



October 24, 2016

Township of Springwater  
2231 Nursery Road  
Minesing, ON  
L9X 1A8

To the Mayor and Members of Council of the Township of Springwater:

RE: Minutes of Settlement 20,000 Allocation

Following the submission of the Minutes of Settlement between the Landowners' Group and the County to the Ontario Municipal Board (the OMB), the Township requested that the County clarify several of the sections, and the understandings of that Agreement. Based on the clarifications that were provided, we understand that the Township is now prepared to no longer oppose nor take issue with those Minutes of Settlement.

The purpose of this letter is to put in writing, the clarifications that we have provided to the Township. These clarifications were broken down into seven separate points, which are more fully set out in the document attached to this letter. The County's Senior Legal Counsel and Director of Planning, Development and Tourism are jointly signing this letter. It is also our intention to present this letter and the attached clarification document to the Ontario Municipal Board and to request that they be made an exhibit to the hearing of the Ministry appeal to the Township's OPA 38.

With respect to the clarification points:

- Points one, three and six represent a legal position that the County has taken and is prepared to be guided by with respect to future applications.
- Points two and five are planning positions that the County is prepared to be guided by for future applications. This would be subject, of course, to relevant changes in Provincial legislation, policies, guidelines and directives.
- Points four and seven entail agreement on the part of the County to a protocol of consultation with the Township on matters related to ongoing development of Midhurst under OPA 38.

We are pleased to have been able to provide these points and this letter to the Township and to be able to resolve the current hearing and move forward on that basis.


Yours Truly

The Corporation of the County of Simcoe

David Parks RPP, MCIP  
Director of Planning, Development and Tourism

Marshall Green  
Senior Legal Counsel

1. Section 9.2 (f) of OPA 38 is in force following the Province's withdrawal of that part of its appeal. Given that the population allocation for the lands which are subject to the Minutes of Settlement is well in excess of the 3,850 units intended for the first phase of development under Section 9.2(b), it is staff's opinion that the lands could only proceed as part of subsequent phases of new growth within the Secondary Plan under Section 9.2(f). Accordingly, this section requires the items listed therein to be completed/complied with prior to consideration or approval of any draft plans of subdivision. County staff understands that the Township's comprehensive Official Plan and growth management strategy review is already well underway and that the Township intends to adhere to its established timetable as much as possible.
2. When further draft plans of subdivision come forward to be considered for approval in accordance with the Phasing Policies of OPA 38, County Planning Staff is committed to undertaking due diligence to ensure that a comprehensive set of conditions similar to those conditions imposed on the Geranium/Rose lands approved by the Ontario Municipal Board in 2014 are imposed on any new subdivisions. Of course any approvals will be subject to the in-force Provincial Policy Statement, Growth Plan, and Planning Act.
3. OPA 38 as modified by the County (the "Plan") represents sound planning policy and is supported by the County. The County's commitment to the current Plan is evidenced by Clauses 6 and 11 of the Minutes of Settlement which bind the parties to seek approval of the modified Plan and commits the landowners and any successors to implement OPA 38 in its current form for all existing and future development applications. It should be noted that the County supported a reduction in density in the Minutes of Settlement and essentially opposed higher densities in the May refusal motions. The County believes the density provisions in OPA#38 represent good planning; however, it is understood that such densities must of course meet the evolving Growth Plan requirements.
4. Prior to the County making any decision to consent to convening a hearing earlier than October 6, 2020, as provided for in Clause 12 of the Minutes of Settlement, the County staff agrees that it will undertake good faith and meaningful consultation with the Township, and that it will take the Township's position into account as an important consideration in determining whether to consent to an early hearing.
5. The County Planning Department as standard practice will work cooperatively with the Township to determine the appropriate prioritization and phasing of development among the lands comprising the Settlement Lands, in accordance with the Phasing Policies of OPA 38, the Provincial Policy Statement, Growth Plan, and the Planning Act.

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6. The intent of Clauses 11 and 6 was to put in place the modified OPA 38 and require its use for implementing current and future development applications by the landowners, subject of course to overriding provincial requirements. This includes but is not limited to all of the phasing policies prescribed by OPA 38 and all of the density policies mandated for each of the three Neighbourhoods and the Plan as a whole – all of which the landowners agreed, for themselves and any successors, to be bound by in their current form.

7. While the exigencies of the current situation required certain specific action, going forward, County staff will follow a protocol in which they will not recommend to Council any further agreements on land use matters with the OPA 38 landowners, without having first consulted fully with Township staff, and further pledges that they will take the positions of Township staff and/or Council into account as an important consideration for any recommendations respecting such matters.

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