

Our File/N/Réf. 43-97-0098
Your File/V/Réf.

DATE 15 September 1998

TO/DEST. Co-ordinator, Planning and Environment Committee

FROM/EXP. Planning and Development Approvals Commissioner

SUBJECT/OBJET **REGIONAL OFFICIAL PLAN: MEDIATION ON APPEALS**

DEPARTMENTAL RECOMMENDATIONS

That the Planning and Environment Committee recommend that Council:

- 1. Approve the mediated settlements in Annex A, attached hereto;**
- 2. Request the Ontario Municipal Board modify and approve those sections of the Regional Official Plan in accordance with the mediated settlements identified in Recommendation 1.**

BACKGROUND

The Regional Official Plan, adopted by Council in July 1997, was subsequently approved with modifications by the Minister of Municipal Affairs and Housing in October 1997. By the end of the appeal period in November, 32 letters of appeal had been filed, requesting specific sections and/or designations in the Regional Official Plan be appealed to the Ontario Municipal Board. In one case, an individual appealed all of the Official Plan. A summary of all appeals is appended to this report as Annex B.

The Ontario Municipal Board convened a pre-hearing in May 1998 to: 1) identify parties and participants to the hearing; 2) hear the range of issues raised by the other appeals, with a view to narrowing down the scope of certain appeals; and 3) hear the issues raised by the appellant who appealed the entire Plan. This pre-hearing was successful in narrowing down certain appeals and also resulted in the dismissal of the appeal of the entire Plan. The Board order confirming dismissal of the appeal of the entire Plan was issued on 28 Sep 98. This means the 1997 Official Plan is now in force except for the portions subject to specific appeals as detailed in a schedule to the Board order.

The appeals to the Regional Official Plan are now in the hands of the Ontario Municipal Board to decide. If mediated agreements are not reached or if the Board determines that the mediated

settlement is not appropriate, then the Board can refer the issue to a full hearing. They have already scheduled a full hearing for the appeals relating to Stittsville.

A further outcome of the pre-hearing was the decision to schedule a one-day hearing on appeals by the City of Gloucester and the Ottawa-Carleton Homebuilders Association on Airport Noise. Agreement was reached on proposed changes to the Regional Official Plan among all parties, including the Airport Authority and Dr. Lois K. Smith, at the hearing of the OMB held on 13 July 1998. Changes to the Regional Official Plan arising from this appeal had been approved by Council in May in preparation for the OMB pre-hearing.

Since May, staff have been working to mediate the balance of the appeals through a process approved by Council last February. Four mediators were hired to direct the process and try and achieve mediated settlements on the outstanding appeals. With only two exceptions, all parties agreed to try mediation. The exceptions are North American Realty and Canril Developments. In the case of North American Realty, they declined mediation, considering it premature and unlikely to result in settlement or even narrowing of the issues. On the other hand, Canril stated their development plans have changed and they may withdraw the appeal, subject to discussions with the City of Kanata.

Staff are pleased to report that in many cases, mediation was successful in reaching mutually agreed-upon changes to the Regional Official Plan. In one case, the appellant(s) decided to withdraw their appeal following the mediation session (Mr. and Mrs. Monahan).

Accordingly, staff are requesting Committee and Council's approval of the mediated settlements, to present to the Ontario Municipal Board at the next scheduled pre-hearing on November 5 and 6, 1998. The Board will be requested to modify the Regional Official Plan accordingly. In each case, the changes proposed to the Regional Official Plan are clearly described and are itemized along with each appeal, in Annex A. Staff are confident the proposed changes are in keeping with the overall objectives of the Regional Official Plan, and in some cases, the changes strengthen Council's policies.

MEDIATED APPEALS

Mediated settlements were reached in full or in part in the appeals listed below, and are contained in Annex A to this report.

- City of Ottawa, City of Nepean, City of Gloucester: The City of Ottawa appealed 30 sections of the Regional Official Plan, and the City of Nepean and the City of Gloucester were awarded party status on approximately half of these. Mediation led to agreement on changes to 29 of these 30 sections
- City of Gloucester: Two additional matters appealed by the City of Gloucester were resolved.
- D. Boyd (Novatech)
- Ron Charlebois
- Robert Copeland
- Del Corporation (partial, Section 1.6)
- Delahunt

- Canada Post Corporation
- RMOC appeal on Minister's modifications (partial)
- Urbandale

APPEALS STILL UNDER DISCUSSION

Based on progress made to date, staff are pursuing informal mediation and discussions with a number of parties, with the intention of reporting back to Committee and Council at the end of this month before the November 5-6th pre-hearing. The following are still in progress:

- Ministry of Municipal Affairs and Housing, regarding RMOC's appeals on Modification E34 dealing with "adjacent lands" in Section 5, and H11 dealing with Aggregate Resource
- Mr. and Mrs. Yzenbrandt
- Mr. and Mrs. W. Len Perkins,
- Jean Georges Bisson and Marcel Bisson
- Donald Booth
- Harold Keenan
- Fernlea (formerly, Fine's Flowers)
- Dr. Lois K. Smith

The appeal by the Association of Rural Property Owners (ARPO) is the subject of a separate confidential report from the Regional Solicitor.

OUTSTANDING APPEALS (NO SETTLEMENT)

- Cities of Ottawa/Nepean/Gloucester only on Section 3.2, Policy 14
- Sid Bradley and Grace and Ray Bell
- Del Corporation
- Kent Currie
- Rocco Meliambro
- George Sander
- Relocatable Homes (867718 Ontario Ltd.)
- 1048219 Ontario Inc. through Doug Kelly, Soloway, Wright
- Angela Todesco and Rideau Street BIA

APPEALS WITHDRAWN

- Mr. and Mrs. R.B. Monahan

CONSULTATION

All parties to each appeal were informed about this report. Mediated settlements, as described in Annex A, were arrived at with all parties to the individual appeals present. The process now in place requires any further changes to the Regional Official Plan to be resolved at the Ontario Municipal Board.

FINANCIAL IMPLICATIONS

There are no direct financial implications. However, staff from Legal and Planning and Development Approvals Departments will be defending the Regional Official Plan at the Ontario Municipal Board for those remaining appeals. In a very few instances, this may lead to consulting fees for expert witnesses to fortify the Region's position.

CONCLUSION

The mediation process was successful in resolving many appeals to the Regional Official Plan. Even where mediation did not lead to an agreement among parties, there was general consensus that the process advanced each party's understanding of the issues at stake. At the November 5-6 1998 pre-hearing, Legal staff will ask the OMB to modify the Plan based on these agreements and will further seek another OMB Hearing date to deal with the outstanding appeals.

*Approved by
N. Tunnacliffe, MCIP, RPP*

SUMMARY OF AGREEMENTS ON INDIVIDUAL APPEALS

A summary of agreements follow. Changes to the Regional Official Plan are highlighted either as underlined text (new wording) or strike-outs (deleted text).

