaghan McDermid	Participant 11a, 11b
Cory Estrela	Participant 22
John Strong*	Participant 25

***Agent**

ATTACHMENT 3

PL091167

1. **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 an Order issued February 25, 2014, the Official Plan of the County of Simcoe as adopted by the County of Simcoe on November 25, 2008 and as recommended to be modified by the County of Simcoe on January 22, 2013, (the "Official Plan"), is hereby further modified and approved in part to implement this Order as provided below.
2. **AND THE BOARD FURTHER ORDERS** that on reading the Motion Record of the Town of Innisfil dealing with Fennell's Corners, filed, and reading the supporting Responding Motion Record of the County of Simcoe, filed, and hearing the submissions of counsel, no party being in opposition,
 - (a) That Fennell's Corners be added to the list of settlement areas in Table 5.1 of the Official Plan;
 - (b) That the Town of Innisfil's Issue Number 1 on page 52 of Exhibit 54 be deleted.
 - (c) That Fennell's Corners be added as a settlement area on Schedule 5.1 of the Official Plan as shown within the dashed line on the following sketch included in this Order.



3. **AND THE BOARD FURTHER ORDERS** on reading the Motion Record of the County of Simcoe dealing with Phase 1c – D4 Policies, filed, and reading the supporting Responding Motion Records of the Town of Collingwood and the Town of New Tecumseth, filed, and hearing the submissions of counsel, no Party being in opposition,
- (a) That Appendix 5 to the Official Plan entitled *D-4 Assessment Area Implementation* be deleted;
 - (b) That the last sentence of Policy 4.10.12 which sentence reads “*Implementation of the policies shall be as set out in Appendix 5 of this Plan*” be deleted;
 - (c) That the Issues List approved for Phase 1c and the corresponding issues in Exhibit 54 be deleted;
 - (d) That Policies 4.9.9 through 4.9.24 of the Official Plan be deleted and replaced with modified Policies 4.9.9 through 4.9.17 as set out as follows:

4.9.9 The locations of County owned and operated *waste disposal sites* are shown on Schedule 5.6.1. The locations of private and *local municipality* owned or operated *waste disposal sites* are shown on Schedule 5.6.2. The locations of all *waste disposal sites* within each *local municipality* will be mapped in the respective *local municipal* official plans.

4.9.10 The recognized best practice to regulate land use on or near *waste disposal sites* is the Ministry of Environment *Guideline D-4* which provides that generally an area within 500 metres of a *waste disposal site* is the area in which landfill-related impacts may be present. This area is known as the *D-4 Assessment Area*. Accordingly, the default *D-4 Assessment Area* is 500 metres calculated from the property line of the *waste disposal site* or from the *Fill Area* of the *waste* for a closed site where the *Fill Area* is known.

4.9.11 The *Guideline D-4* allows for the *D-4 Assessment Areas* to be varied where the actual influence area of the *waste disposal site* has been determined to be less than the 500 metres. The *D-4 Assessment Area* may be reduced to coincide with the actual influence area. Where significant impacts are encountered beyond 500 metres the *D-4 Assessment Area* may be extended beyond the 500 metres.

4.9.12 The *County* will determine the *D-4 Assessment Areas* for *County* owned or operated *waste disposal sites* in consultation with the *MOE*. For private and *local municipality* owned or operated *waste disposal sites* the *local municipality* will determine the *D-4 Assessment Area* in consultation with the *MOE*. All *D-4 Assessment Areas* within each *local municipality* will be mapped in the respective *local municipal* official plans. These *D-4 Assessment Areas* will be shown on a map to be prepared by and available from the *County* for information purposes only. The *County* will update the map from time to time as information changes or new *D-4 Assessment Areas* are determined in accordance with this *Plan*.

