

**4. PLANNING EXPENSES FOR EXPERT WITNESSES
ONTARIO MUNICIPAL BOARD HEARING
KANATA OFFICIAL PLAN AMENDMENTS NOS. 45, 46 AND 51**

COMMITTEE RECOMMENDATION

That Council approve that \$38,000 in costs be incurred by the Legal Department to defend the position of Regional Council at the upcoming Ontario Municipal Board hearing on the Regional Official Plan, Policy 4.7.3 and Kanata Official Plan Amendments Nos. 45, 46 and 51.

DOCUMENTATION:

1. A/Regional Solicitor's report dated 23 Aug 99 is immediately attached.

REGION OF OTTAWA-CARLETON
RÉGION D'OTTAWA-CARLETON

REPORT
RAPPORT

Our File/N/Réf. O.1.2.21
Your File/V/Réf.

DATE 23 August 1999

TO/DEST. Co-ordinator
 Corporate Services and Economic Development Committee

FROM/EXP. Acting Regional Solicitor

SUBJECT/OBJET **PLANNING EXPENSES FOR EXPERT WITNESSES:
ONTARIO MUNICIPAL BOARD HEARING
KANATA OFFICIAL PLAN AMENDMENTS
NOS. 45, 46 AND 51**

DEPARTMENTAL RECOMMENDATION

That the Corporate Services and Economic Development Committee recommend to Council that \$38,000 in costs be incurred by the Legal Department to defend the position of Regional Council at the upcoming Ontario Municipal Board hearing on the Regional Official Plan, Policy 4.7.3 and Kanata Official Plan Amendments Nos. 45, 46 and 51.

BACKGROUND

The Ontario Municipal Board has scheduled a 6.5 week hearing, to commence 22 September 1999 to consider Regional Official Plan policy 4.7.3 and amendments nos. 45, 46 and 51 to the Kanata Official Plan. The Regional Official Plan policy 4.7.3 and the Kanata Official Plan Amendments broadly concern the commercial policies for Kanata's Regional shopping centre site and the business parks and industrial areas in the City of Kanata. Regional Council has already established its position on Amendment No. 45 (Planning and Environment Committee Report 27, Item 5) and Amendment No. 51 (Planning and Environment Committee Report 37, Item 3) at its meetings of 10 March 1999 and 14 July 1999 respectively. Regional Council will be considering its position on Amendment No. 46 at its meeting of 8 September 1999.

EXPENDITURE JUSTIFICATION

In order to present the Region's case both marketing and planning evidence will be required. To provide marketing evidence, the Region has retained Scott Morgan. The planning evidence will be given by Joseph Phelan, Senior Project Manager, Land Use and by Andrew Hope, formerly a Senior Project Manager in the Development Approvals Division. Mr. Phelan will provide the

factual background and policy analysis of the Regional Official Plan policies. Mr. Hope has been intimately involved in the local official plan matters in his role in Development Approvals since the first consideration by Kanata of an amendment to revise the commercial policies was brought forward in October, 1994.

The commercial policies in Kanata have been the subject of numerous pre-hearings before the Ontario Municipal Board and two full mediation sessions. It had been hoped that through the extraordinary interventions by the Board that a full hearing could be avoided or at least the length of the hearing could be shortened. Unfortunately, such has proven not to be the case.

As outlined in Planning and Environment Committee Report 27, Item 5 on Kanata Official Plan Amendment No. 45, neither the 1999 Legal or Planning and Development Approvals Department budgets contained funding for the evidence required to defend Council's position. An amount of \$40,000 was included within the 1999 Legal Department budget for the preparation of Mr. Morgan's initial report, submitted to the Region in February, 1999, which amount has been expended. The estimated additional cost of the hearing, including disbursements for travel and accommodation, is:

Planning Evidence	- \$ 8,000
Marketing Evidence	- \$28,000
<u>Supplies and Printing</u>	<u>- \$ 2,000</u>
Total	- \$38,000

*Approved by T. Marc
on behalf of E.A. Johnston*

FINANCE DEPARTMENT COMMENT

The report states that no additional funds are available in the 1999 budgets of either the Legal or Planning & Development Approvals Department to accommodate these additional costs. Should Council approve the report recommendations, the impact of this additional cost will be addressed in the *1999 Report on Operations*.

*Approved by Tom Fedec
on behalf of the Finance Commissioner*