1. CITY OF OTTAWA/CITY OF NEPEAN/CITY OF GLOUCESTER

Multiple sections of the Plan were appealed by the City of Ottawa, with the Cities of Nepean and Gloucester enjoying party status at mediation. The matters listed below are in chronological order, as they appear in the Regional Official Plan. In a few cases, only Gloucester or only Nepean were party to a specific section. These are noted.

1.1 Section 1.6(1) Implementation

Section 1.6(1) is proposed to read as follows:

“The policies of this Plan shall be implemented through the *Planning Act* and other pertinent legislation. The *Planning Act* requires that a regional municipality adopt an Official Plan. However, local municipalities within a regional municipality may choose whether or not to have a local Official Plan. As of the date of adoption of this Official Plan, all local municipalities have local Official Plans in effect. Council recognizes that many policies of this Official Plan deal with matters of site design, typically implemented through site plan control by-laws and zoning by-laws adopted by local municipalities. Hence, the Regional Official Plan will be implemented, in part, by working in co-operation with the local municipalities as they exercise their authority through locally mandated approval processes. Local Official Plans must be brought into conformity with the Regional Official Plan within one year of the date of approval of the Regional Official Plan.”

1.2 Section 1.6 (5) - Implementation

This item was settled by the objectors agreeing to withdraw their objections.

1.3 Section 2.5 (2) - Policies for Development Inside the Greenbelt

Section 2.5(2) is proposed to be changed as follows:

“2. Ensure an appropriate mix of residential and non-residential uses on mainstreets and on Regional roads with transit routes.”

1.4 Section 3.2 (1) - Policies for Urban Communities

This item was settled by changing the marginal note to read “ Achieve Mixed Use”.

1.5 Section 3.2 (5) - Policies for Urban Communities

This Section is proposed to read as follows:

“Work with local municipalities and communities to achieve development in the vicinity of rapid transit stations which:”

1.6 Section 3.2 (7) - Policies for Urban Communities

Dr. Lois K. Smith was also a party to this particular part of the appeal. A settlement was reached by all parties. The proposed change to the Regional Official Plan is:

“7. Require local municipalities to permit, where appropriate, infill and redevelopment:

- a) along roads with all-day, frequent transit service;
- b) in residential areas adjacent to roads with all-day, frequent transit service;
- c) in other residential areas.

1.7 Section 3.2 (9) - Policies for Urban Communities

This item was settled by removing the words, “on the neighbourhood” to read as follows:

“9. When reviewing applications for redevelopment or infill, consider the impact of the proposed development in terms of parking, traffic, open space, and proposed uses.”

1.8 Section 3.2 (13 e) - Policies for Urban Communities

This item was settled to read as follows:

“ 13. When reviewing development applications, official plan amendments, or concept plans, ensure that the layout of local roads and development provides:

- e) locations for higher-density development which are closer to existing or proposed rapid transit stations and bus stops than lower density development, while taking into account surrounding built form and land use.”

1.9 Section 3.2 (15)(a)(b)(d) - Policies for Urban Communities

This item was settled to read as follows:

“15. Encourage the use of more flexible planning and engineering standards by:

- (a) Seeking opportunities through the approval process, in consultation with the relevant jurisdictions and agencies, to locate community facilities, such as parks, schools, libraries and community centres, together on the same site, where appropriate.
- (b) Seeking opportunities through the approval process, in consultation with the relevant jurisdictions and agencies, to use alternative development standards for local road allowances, lot sizes and setbacks; where appropriate.
- (d) Exploring, in consultation with the relevant jurisdictions and agencies, the use of alternative development standards for such non-residential uses as Regional road allowances, schools, parks, parking and community facilities, where appropriate..”

1.10 Section 3.3.2 (9) - Policies on Housing

Proposed changes to the Regional Official Plan reflect the legislative changes arising from the new *Tenant Protection Act*, and the repeal of the *Rental Housing Protection Act*. This item was settled to read as follows:

3.3.2 (9): “Permit the conversion.....In the event that rental housing is converted to other forms of tenure, Council shall consider entering into an agreement with the proponent to sell the units at or below the affordable ownership price established annually by RMOC as per policy 4 above, or alternatively, shall support local municipalities who seek such agreements.”

The underlined text will replace the following:

“...encourage local municipalities to enter into an agreement with the proponent to protect the tenants’ interests. Such an agreement may require the proponent to:

- a) sell the units at or below the affordable ownership price established annually by RMOC as per policy 4 above;
- b) offer to tenants first right-of-refusal to purchase their respective unit;
- c) ensure terms of tenure for a minimum of one year to sitting tenants not willing to buy their respective units.”

NOTE: Clauses b and c are addressed directly through the *Tenant Protection Act*, including a life-time security of tenure requirement.

1.11 Sections 4.1., 4.1.2 and 1.4 - Economic Development

These three items were settled as follows:

Section 4.1.1, policy 3 is proposed to be changed with the addition of a new phrase, as follows:

“3. To attract and retain business investment, tourism, and cultural activities by maintaining a high quality of life in Ottawa-Carleton.”

Section 4.1.2. is proposed to be changed with the addition of a new policy, numbered 18:

“18. To create opportunities for cultural sectors to contribute to the economic and social development in Ottawa-Carleton, recognising that arts and culture play an essential role in the building and sustaining of a diverse community.”

Section 1.4 - This item was settled by the objectors agreeing to withdraw their objections.

1.12 Section 4.3.1 (2) - General Policies for Town Centres/Primary Employment Centres

Dr. Lois K. Smith was also a party to this issue. All parties agreed to the proposed changes as follows:

“2. Ensure accessibility for walking, cycling, and transit service is maximized by using the following guidelines:

- a) convenient and safe pedestrian and bicycle links to be provided between uses and in particular to rapid transit stations and bus stops;
- b) pedestrian links with the rapid transit stations to be direct, all-season, and weather-protected or climate-controlled, and will preferably be provided through buildings;
- c) walking distances to rapid transit stations and bus stops to be kept to a minimum;
- d) parking lots not to be located between the access point(s) of the rapid transit station and the nearest business entrance to each such access point.

Dr. Smith agrees to withdraw her objection respecting this matter only if the above-noted changes are ratified by the Municipal Councils of the other parties.

1.13 Section 4.3.1, Policy 3 - General Policies for Town Centres/Primary Employment Centres

This Section is proposed to be changed as follows:

“3. Ensure that zoning by-laws resulting from planning studies, infrastructure studies or development applications, provide for higher density employment uses close to transit service.”

1.14 Section 4.4.3 & 4.4.4 - Business Parks

Proposed changes to Section 4.4 (3) include changes to clause (d) and the inclusion of a new clause (f), as follows:

“Consider the following when reviewing development proposals in business parks:

- (d) Where feasible, larger parking areas shall be located to the side or rear of buildings..
- (e) *no change*
- (f) Whether a site specific transportation study may be required.”