4.9.13 In order to alter the *D-4 Assessment Area* in the *local municipal* official plan, an *Assessment Area Environmental Study* taking into consideration the applicable factors in the *Guideline D-4* will be prepared by a *Qualified Person*, in consultation with the *MOE*, and will be peer reviewed as determined necessary by the *D-4 Approval Authority*. In the alternative, where current information exists to demonstrate there are no landfill-related impacts associated with the closed sites, the *D-4 Assessment Area* may be reduced without the need for an *Assessment Area Environmental Study*, in consultation with the *MOE*. No amendment to this *Plan* is required; rather a *local municipal* official plan amendment is required to alter a *D-4 Assessment Area*.

4.9.14 *Sensitive land uses* shall normally not be permitted in the *D-4 Assessment Area* of an active *waste disposal site*.

4.9.15 Where *development* is proposed within the *D-4 Assessment Area* of a *County* owned *waste disposal site*, or where the *County* is the *D-4 Approval Authority*, *D-4 Studies* will be required and peer reviewed and their proposed conditions including mitigation and monitoring will be subject to the approval of the appropriate *County* staff and implemented accordingly.

4.9.16 Where *development* is proposed within the *D-4 Assessment Area* of a private or *local municipality* owned *waste disposal site*, the *local municipality* will determine the need for *D-4 Studies* and peer reviews, and the implementation of the proposed conditions including mitigation and monitoring will be determined by the *local municipality* and policies addressing the implementation options will be contained in the *local municipal* official plan.

4.9.17 If the *MOE* approves the deletion of a *waste disposal site*, no amendment to either the *local municipal* official plan or this *Plan* is necessary. Any new or expanded *waste disposal site* in consultation

with the *MOE* would require an amendment to this *Plan* and to the *local municipal* official plan.”

- (e) That the definition of **ASSESSMENT AREAS, WASTE DISPOSAL SITES** be deleted;
- (f) That the following definitions be approved:

“**ASSESSMENT AREA ENVIRONMENTAL STUDY** means a report prepared by a *Qualified Person* to assess the *D-4 Assessment Area* to determine if the area included should be varied.

BUFFER AREA for *Waste Management Sites* means the area adjacent to the *Fill Area* for which no non-*Waste Disposal Area* related use can be made of the lands. Generally, the minimum distance for a buffer zone is 30 meters but can be extended to 100 meters or more at the discretion of the owner and operator of the *Waste Disposal Site* or at the direction of the Ministry of the Environment.

D-4 APPROVAL AUTHORITY for all *County* owned or operated *waste disposal sites* the *County* is the *D-4 Approval Authority*. For all private and *local municipality* owned or operated *waste disposal sites*, the *local municipality*, within which the property is located, is the *D-4 Approval Authority*.

D-4 ASSESSMENT AREA refers to the lands generally within 500 metres of the *waste disposal site*, or more specifically, the area shown on the applicable schedules in the *local municipal* official plans. The *D-4 Assessment Area* may vary according to the actual *waste cell* location, depth and type of *waste* and existing conditions. The *County* will also prepare and make available for information purposes, a map showing the *D-4 Assessment Areas* for all *waste disposal sites*.

D-4 STUDY is a study required to evaluate the presence and impact of any adverse effects or risks to health and safety and any necessary remedial measures necessary for a proposed *development* in compliance with the *Guideline D-4* including, but not limited to, ground and surface water (hydrogeology and hydrology), noise, odour, and dust, methane gas migration, traffic impact, land use compatibility, and other studies considered appropriate.

FILL AREA means the area of a *Waste Disposal Site* set aside for landfilling.

GUIDELINE D-4 means the *MOE Guideline D-4*, as amended and any successor guideline or legislation.

SENSITIVE LAND USES means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more *adverse effects* from contaminant discharges generated by a nearby major facility. *Sensitive Land Uses* may be part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities.

SENSITIVE LAND USES (for Section 4.9 only) as defined under the *Guideline D-4* is any existing or committed land use which includes: a permanent structure used in Animal husbandry, or agricultural land used for pasturing livestock, or a permanent structure where a person sleeps, or a person is present on a full-time basis, but not including food or motor vehicle service facilities, adjacent to a highway, utility operations, scrap yards, heavy industrial uses, gravel pits, quarries, mining or forestry activities, or cemeteries.

