

Local Planning Appeal Tribunal

CASE NO(S): PL140495
PL170037

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Subject: Proposed Official Plan Amendment No. 150
Municipality: City of Ottawa
OMB Case No.: PL140495
OMB File No.: PL140495
OMB Case Name: Dolan v. Ottawa (City)

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Subject: Proposed Official Plan Amendment No. 179
Municipality: City of Ottawa
OMB Case No.: PL170037
OMB File No.: PL170037
OMB Case Name: Ontario Stone, Sand & Gravel Association v. Ottawa (City)

NOTICE OF MOTION

The City of Ottawa will make a motion to the Local Planning Appeal Tribunal on Monday, June 11, 2019 at 9:00 am, or soon after that time as the motion can be heard.

PROPOSED METHOD OF HEARING: The motion is to be means of telephone conference call.

THE MOTION IS FOR:

- (1) An order granting the appeals of the appellants to this Natural Systems Phase of the consolidated Ottawa Official Plan Appeals in part and otherwise dismissing the appeals of the Taggart Group of Companies, R.W. Tomlinson Ltd., and the Ontario Sand Stone and Gravel Association, the Greenspace Alliance of Canada's Capital, Urbandale Construction, Riverside South Development Corporation, KNL Developments Inc., and Richcraft Homes Ltd. (and its related entities) in this phase.

(2) An order modifying Official Plan Amendment No. 150, schedule L3, in accordance with Exhibit 8, Document 2 to the Affidavit of Bruce Finlay;

(3) An order modifying Official Plan Amendment No. 150, Policy 2.4.2 (3), such that it reads:

Regardless of whether the features are designated in this Plan, an Environmental Impact Statement is required for development proposed within or adjacent to features described in policy 1 above, with the exception of surface and groundwater features. Development and site alteration within or adjacent to these features will not be permitted unless it is demonstrated through an Environmental Impact Statement that there will be no negative impact on the feature or its ecological functions. Where the proposed development or alteration is for the establishment or expansion of mineral aggregate operations within or adjacent to a significant woodland, the demonstration of no negative impact may take into consideration final rehabilitation of the mineral aggregate operation, including any on- or off-site compensation. Rehabilitation of the mineral aggregate operation would need to be planned to occur as soon as possible and be suited to the local natural environment. The Policies regarding Environmental Impact Statements and the definition of terms are contained in Section 4.7.8.

(4) An order modifying Official Plan Amendment No. 179, Policy 2.4.2 (1.c.iii) such that it reads:

1. [...] c. Significant Woodlands are defined as the following [...]

iii. In the urban area, any area 0.8 hectares in size or larger, supporting woodland 60 years of age and older at the time of evaluation”

and,

(5) Such further and other relief as Counsel may advise and this Honourable Tribunal permit.

THE GROUNDS FOR THE MOTION ARE:

(1) The City (the Respondent), Greenspace Alliance, Urbandale Corporation, Urbandale Construction, Riverside South Development Corporation, KNL Developments Inc., Richcraft Homes Ltd. (and its related entities), the Taggart Group of Companies, R.W. Tomlinson Ltd., and the Ontario Sand, Stone, and Gravel Association (the Appellants) have reached a resolution with respect to Official Plan Amendment no. 150 and no. 179;

(2) The resolution, as described in the relief requested above, involves the addition and deletion of certain lands from Schedule L3 to the Official Plan, the addition of an Annex 16 to the Official Plan depicting natural heritage corridors and linkages, and the revision of wording at Policies 2.4.2(c. iii) and 2.4.2(3) of the Official Plan.

- (3) The above-described resolution will finally resolve the appeals in the Natural Heritage System phase of OPA 150 and of OPA 179.
- (4) Aspects of the resolution require the approval of the LPAT.
- (5) The resolutions are consistent with the Provincial Policy Statement.
- (6) The resolutions have regard for the applicable matters of provincial interest pursuant to the *Planning Act*, section 2.
- (7) The resolutions represent good planning policy and are in the public interest.
- (8) *Planning Act*, sections 17.
- (9) *Local Planning Appeal Tribunal Act*, section 12.
- (10) Such further and other grounds as Counsel may advise and this Honourable Tribunal may permit.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

- (1) Affidavit of Bruce Finlay, sworn on May 27, 2019
- (2) Affidavit of Nick Stow, sworn on May 27, 2019
- (3) Such further and other documentary evidence as Counsel may advise and this Honourable Tribunal may permit.

May 27, 2019

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