And,

With the inclusion of clause (e) above, Section 4.4.4 will be deleted in its entirety. Policy 5 will be renumbered to 4.

1.15 Section 4.7.2, Policy 2 (b, d, e, f & g) - Policies for Retail Stores and Commercial Services

This item was settled by rewording policy 2 as follows:

Council shall:

- “2. Require development applications planned to accommodate more than 10,000 square metres of gross leasable area to be located on a Regional road or provincial highway with access to public transit. In calculating the gross leasable area, only the area designed for shopping and commercial service facilities will be included. Space for offices and other uses that cannot easily be converted to retail and commercial services will not be included in the calculation.
3. Ensure that water, wastewater and other Regional services can be provided adequately.
4. Use the following guidelines in assessing development applications for retail stores and commercial services:
 - a) The adjacent road system should be able to accommodate the anticipated traffic with minimal increase in on-street parking or traffic on adjacent residential streets;
 - b) Pedestrian: transit, and bicycle-friendly development shall be supported. Measures to achieve this may include:
 - i) Provision of direct, safe and secure access routes for pedestrians and cyclists between main building entrances and adjacent public sidewalks, rapid transit stations, and bus stops;
 - ii) Location of main building entrances close to public streets and orientation of buildings towards adjacent roads with minimal setbacks;
 - c) Potential spillover of noise and lighting from the site into adjacent areas should be mitigated through landscaping and other site plan features.”
5. Policy 3 shall be renumbered to subsection 5.

1.16 Section 5.2.1, Policy 4 - Protection of Vegetative Cover

This item was settled by adding the following stand-alone sentence after sub-paragraph 4 (e):

“The use of local municipality or other inventories or assessments in the preparation of tree planting/conservation plans is encouraged.”

1.17 Section 9.3 (8) - Cycling

The last sentence of this section is proposed to be changed as follows:

“Council, in consultation with the bicycle groups and local municipalities, shall assist in the development of standards in this regard”.

1.18 Section 9.4 (15) - Public Transit

This item was settled with the proposed wording change:

“15. Require area municipalities to review and amend, where appropriate, parking requirements in zoning by-laws to a level which supports transit through:”

1.19 Section 9.9 (2) - Right-of-way Protection

This item was settled by agreeing to leave the wording as it is in the draft Regional Official Plan. All objecting parties will withdraw their objections.

2. CITY OF OTTAWA (ALONE)

2.1 Section 3.4.2 (1) - Central Area

This item was settled by adding a clause at the end:

1. “Support the Central Area shown on Schedule B as the major focal point of government activities, tourism, business, retail, housing, and cultural activities, while acknowledging the need to manage growth in accordance with policy 9 of Section 1.6.”

2.2 Section 3.4.2 (2) - Central Area

This item is settled with the proposed change to the lead-in sentence, as follows:

“In support of the local Official Plan, appeal any rezoning or minor variance or

similarly oppose any application for rezoning for an increase in building height in the Central Area which would detract from the visual integrity and symbolic primacy of the Parliament buildings or other National Symbols.”

In addition, an item entitled “National Symbols” will be defined in the glossary as “including major public buildings, public monuments and physical landforms within the Parliamentary Precinct and around Confederation Boulevard”.

2.3 Section 3.4.2 (17) - Central Area

This policy is proposed to be changed by adding a phrase at the end of the sentence, to read as follows:

“Work with the City of Ottawa to ensure the provision of adequate off-street loading facilities and services, while recognising the constraints imposed by unique circumstances such as heritage considerations.”

2.4 Section 5 - Natural Environment (introduction)

This is settled by the City of Ottawa agreeing to withdraw its objection.

2.5 Section 6.1 (8) - Objectives for Regional Open Space and Cultural Heritage

This item was settled by the City of Ottawa agreeing to withdraw its objection.

2.6 Section 6.4 (introduction) - Urban Open Space

The last sentence of the introduction to 6.4 is proposed to be changed as follows:

“Other smaller corridors and local parks not shown on Schedule I, such as those identified in the City of Ottawa Greenway System, provide linkages and contribute to the quality of neighbouring communities, as well as to the overall integrity of the natural environment.”

2.7 Section 6.4.4 - Urban Open Space

This section is proposed to be changed as follows:

“6.4.4. Encourage municipalities to include policies in local Official Plans to identify, conserve, and restore additional green and open space corridors to link open spaces, public lands, and natural areas, recognizing that locally significant open space systems, such as the City of Ottawa Greenway system serve to enhance the Regional Open Space Network and support the features and functions listed in

policy 3 above.”

2.8 “Section 9.1 (3)(d) - Transportation - Regional Roads

This item was settled with an agreement to add a new clause (d) to policy 9.1.(2) as follows:

“9.2 To provide an integrated transportation system and programs that:

d) Address undesirable spillover of non-local traffic to local roads as a result of congestion on Regional roads”.

2.9 9.5 (3) - Transportation - Regional Roads

Proposed changes were agreed to Section 9.5.2 as follows:

“2. Implement transportation system management measures, such as traffic and incident management plans, congestion management strategies, driver advisory systems and traffic control signal plans, to make maximum use of existing facilities, minimize overall person-delay, improve the level of service provided to pedestrians, cyclists and transit users, and avoid spillover of non-local traffic to local roads as a result of congestion on Regional roads.”

2.10 Schedule “B” - Urban Policy Plan (legend)

This item was settled by the City of Ottawa agreeing to withdraw its objection.

2.11 Schedule “I” - Regional Open Space Network

This item was settled by the parties agreeing to add the following to the legend immediately preceding the listing of the various components:

“The Regional Open Space Network is a composite of:”

Within the listed components, add the following text immediately following the words “(SEE SCHEDULE B)”:

“FOR THE APPLICABLE LAND USE DESIGNATION”

3. CITY OF GLOUCESTER

3.1 Section 6.2.4 - Greenbelt Employment

This item was settled with the following proposed changes at the end of Section 6.2.4:

“Council may allocate central water and wastewater services required to support these facilities, in accordance with the Regional Development Strategy.”

Where a new use or expansion of an existing use is proposed on Greenbelt employment lands, Council shall permit development in accordance with policies 4 (a) to (c) inclusive above, provided that the allocation of services to that use will not delay the provision of transportation, water and wastewater infrastructure to urban growth areas as identified on Table 6 to this Plan.”

4. BOYD

4.1 Section 2.4.1 (Policy 9) - Development Pattern and Servicing

Policy 9 describes conditions under which private services may be permitted in the urban area for interim purposes. Sub-sections (b) and (c) are proposed to read as follows:

- b) “is of a minor nature, consists of a single building, comprising a commercial, institutional, or public use, or which consists of residential infilling within residential clusters, or is a farm severance as provided for in Section 7, Agriculture;
- c) will not compromise the longer-term development of the area for urban purposes on central services;”

5. CHARLEBOIS

This issue was settled with agreement on changes to Section 5.4.3 and Schedules A and Schedule K, provided that RMOC withdraw their appeal of Ministerial modifications L3 and L29.