WASTE includes ashes, garbage, refuse, domestic waste, industrial waste, or municipal refuse, and such other materials as are designated in the regulations of the *Environmental Protection Act*.

WASTE DISPOSAL SITE includes the *Fill Area* and the *Buffer Area* of property which has been or is suspected to have been used as a landfill as well as property under *development* for landfilling, and means:

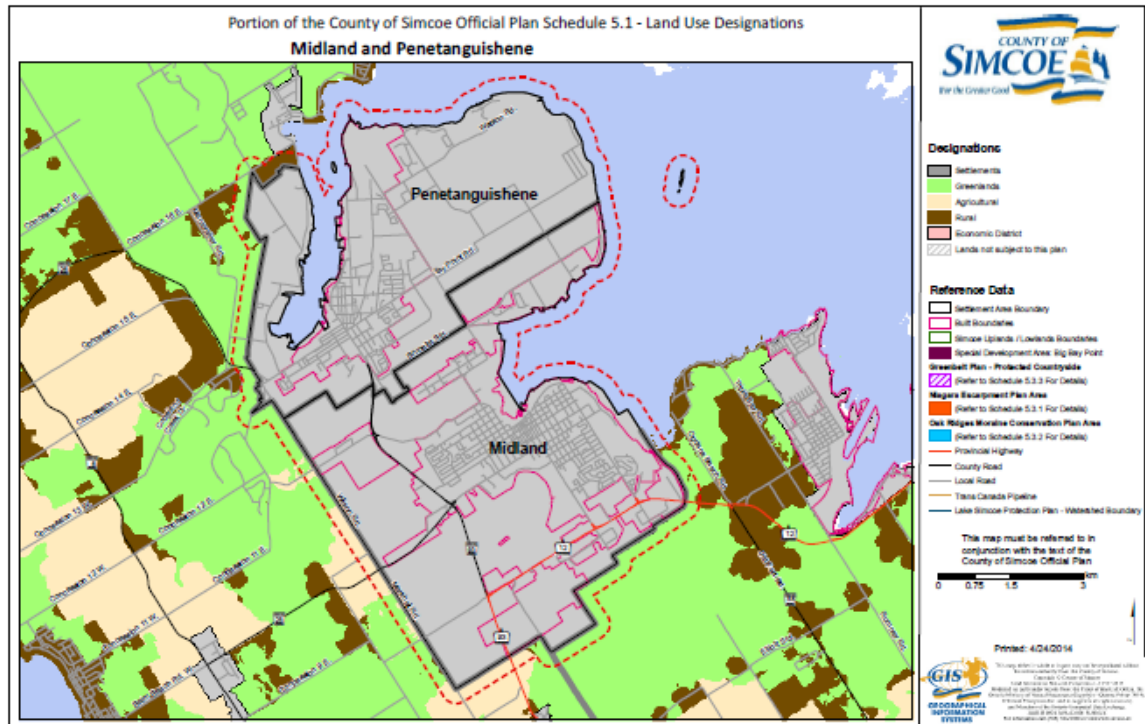
- (a) any land upon, into or through which, or building or structure in which, *waste* is deposited, disposed of, handled, stored, transferred, treated or processed; and
- (b) any operation carried out or machinery or equipment used in connection with the depositing, disposal, handling, storage, transfer, treatment, or processing referred to in clause (a)."

- (g) That Map Schedules 5.6.1 and 5.6.2 remain under appeal but be modified by removing the D-4 Assessment Areas shown on the maps around the waste disposal sites, and that final versions of the modified Map Schedules be brought forward for approval.

