

Our File/N/Réf. P.1.3.1.7.9
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DATE 9 October 1998

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

FROM/EXP. Planning and Development Approvals Commissioner
Deputy Regional Solicitor

SUBJECT/OBJET **PLANNING
LOCAL OFFICIAL PLAN AMENDMENT NO. 1
GOULBOURN OFFICIAL PLAN**

DEPARTMENTAL RECOMMENDATION

That Planning and Environment Committee recommend to Regional Council that Local Official Plan Amendment No. 1, as modified on the Approval Page attached as Annex I, be referred to the Ontario Municipal Board at the request of 867718 Ontario Limited.

BACKGROUND

At its meeting of 10 March 1998, Regional Council approved (Planning and Environment Committee Report 3, Item 2) Local Official Plan Amendment No. 1 to the Goulbourn Official Plan. As stated in the report, the purpose of LOPA 1 is twofold:

1. To redesignate approximately 39 ha (96 acres) of land in Lots 26 and 27, Concession 11, within the Stittsville area from “General Industrial” and “Restricted Industrial - Business Park” to “Residential”, “General Commercial” and “Restricted Industrial Business Park; and
2. To amend part of Section 3.2.2. Stittsville of Goulbourn’s Official plan to permit 650 additional dwelling units within the Stittsville area.

In dealing with the local official plan amendment, staff recommended that Council approve the dismissal of a referral request by 867718 Ontario Limited as frivolous and vexatious. The reasons for 867718 Ontario Limited’s referral request were:

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- LOPA 1 proposes a change in designation to “Residential” that does not represent good planning;
- LOPA 1 will leave a short-term serviced land supply for employment uses at an insufficient level;
- LOPA 1 relies upon the incorrect assumption that there is sufficient land for employment purposes in the urban areas of Kanata and Stittsville;
- LOPA 1 will create traffic volumes on certain local and regional road systems that are beyond their current capabilities; and
- LOPA 1 is inconsistent with policy issues currently before the Ontario Municipal Board.

The basis for staff having recommended the dismissal of the referral request was that the land use designation and dwelling unit number contained within LOPA 1 conformed to and implemented Regional Official Plan Amendment No. 51. ROPA 51 had been approved by the Minister of Municipal Affairs and Housing on 26 September 1997.

As Council was advised on 10 March 1998 by memo from the Deputy Regional Solicitor, after Planning and Environment Committee had considered the item, an application for judicial review was commenced by 867718 Ontario Limited. However, as the position taken by the Ministry to that date was that ROPA 51 had been validly approved, regional staff felt that the only position that could be reasonably taken with respect to LOPA 1 was to recommend the deeming of the referral request to be frivolous and vexatious as LOPA 1 implemented approved Regional Official Plan policy.

Subsequently, the Region and the Ministry have been served with the documentation relied upon by 867718 Ontario Limited supporting its position that the approval of ROPA 51 was invalid. In short, it appears clear from the correspondence sent by 867718 Ontario Ltd’s solicitor, Mr. McKinley, to the Minister of Municipal Affairs and Housing that a valid referral request with respect to ROPA 51 was made prior to its approval. It seems that there was some confusion over which version of the *Planning Act* applied to ROPA 51 with the result that the referral request was incorrectly returned to Mr. McKinley for him to submit at a later date when in fact the request had been submitted at the appropriate occasion.

The conclusion is that ROPA 51 was improperly approved. As such the reason for deeming the referral request frivolous and vexatious does not exist. While the position of the Region, as reflected in the 1997 Official Plan is that it is appropriate to place residential uses on the lands proposed for the residential designation in Goulbourn’s Official Plan, it cannot be said that the referral request is without merit.

The question of LOPA 1 has been remitted to Committee and Council for further decision. It is recommended that LOPA 1 be referred to the Board. The owner of the lands is in agreement with this approach, which will permit LOPA 1 to be considered at the Ontario Municipal Board hearing set to commence on 4 January 1999.

Approved by
E.A. Johnston

Approved by
N. Tunnacliffe, MCIP, RPP

**APPROVAL PAGE
AMENDMENT NO. 1 TO THE OFFICIAL PLAN
OF THE TOWNSHIP OF GOULBOURN**

I hereby certify that Amendment No. 1 to the Official Plan of the Township of Goulbourn, which has been adopted by the Council of the Township of Goulbourn, was approved by the Council of the Regional Municipality of Ottawa-Carleton on _____ 1998, under Section 21 of the Planning Act, 1990 as follows:

1. Under Section 17(10) of the Planning Act, 1990, Deferral No. 17 to the new comprehensive Official Plan of the Township of Goulbourn, insofar as it applies to a 48 ha (118.6 ac.) parcel of land in Lots 26 & 27, Concession 11, Township of Goulbourn is lifted.
2. Under Section 17(9) of the Planning Act, 1990, the following modifications to Amendment No. 1 of the Official Plan of the Township of Goulbourn are made:

Modification No. 1

DETAILS OF THE AMENDMENT, ITEM 2:, a), is modified by deleting the paragraph contained therein and substituting the following:

“Subsequent to this study, the Regional Official Plan was amended in 1997 to permit conversion of approximately 39 ha of industrial/commercial land for residential development. These changes were made on the basis that the 39 ha of industrial/commercial land were no longer required to meet the employment targets for Stittsville and the servicing allocated to them could accommodate the addition of 650 dwelling units. Consequently, Stittsville’s dwelling unit count was increased to 6,650 dwelling units in the Regional Official Plan, which can accommodate a population of about 19,950.

Modification No. 2

DETAILS OF THE AMENDMENT, ITEM 2:, b), is modified by replacing b) in its entirety with the following:

“Paragraph 5 is amended by deleting the first sentence contained therein with the following:

The constrained growth scenario reflects Stittsville’s servicing capacities as initially established by the Regional Official Plan. Regional Official Plan Amendment 51 increased Stittsville’s dwelling unit cap to 6,650.”

Modification No. 3

DETAILS OF THE AMENDMENT, ITEM 2:, b), is modified by adding a c) as follows:

“Paragraph 5 is amended by deleting the reference to 6,000 dwelling units contained in the fifth and sixth sentences contained therein and substituting the figure 6,650.”

Modification No. 4

DETAILS OF THE AMENDMENT, is modified by adding an ITEM 3:, as follows:

“Section 3 a), Stage 2 Residential, is amended by deleting reference to 6,000 dwelling units contained in paragraph (i) and substituting the figure 6,650.”

Dated this day of October, 1998.

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Deputy Clerk, Regional Municipality of Ottawa-Carleton