5.1 Section 5.4.3, new policy - Environmental Features

A new policy is proposed to follow immediately after policy 2, as follows:

“Despite the exemption in Policy (2) above, any country lot development within the Environmental Features Area as shown on Schedule K in Lots 16 and 17, Concession 1, City of Kanata, shall be subject to the completion of an Environmental Impact Statement, (as per Section 5.4.4), which addresses environmental values of the Carp Hills Complex.”

Existing policy 3 of Section 5.4.3 will be renumbered to policy 4.

5.2 Schedule A and Schedule K

Settlement on Mr. Charlebois’ issue also led to changes on Schedules A and K as follows:

Schedule A is proposed to be modified by designating all of Lots 16 and 17, Concession 1, City of Kanata as “General Rural” from “Natural Environment Area B” (as modified by the Minister of Municipal Affairs and Housing), and Schedule K is to be modified accordingly. (Annex A-1).

5.3 RMOC Withdrawal of Appeal to Minister’s Modifications L3 and L29

In order to satisfy the conditions of the mediated settlement, Council shall withdraw its appeal of Minister’s modifications L3 and L29.

6. COPELAND, ROBERT

A mediated settlement on this appeal was reached between the appellant, Mr. Copeland, and RMOC. However, Mr. W. Davidson, who was a party to the mediation, did not sign the agreement and continues to express concerns with the outcome of this mediation. The normal practice of the Board would be to hold a hearing under these circumstances.

6.1 Section 8.2, new policy after 8.2.8 - Mineral Aggregate

This issue was settled with the inclusion of one new policy in the Regional Official Plan and the requirement for the Commissioner, Planning and Development Approvals Department to send a letter of opinion to the Copelands confirming that underground mining of limestone is a permitted use in the General Rural Area.

The proposed new policy will read as follows:

“9. When reviewing applications for non-aggregate development within 450 metres of Lot 4, Lot 6, and the west half of Lot 5, all in Concession 1, Fitzroy Ward, Township of West Carleton, ensure that the opportunity for the future underground mining of limestone will not be restricted by the proposed development. Council may impose conditions to ensure adequate buffering or separation.”

7. DEL CORPORATION

Mediation led to the resolution of some, but not all, of the issues raised by Del Corporation in their appeal of the Regional Official Plan . Agreement on changes to Section 1.6.10 a) of the Plan, as described below, included agreement on maintaining the current wording of Sections 1.6.10 c) and 1.6.11 b).

7.1 Section 1.6.10 a) - Implementation

The proposed change to this section deletes the last clause, as follows:

“When considering amendments to this Plan, Council shall have regard, among other things, to the following criteria:

- a) the impact of the proposed change on the achievement of Council’s goals, objectives and policies expressed in this Plan;”

8. DELAHUNT, CHARLES

8.1 Section 3.7.3, policy 1 - Development in Villages

This issue was settled with the proposed changes to 3.7.3, policy 1:

“Council shall:

1. Designate Villages on Schedule A. The Village boundaries shown on Schedule A are general in nature, and intended only to provide an indication of general size of villages. Local municipalities shall define precise Village boundaries in local Official Plans. The definition of a precise Village boundary in a local Official Plan and which is otherwise in conformity with the policies of this Plan, shall not require an amendment to this Plan. This policy takes precedence, for village boundaries, over the provisions of Section 1.5 (How will the Plan be interpreted?) of this Plan.”

9. CANADA POST CORPORATION

The issues were settled with proposed changes to the Regional Official Plan as described below.

9.1 Section 4.3.2, policy 3 - Primary Employment Centres

This Section is proposed to read as follows:

3. “ Plan for the ultimate development of lands within 300 metres of a rapid transit station at Primary Employment Centres to be generally at a minimum floor space index (F.S.I.) of 1.5, or equivalent, and be primarily for office and other uses with a relatively high density. Lands beyond 300 metres should ultimately have a minimum F.S.I. of 0.75, or equivalent. These minimum densities shall apply unless site specific studies establish that greater flexibility in distance and/or density related to a rapid transit station is appropriate.”

9.2 Section 4.6.3 and Table 7 - Employment at Confederation Heights

The issue was settled by replacing Table 7 and the introductory sentence. The proposed new Table 7 highlights the importance of accounting for increases in the cycling/walking component and in vehicle occupancy to achieving a balanced, sustainable transportation solution to the redevelopment of Confederation Heights. The proposed changes are:

3. “Consider permitting development in Confederation Heights beyond the threshold levels set out in Table 7 below only if the target values in the table are achieved:

**(Proposed) Table 7
Travel Demand Management Targets for Confederation Heights**

Floor Area of Employment-Generating Land Use (square metres)	Employees Arriving in the Morning Peak Hour that are not Drivers of Motorized Vehicles
290,000.	38%
325,000.	42%
370,000	46%
420,000	50%
465,000	54%
510,000	58%

For comparison purposes, existing Table 7, which refers to transit modal splits only, is included below.

**(Existing) Table 7
Modal Splits for Confederation Heights**

Floor Area of Employment-Generating Land Use (square metres)	Inbound A.M. Peak Hour Modal Split to Transit for Confederation Heights Node
290,000.	25%
325,000.	30%
370,000	35%
420,000	40%
465,000	45%
510,000	50%

10. RMOC APPEALS ON MINISTER'S MODIFICATIONS

Eight Ministerial modifications were appealed by RMOC, of which six are linked to appeals by other parties. Two have been settled and are described below. Progress is being made in discussions related to modification E34 regarding lands adjacent to Provincially Significant Wetlands, and also modification H11 on Aggregate Resource policies (affecting Lots 22-23 in Kanata) .

Those settled through mediation are described below.

10.1 Modification E17 for Section 5.4.2, policy 2 - Natural Environment Areas (B)

This Section is proposed to read as follows:

2. "For the purposes of implementing policies 3 and 4 of this section, Allow the boundaries of Natural Environment Areas (B) to be refined without amendment to this Plan, where more detailed studies, such as sub-watershed plans or local municipal strategies, provide more

precise definition. Minor revisions may also result from the acceptance of an Environmental Impact Statement. In determining the above, Council shall seek the advice of the Ministry of Natural Resources.”

10.2 Modification L3 to Schedule A; L29 to Schedule K - part of Lots 16 and 17, Concession I, City of Kanata

This issue was settled through mediation jointly held among the Ministry of Municipal Affairs and Housing, Mr. Charlebois, and RMOC. The Ministry agreed to withdraw the modification as part of a broader agreement, as described in Section 5 above.