4. **AND THE BOARD FURTHER ORDERS** on reading the Motion Records of the Town of Penetanguishene and the Town of Midland, both dealing with Phase 1b and the Midland/Penetanguishene boundary, filed, and reading the Minutes of Settlement contained therein and hearing the submissions of counsel, no Party being in opposition,

- (a) That the time for service of these motions be abridged;

- (b) That the Issues List approved for Phase 1b be deleted along with related issues on Exhibit 54; and
- (c) That the Official Plan, Schedule 5.1 – Land Use Designations as it applies to the settlement area and the location of the settlement area boundary for the Town of Midland and the Town of Penetanguishene, as set out below within the dashed lines be modified and approved as shown.



5. **AND THE BOARD FURTHER ORDERS** on reading the Motion Record of Sucession Financial Group Inc., filed, and hearing the submissions of counsel, no Party being in opposition,
- (a) That Sucession Financial Group Inc. be added as Appellant Party 37 with 5 issues, and
- (b) That the issues of Appellant Party 37 be added to the Issues List [Exhibit 54] as page 47].
6. **AND THE BOARD FURTHER ORDERS** on reading the Motion Record of the County of Simcoe dealing with Phase 1a – 20,000 Population Policies, filed, and reading the supporting Motion Records of the Town of Collingwood, the Town of New Tecumseth and the Ministry of Municipal Affairs and Housing, filed, and reading the conditional supporting Motion record of the Township of Adjala-Tosorontio, filed, and hearing the

submissions of counsel and being advised that suitable conditions have been agreed to by the parties,

(a) That the 20,000 Population Policies in the Official Plan be modified and approved as follows:

“3.5.10 The *County* may approve adopted official plans or adopted official plan amendments regarding lands within a *settlement area* that redesignate *lands not for urban uses* to *lands for urban uses* that are in excess of what is needed for a time horizon of up to 20 years or to accommodate the forecasts in Table 1, whichever is sooner, until January 19, 2017 or such date as is specified in the Growth Plan, for an amount of land to accommodate a total population not to exceed 12,000¹ for the County of Simcoe in total, provided the growth satisfies the following criteria:

- a) Can be serviced in accordance with applicable *provincial* plans, *provincial* policies and is in accordance with section 4.7 of this *Plan* and has demonstrated capability of being developable on *municipal sewage services* and *municipal water services* or *private communal sewage services* and *private communal water services*;
- b) Contributes to the achievement of the *density target* or *intensification* target, as applicable, set out in section 3.5.23 and 3.5.24 of this *Plan*;
- c) Contributes to the development of a *complete community*;
- d) Is subject to phasing policies of Sections 3.5.14 to 3.5.16;
- e) Contributes to the achievement of the jobs to residents ratio in Table 1 for the *local municipality*;
- f) Is in accordance with the requirements of the Lake Simcoe Protection Plan, 2009, if applicable;
- g) Is supported by appropriate transportation *infrastructure* and *public service facilities* and is in accordance with any transportation guidelines and policies developed by the County of Simcoe;
- h) Is in accordance with the other growth management policies of this *Plan*; and
- i) Does not involve an expansion of a *settlement area* boundary.²

3.5.11 For [the]³ purposes of this policy and Section 3.5.12 and the administration of the program outlined below, when the word “applications” or the word “matters” are used, either term is meant to include both terms

¹The Board has approved the 12,000 population figure [shaded in four locations] on an interim basis until disposition of the Phase 1a matters scheduled for June, 2014, at which time the 20,000 population figure will be substituted.

² Section 3.5.10 i [shaded] remains under appeal. Party 33 seeks to add the words “except as permitted as part of a *municipal comprehensive review*” to the phrase.

³ The shaded portion of s. 3.5.11 remains under appeal. Party 33 seeks to add the word “the”.

and means adopted official plans or adopted official plan amendments (both privately initiated and municipality initiated). This policy provides additional criteria for consideration and the administration procedures to identify how the County of Simcoe will implement Section 3.5.10 and related policies.

