

REGION OF OTTAWA-CARLETON
RÉGION D'OTTAWA-CARLETON

MEMORANDUM
NOTE DE SERVICE

Our File/N/Réf. Your File/V/Réf.	43-97-0098
DATE	25 June 1999
TO/DEST.	Chair and Members of Council
FROM/EXP.	Planning and Development Approvals Commissioner
SUBJECT/OBJET	STATUS OF 1997 REGIONAL OFFICIAL PLAN APPROVAL

This is for the information of Council.

PURPOSE

During the appeal period following the Minister of Municipal Affairs and Housing Notice of Decision re approval of the Regional Official Plan, 32 parties filed appeals of various provisions of the Plan or proposed modifications to the Plan.

Committee and Council approved use of mediation to resolve as many appeals of the Plan as possible. Reports on the results of the mediation process were brought to Committee and Council in October, 1998.

This report provides an update to Committee and Council on the status of the various appeals to the 1997 Regional Official Plan.

DISCUSSION

Of the 32 parties who filed appeals, two parties have subsequently withdrawn their appeals. All or parts of the appeals by fifteen other parties were resolved through the mediation process. Most of these mediated settlements have been reflected in Ontario Municipal Board orders.

David McNicoll's appeal of the entire Plan was dismissed by the Board at the pre-hearing in May 1998. Separate Board hearings have been held on five site-specific appeals. Board decisions on four of these matters (the joint use site for a high school and recreation centre in Stittsville, the appeals of Schedule A designations by Robert Copeland, Marcel Bisson and Kent Currie) have all approved the Council position as adopted in the 1997 Plan or as modified in subsequent reports to Committee (e.g., Committee and Council agreed that the designation for the Bisson property should be General Rural Area based on new soils information).

Information Previously Distributed
To be listed on Planning and Environment
Committee Agenda of 13 July 1999

A Board hearing has also been held on the appeal by Fernlea Flowers of the designation of their property in Lot 27, Concession Broken Front, City of Gloucester, but a decision has not been issued. Two of the mediated settlements to appeals by the City of Ottawa (joined by Gloucester and Nepean) require an amendment to the Plan, since the agreed change was to sections of the Plan not subject to appeal. Staff are preparing a draft amendment to implement these settlements. It will be circulated over the summer and brought to a public meeting in Fall 1999.

At this time, four major issues and three site-specific appeals are unresolved. The major issues are:

- Appeals by five parties in the vicinity of Stittsville that their lands be designated be included in Urban Area of Schedule A. This matter will go to another pre-hearing in October 1999.
- The North American Realty appeal has been joined to a broader hearing on retail policies (including zoning and local official plan issues) in Kanata. Three days of mediation are scheduled in July and a hearing in September.
- The appeal of various transportation matters, including interprovincial bridge crossings, by Angie Todesco on behalf of the King Edward Avenue Task Force and joined by the Rideau BIA, has been re-scheduled for a hearing in October 1999.
- Lastly, the appeal by the Association of Rural Property Owners (ARPO) is still being clarified through a number of pre-hearings. ARPO now has only one policy area under appeal (Habitat of Endangered and Threatened Species) and is under Board direction to poll their members and report back by 9 July 1999 on which members are requesting the Ministry of Natural Resources (MNR) to conduct a wetland evaluation on their property. The Ministry then has until 30 July 1999 to consider the requests and respond with a timeframe to complete the evaluations or the Ministry may refuse some or all of the requests. Staff will be able to provide a verbal update on this matter at the 13 July meeting of Planning and Environment Committee.

Two of the site-specific appeals which are outstanding also involve wetlands (Perkins and Sander). These appeals include appeals of the policy for lands adjacent to wetlands, but only insofar as it affects their property. The appeal by Perkins also includes the policies on Protection of Vegetative Cover and on Protection of Water Resources and Erosion Prevention. Hearing dates have not been set yet.

Attempts are still being made to resolve the Yzenbrandt appeal of a Mineral Resource policy and designation without going to a Board hearing.

CONCLUSION

Substantial progress has been made on achieving an approved Regional Official Plan. Most of the policies and designations of the 1997 Regional Official Plan are now approved and in force. Many Ontario Municipal Board hearings were avoided through the use of mediation. Mediation also clarified issues for other appeals which went or will go to a Board hearing. Staff have been successful in obtaining Board approval for the Council position in those matters which the Board has decided. The Regional Official Plan consolidation dated April 1999, which was recently released, contains the results of mediated settlements and Ontario Municipal Board decisions as of the date of the consolidation.

*Approved by
N. Tunnacliffe, MCIP, RPP*