10.3 Modification L16 to Schedule B; L30 to Schedule K - Lots 30 & 31, Concession VI, City of Kanata

This issue was settled through mediation jointly held among the Ministry of Municipal Affairs and Housing, Urbandale Corporation, and RMOC. As part of the settlement, RMOC will agree not to proceed with the appeal of modifications L16 and L30 and the Ministry will agree to a further modification of Schedules B and K, as described in Section 11 below.

11. URBANDALE CORPORATION

The issue regarding the designation of a portion of Urbandale’s lands as Provincially Significant Wetlands was resolved with an agreement among all parties, Urbandale, RMOC, and the Ministry of Municipal Affairs and Housing. Changes to the Regional Official Plan as well as other requirements, are described below.

11.1 Modification L16 to Schedule B - Lots 30 & 31, Concession VI, City of Kanata

Proposed changes to the Regional Official Plan affect Schedules B and K. Schedule B of the Official Plan is to be further modified to show the existing boundary of the land designation General Urban Area as the western boundary of Significant Wetlands south and east of the Canadian Shield (Stony Swamp), so that Block 295 is no longer designated as Significant Wetlands south and east of the Canadian shield, and is instead designated General Urban Area.

11.2 Modification L30 to Schedule K:

Schedule K is to be further modified to reflect the same boundary and designation changes as on Schedule B.”

11.3 Urbandale Donation to a Habitat Conservation Organisation

By agreement, Urbandale will donate a specified amount of money to a habitat conservation group. The exact amount will remain confidential.

ANNEX A-1
SCHEDULES A, B, AND K
PROPOSED MODIFICATIONS

SCHEDULE A

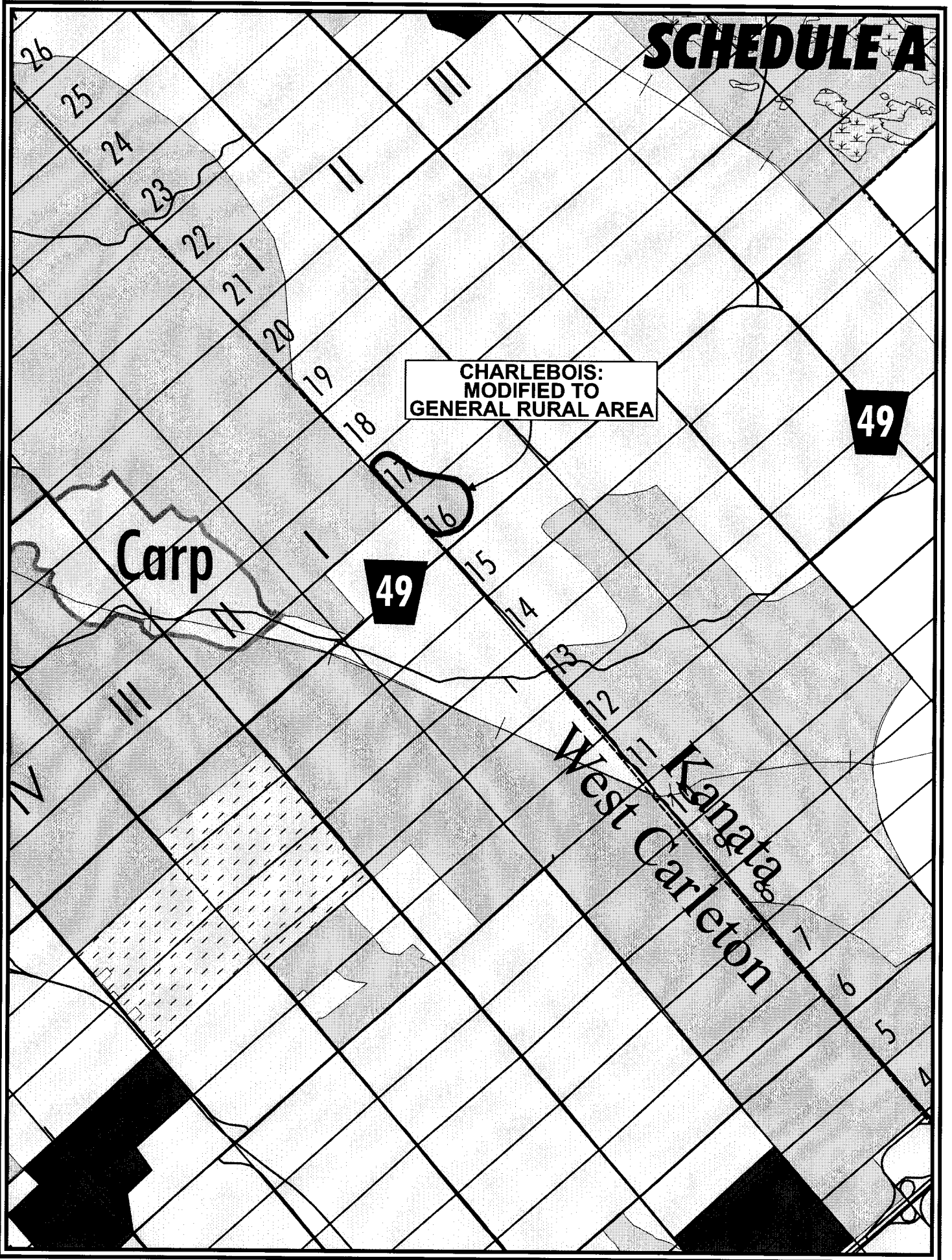
CHARLEBOIS:
MODIFIED TO
GENERAL RURAL AREA