In addition to the requirements of Section 3.5.10, the *County* will consider the following criteria in the evaluation of applications or matters:

1. how the application fits within the *settlement area* hierarchy or preferred growth areas for the *local municipality*;
2. if the application contains both employment and residential uses;
3. if the application is a redevelopment of a *Brownfield* site;
4. if the application includes policies detailing how the *development* will require the incorporation of *affordable* housing units;
5. if the application contains active transportation components;
6. if there are partnerships included on any financing proposal to reduce financial burden to the local municipality;
7. if the application is on lands within a *primary settlement area*;⁴
8. if the lands provide a servicing linkage or provide critical mass for servicing feasibility;
9. if the application consolidates and aligns land supply in more appropriate locations and uses rural *infrastructure* and *public service facilities* efficiently;⁵
10. if the application focuses rural growth and promotes the vitality and regeneration of rural *settlement areas*;⁶ and
11. if the application contains a Council resolution from the *local municipality* to have an adopted official plan or adopted official plan amendment considered for this program.

The program will be administered as follows:

- A. The County, in collaboration with the *local municipalities*, will identify lands that qualify as *lands not for urban uses* for each *local municipality*;⁷
- B. The *County* will require a complete record of adoption in accordance with the *Planning Act*, a letter of request from the *local municipality* or land owner to have an adopted official plan or adopted official plan amendment considered for this program together with a planning report demonstrating how the application satisfies all of the criteria outlined in Section 3.5.10 and how the criteria of 1) through 9)⁸ above are addressed;
- C. The *County* will maintain and publish on the County's website as part of the land budget, a ledger account for the 12,000¹ population that reflects the approvals and the declining balance of the

⁴ Section 3.5.11.7 [shaded] remains under appeal. Party 33 seeks the deletion of policy 7.

⁵ Section 3.5.11.9 [shaded] remains under appeal. Party 33 seeks the addition of policy 9.

⁶ Section 3.5.11.10 [shaded] remains under appeal. Party 33 seeks the addition of policy 10.

⁷ Section 3.5.11.A [shaded] remains under appeal. Party R seeks the deletion of policy A.

⁸ Paragraph numbering remains under appeal.

available population and any pending applications for this program and provide a report to County Council semi-annually until the program concludes;

- D. Despite the County's delegation by-law, County Council will receive a staff report for each application qualifying for consideration under policy 3.5.10 from County planning staff following their review of the application as soon as possible following receipt of all of the required items specified in B) above;
- E. The County planning staff report will provide an evaluation of the application based on the requirements of policy 3.5.10, consideration of the criteria in 1) through 9)⁸ above, and all other relevant policies of this Plan;
- F. A maximum of the equivalent land area to accommodate 2,000 population will be considered for approval for any given application;
- G. A maximum of the equivalent land area to accommodate 4,000 in population will be approved for any one *local municipality* for the entire timeframe, and
- H. Any unused portion of the equivalent to 12,000¹ in population may be considered in the final year of this program without limits despite F) and G) above.

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 12,000¹ or until January 19, 2017 (or such date as is specified in the Growth Plan), whichever is sooner.

3.5.13 *Local municipalities* may approve *development* on *lands for urban uses* once the designations have been approved by the *County* under policies 3.5.10 and 3.5.11, provided the *development* is in accordance with the policies of this *Plan*.

Phasing of Development

3.5.14 Within *settlements*, *local municipal* official plans should direct that *development* on *designated Greenfield areas* occur contiguous to or abutting the existing *built boundary* and progressing out from there, except where physical barriers or *significant natural heritage features* and functions intervene.

3.5.15 The progression of *development* within a *settlement area* will be based on a sustainable and logical progression of *development* and in accordance with *Provincial, County* and *local municipal* official plan policies. Consideration will be given to the following matters when determining phasing of *development*:

- a) The required *infrastructure* and *public service facilities* are approved and implementable in a timely and cost-effective manner;
- b) The *development* promotes sustainability and energy efficient design and contributes to the achievement of a *complete community*, including the provision of a full range of housing types, and/or the provision of commercial and employment opportunities;
- c) Priority given to infill and *intensification* proposals that utilize existing *infrastructure* and *public service facilities*;
- d) Absorption rate of new construction in previous phases and the need for additional phases of *development*;
- e) *Local municipalities* may place lands with a Holding Zone provision to ensure timing of release of subsequent phases is justified and satisfies other policies of this *Plan* and the *local municipal* official plan.