49

49

Carp

West Carleton
Kanata



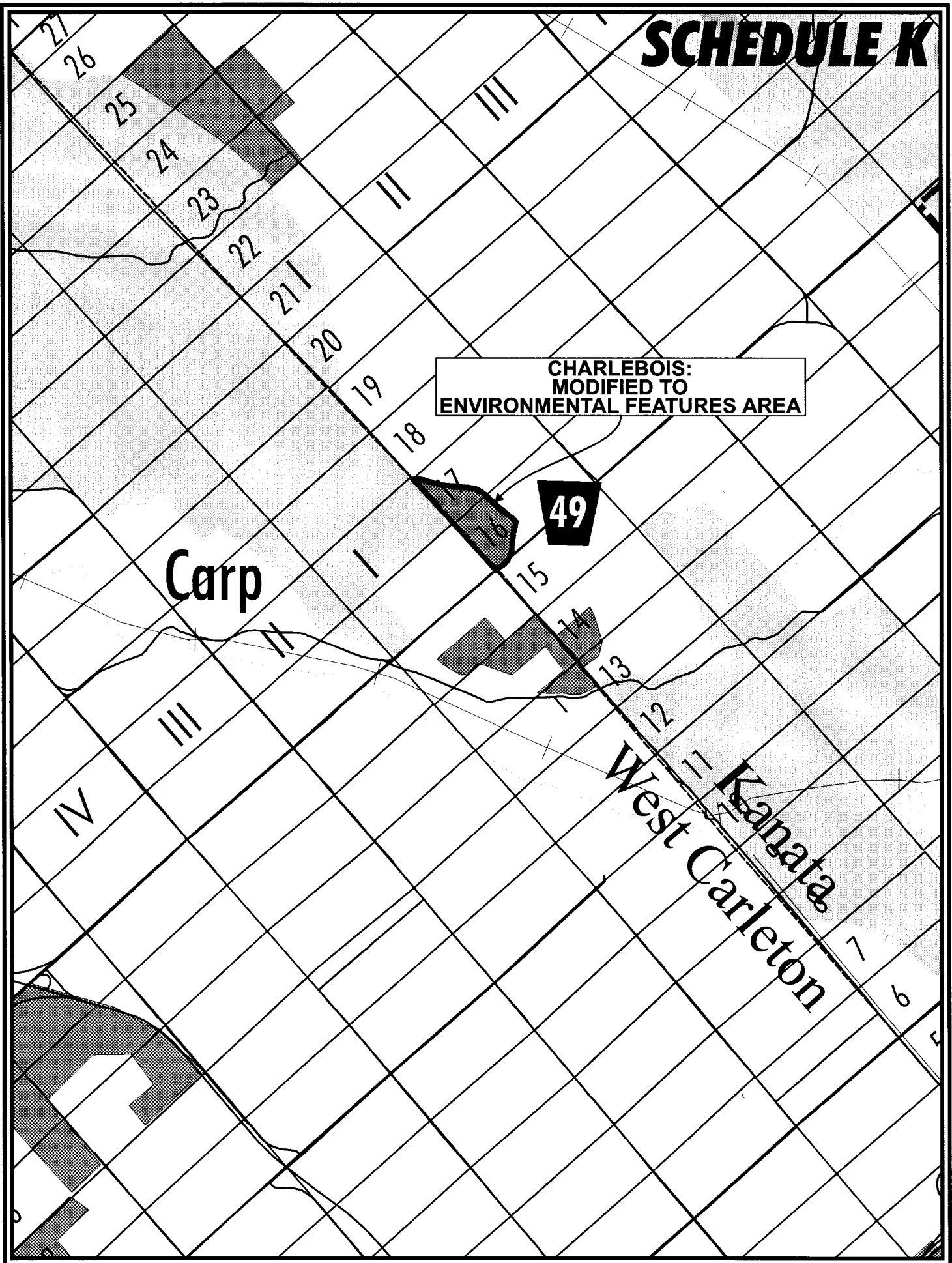
SCHEDULE K

CHARLEBOIS:
MODIFIED TO
ENVIRONMENTAL FEATURES AREA

49

Carp

West Carleton
Kanata



SCHEDULE B

MARCH

FRYFOX

HAZELDEAN

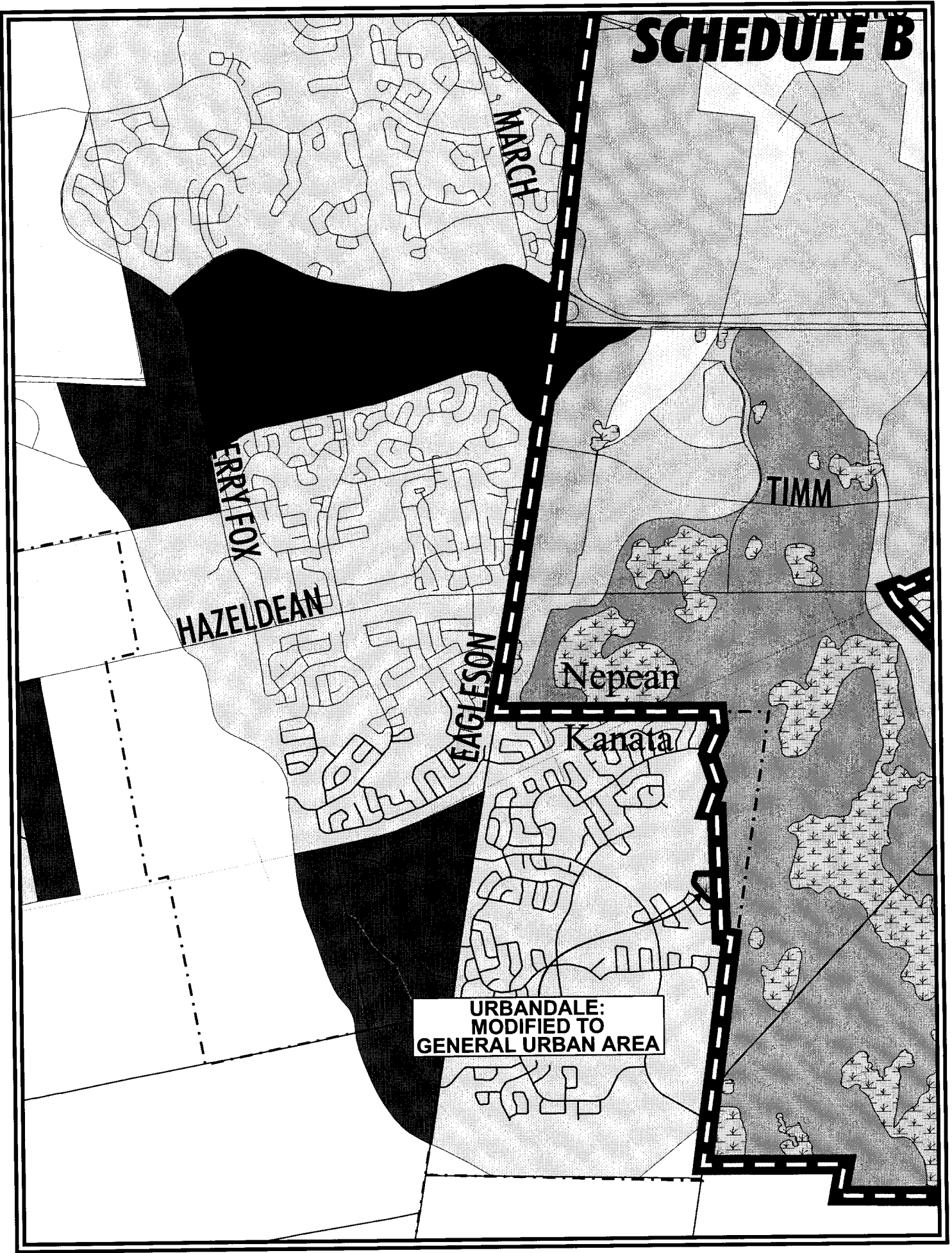
EAGLESON

TIMM

Nepean

Kanata

URBANDALE:
MODIFIED TO
GENERAL URBAN AREA



SCHEDULE K

417

32

59

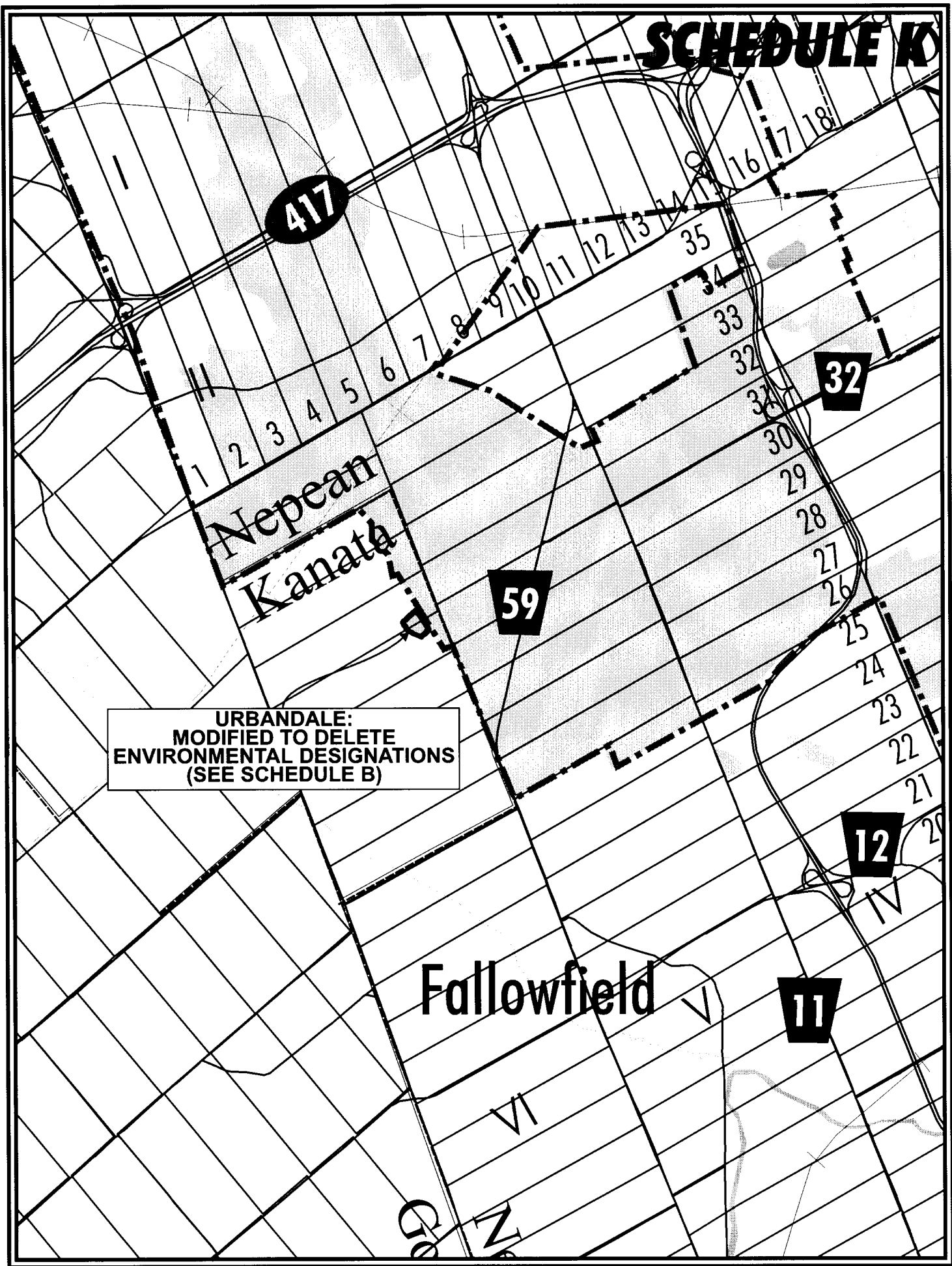
12

11

URBAN DALE:
MODIFIED TO DELETE
ENVIRONMENTAL DESIGNATIONS
(SEE SCHEDULE B)

Nepean
Kanata

Fallowfield



Index
Appeals to the Ontario Municipal Board on the Regional Official Plan

Some appeals to the Plan require clarification in terms of the provisions of the Plan that are being appealed and other matters. The description provided below is taken from the appellants' submissions and may not fully capture all aspects of the appeal.

1. City of Nepean.

Supports appeal of 29 provisions plus aspects of two schedules filed by the City of Ottawa, among other matters. Also supports City of Ottawa's request for mediation as a means to seek resolution of matters under appeal. (See number 12 below.)

2. Mr. and Mrs. W. Len Perkins.

Among other matters, appeals wetland policies and designation of south ½ Lot 25, Concession 3, Osgoode Township.

3. Jean Bisson and Marcel Bisson.

Among other matters, appeals flood plain and Agriculture Resource designation of Lot 4, Concession 11, Cumberland. Also road widening policies with respect to Mer Bleue Road and Tenth Line Road.

4. Lois K. Smith.