3.5.16 No final approvals such as registration of plans of subdivision, will be given until the Environmental Assessment process is finalized which deals with the provision of water and sewage treatment services and confirmation that capacity exists within the approved Environmental Compliance Approvals or agreements are in place for the expansion of such facilities to service the lands.”

- (b) That the approved Issues List for Phase 1a be deleted along with the related issues on Exhibit 54 and replaced with the following issues, and as more particularized in the proposed modifications described in Footnotes 2 through 7 of this paragraph 6:
 - i. What criteria should be added, deleted and/or qualified in Policy 3.5.10 of the Simcoe County Official Plan? Do the criteria contained in Policy 3.5.10 conform with the Growth Plan for the Greater Golden Horseshoe and is it consistent with the Provincial Policy Statement (2014)? Should the criteria in Policy 3.5.10 be amended to encourage a good planning result for rural townships? [Source - Appellant 33, Issue 12]]
 - ii. 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 (2014)? 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]
- (c) The approvals in this paragraph 6 are without prejudice to anyone’s position and constitute no admission by any party that the approvals herein represent good planning. For greater certainty, the approvals herein will not prejudice or affect the merits of any case brought forward by any party in the June, 2014 Phase 1a hearing.

7. **AND THE BOARD FURTHER ORDERS** that the partial approval of the *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, schedules and appendices of the *Plan* on a general, 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.
8. **AND THE BOARD FURTHER ORDERS** that the remaining appeals filed in respect of the *Plan* shall be determined through the hearing process or as otherwise consented to by the parties and approved by the Board.
9. **AND THE BOARD FURTHER ORDERS** that it may be spoken to in the event some matter should arise in connection with the implementation of this Order.

ATTACHMENT 4

County of Simcoe Official Plan – PL091167 Phase 1 Hearing – Revised Key Dates

Deliverable	Phase 1(a) (20,000 pop.)	Phase 1(b) (Midland/Penetang)	Phase 1(c) (D4 Guidelines)
Parties to Declare their involvement in Phase 1a, 1b and/or 1c	Thurs Dec 12, 2013	Thurs Dec 12, 2013	Thurs Dec 12, 2013
First Settlement Meeting by Parties	(optional)	By Fri Dec 20, 2013	By Fri Dec 20, 2013
Witness Lists served by Parties	Wed Dec 18, 2013	Fri Jan 17, 2014	Fri Jan 17, 2014
Participants to declare their involvement in Phase 1a, 1b and/or 1c	Wed Dec 18, 2013	Fri Jan 17, 2014	Fri Jan 17, 2014
Experts to serve alternative wording for disputed policies	Wed Jan 15, 2014	Not Applicable as wording in w/o prejudice mediation briefs	Not Applicable as wording in w/o prejudice mediation briefs
Second Settlement Meeting by Parties	(optional)	by Fri Jan 24, 2014	by Fri Jan 24, 2014
First Experts Meeting Report due	Wed Jan 29, 2014	Not applicable - have already met and mediation expected	Not applicable - have already met and mediation expected
Discussions/Mediation by Parties – Mediation Briefs provided in advance	February and March, 2014	February and March, 2014	February and March, 2014
First Experts Meeting Report Due	Done – see above	Wed April 2, 2014	Wed April 2, 2014
OMB Prehearing No. 5	April 15, 2014	April 15, 2014	April 15, 2014
Serve Alternative wording to settled language	Tues April 22, 2014	-	-
Witness and Participant Statements served	Wed April 30, 2014	-	-
Second Experts Meeting Report Due	Fri May 16, 2014	-	-
Reply Witness Statements served	Fri May 23, 2014	-	-
Visual Evidence served	Fri May 23, 2014	-	-
Phase 1a Hearing (5 hearing days)	Mon – Thurs, June 2-5, 2014 and if necessary Fri June 20, 2014		