Among other matters, appeals portions of Schedule I Regional Open Space Network regarding NCC lands at 1428 Heron Road, 2930 Albion Road and 1360 Kitchener Road, subject of Amendment 21 to the City of Ottawa Official Plan. Also section 3.2 policy 7 regarding infill and redevelopment; section 3.2 policy 13b) regarding the design of local roads and 13i) regarding security gates; section 3.7.3 policy 8 regarding definition of multiple unit development; section 3.7.4 policy 3 regarding infill in the rural area; section 4.3.1 policy 2d) which says parking lots shall not be located between rapid transit stations and business entrances; section 5.2.4 policy 1 regarding development in endangered species' habitat; section 7.2 policy 1 h) regarding housing for farm help; and section 7.3 policies 1a), 1b), 1e), 2b) and 2c) regarding farm severances. Also appeals all schedules with respect to graphic qualities and other matters with respect to schedules F and D2.

5. Fine's Flowers Ltd. through Scanlon Associates.

Appeals Agricultural Resource designation of Part of Lot 27, Concession Broken Front, City of Gloucester. Requests General Rural.

6. Mr. and Mrs. R. B. Monahan.

Appeals Agricultural Resource designation of the west half of the north half of Lot 11, Ninth Concession, Ottawa Front, City of Gloucester.

7. Robert D. Copeland, Huguette Copeland and Subspace Inc.

Appeals designation of Lot 4, ½ of Lot 5, and Lot 6, Concession I (Fitzroy Ward), West Carleton on Schedule K, Natural Environment Systems. Seeks Mineral Aggregate Resource designation.

8. 867718 Ontario Ltd. through Robert W. McKinley, Hebert McKinley Ramonat.

Appeals section 2.6 with respect to development phasing of Stittsville and the Agricultural Resource designation of Parts of Lots 26, 27, 28, and 29, Concession 10 Township of Goulbourn. Also appeals the redesignation of the Relocatable Homes property in Stittsville, the expansion of the urban boundary in Stittsville, and other matters.

9. Novatech Engineering Consultants on behalf of the owners of Part of Lot 27, Concession IV, City of Kanata.

Appeals section 1.5, “How will the Plan be interpreted?”; section 3.7.3.1 on Village boundaries; and General Rural designation of the west of Lot 27, Concession IV and east half of Lot 27, Concession III.

10. Novatech Engineering Consultants Ltd. on behalf of the owners of Part of Lot 14 Broken Front, Rideau Front, City of Gloucester.

Appeals section 2.4.9 b) and c) regarding development on private services in the urban area and section 11.6.1 on airport noise. The appeal corresponds to those matters dealt with in the recent Ontario Municipal Board Hearing on Regional Official Plan Amendment 35 and Gloucester Official Plan Amendment No. 13.

11. Mr. and Mrs. D. Yzenbrandt through Novatech Engineering Consultants Ltd.

Appeals section 8.2.8 regarding development of land adjacent to mineral aggregates and the Limestone Resource designation of the south half of Lots 14 and 15, Concession X, Township of Goulbourn. Together, these policies restrict the use of the appellant’s property at Part of Lots 14 and 15, Concession IX, Township of Goulbourn.

12. City of Ottawa.

Appeals 31 items. Requests mediation as a means to seek resolution of matters under appeal. Among other matters, appeals various policies in section 3.2, for urban communities; section 3.3.2 policy 9 regarding criteria for rental conversions; section 4.1.1 and 4.1.2 to add cultural initiatives; section 4.7.2 on criteria for assessing retail development; section 6.4 regarding additional policies on municipal open space; section 6.7 regarding public pathways on shorelines; and section 9.4 policy 15 regarding parking requirements around transitway stations to support transit use.

13. Rocco Meliambro, in trust, through Douglas B. Kelly, Soloway Wright.

Appeals section 5.5 regarding provincially significant wetlands and Provincially Significant Wetland designation of land in the Stittsville urban area.

14. Ottawa-Carleton Homebuilder's Association through Douglas B. Kelly, Soloway Wright.

Appeals section 1.6.1 with respect to airport noise; Schedule G - Environmental Constraints (Airport Vicinity Development Zone); and definitions of noise control feasibility study, noise exposure forecast (NEF) and noise exposure projection (NEP)

15. Urbandale Corporation through Douglas B. Kelly, Soloway Wright.

Appeals Ministerial modification L16 to Schedule B, which designates Part of Lots 30 and 31, Concession VI, City of Kanata (Stony Swamp Wetland) as Significant Wetlands south and east of the Canadian Shield; and section 5.5 regarding provincially significant wetlands.

16. Association of Rural Property Owners (ARPO) through Kenneth A. Murchison, Low, Murchison.

Appeals section 5.5, among other matters, regarding provincially significant wetlands and refers to all lands owned by members of the association on schedules A, B, and K.

17. 1048219 Ontario Inc. through Douglas B. Kelly, Soloway Wright.

Appeals section 5.5 regarding provincially significant wetlands and designation of a Provincially Significant Wetland in the Stittsville urban area.

18. George W. Sander through Kenneth A. Murchison, Low, Murchison.

Appeals section 5.5, among other matters, regarding provincially significant wetlands. Appeal applies to Part of Lot 23, Concession 5, March Rural Area of the City of Kanata.

19. Ronald Charlebois.

Appeals Ministerial modification L.3 which designates Part of Lots 16 and 17, Concession I, City of Kanata as Natural Environment Area (B) and modification L.29 which amends Schedule K. Appellant is owner of Lot 17, Concession I, City of Kanata.

20. Del Corporation (446341 Ontario Ltd.) through John C.T. Inglis, McCarthy Tétrault.

Appeals all of the Official Plan. Appellant is owner of Lot 28, Concession 9, Township of Goulbourn. This land was the subject of proposed Amendment 72 which was refused by Regional Council.

21. Kent Currie, on behalf of several landowners.

Appeals Agricultural Resource designation on Lots 31, 32 and the north half of Lot 33, Concession Broken Front in the Township of Osgoode and requests General Rural designation.

22. Regional Municipality of Ottawa-Carleton.

Appeals eight Ministerial modifications to the Regional Official Plan as adopted by Regional Council on July 9, 1997.

23. North American Realty Acquisition Corporation through Vice & Hunter and Goodman and Carr (Patrick J. Devine).

Appeals section 4.7.3 regarding Regional-Scale Retail Facilities.

24. Canril Corporation (938966 Ontario Inc.)

Appeals Section 4.7.3 regarding Regional-Scale Retail Facilities; section 4.3.3.1 regarding policies for Town Centres; and Business Park designation of a site in the southeast corner of Highway 416 and Strandherd Drive in Nepean on Schedule B.

25. Canada Post Corporation, through Raymond J. Ostiguy, Gowling, Strathy & Henderson.

Appeals section 4.3.2 regarding Primary Employment Centres and portions of section 4.6 regarding development at Confederation Heights, as they affect modal splits to transit and the density of development near transitway stations, among other matters.

26. City of Gloucester.

Appeals Ministerial modification E.34 regarding section 5.5.2.3 and specifying a 120 m distance for land adjacent to a provincially significant wetland; and Ministerial modification L.7 which designates Lots 28 and 29, Concession Broken Front, City of Gloucester, as Agricultural Resource. Also appeals Table 6 - Key Infrastructure Projects for Phase I Developments in section 2.6 regarding development phasing; section 6.2.4 regarding servicing and approval of employment activities on land designated Greenbelt Employment; and section 11.6.1.4 on airport noise.

27. The Stittsville Homeowners' Association, through Robert W. McKinley, Hebert McKinley Ramonat.

Appeals the Urban designation of the north Part of the north half of Lot 25, Concession 10, in the Township of Goulbourn.

28. Grace Bell and Sid Bradley.

Requests an Urban designation for Part of Lots 22 and 23, Concession 9, Township of Goulbourn., among other matters.

29. Harold Keenan.

With respect to Lot 28, appeals Ministerial modification L.7 which modifies the designation of Lots 28 & 29, Concession Broken Front, City of Gloucester to Agricultural Resource.

30. Donald P. Booth.

With respect to Lot 29, appeals Ministerial modification L.7 which modifies the designation of Lots 28 & 29, Concession Broken Front, City of Gloucester to Agricultural Resource.

31. David McNicoll.

Appeals the entire Plan, with reference to its ecological implications, among other matters.

32. Angie Todesco.

Appeals section 9.5 policy 9 regarding another crossing of the Ottawa River, specifically deletion of reference to Kettle Island; section 9.5 policy 8 regarding protection of future regional roads shown on Schedule C1 (deletes Vanier Parkway extension); section 9.1.4 regarding targets for modal shares; section 9.5.3 regarding conditions for provision of additional roadway capacity; and section 9.6.1 regarding the Regional truck route system, among other matters. The appeals relate to traffic on King Edward Avenue.