

Residents pleased with OMB decision on banquet hall

By Mark Pavilons

King residents opposing a bid for a rural banquet hall and wedding facility are pleased that the appeal was dismissed by the Ontario Municipal Board (OMB).

OMB hearing officer Sylvia Sutherland dismissed the appeal by Peter Eliopolous, who wanted to change land use designations in King's official plan to permit his outdoor banquet facility and children's camp on a 49-hectare (121-acre) parcel of land located at 3550 18th Sideroad.

In her decision, she agreed that a banquet hall doesn't belong on the Oak Ridges Moraine and that it's not considered a recreational use.

The report was released Jan. 27 and not only refused the bid, but eliminated any further need for phase two of the hearing.

There were many residents who participated and I would like to thank them for their dedication and efforts. This is a huge win for all of us and illustrates that the system can work, said Mayor Steve Pellegrini.

The decision came as good news to George Puccia, president of Stewards of the Moraine, the application's main opponents.

It's good news. We hope that's the end of it, he said. If this is the end, we're excited.

The group is very pleased the hearing officer responded in favour of their arguments made at the hearing.

As a group, they spent a great deal of time and money at the OMB, with peer reviews, etc. Evidence presented by Robert Lehman was instrumental, he said.

Sutherland noted in the end, the hearing turned to a large extent on whether a wedding can be considered a major recreational use.

Sutherland noted she found the expert opinions of King planning director Stephen Kitchen and Lehman convincing.

Neither considered the proposed use recreational, but rather commercial, she wrote.

The Board concurs with the contention of Mr. Lehman and Mr. Kitchen that the definitions of 'recreation' found in both ORMCP and the PPS suggest a certain amount of physical activity with accompanying health benefits, sports participation and skill development. Even most camp grounds, the most ambiguous of the uses listed in s. 38 (1) of the ORMCP, most frequently include areas for such activities as well, Sutherland wrote.

While pleased, Puccia said they will be vigilant in keeping an eye on the area. He hopes this decision will act as an example of what should be permitted on the moraine, as a review on the ORM Plan is slated for 2015.

The Stewards extended a well earned thanks for the excellent representation by Donnelly Law (David Donnelly, Anne Sabourin and Daniela Cortese).

Greg Locke, chair of the Concerned Citizens of King Township (CCKT), said this decision was the right one to make.

We are relieved. This was a crafty attempt to disguise a commercial banquet facility as a 'recreational' use to get around the environmental protections afforded to us by the ORMCP, he said. The Plan is about protection and conservation: to have ruled otherwise would have been to open up the Moraine to all sorts of commercial construction hiding as some sort of 'recreation.' Just about anything could be classified as such and the Plan would be reduced to a joke. We're not champions for the OMB, but in this case they got it right.

The CCKT, he pointed out, is focusing its efforts behind the upcoming 2015 reviews of the Moraine, Greenbelt and Niagara Escarpment plans. The Eliopolous case is, for many reasons, a bell weather why it's so critical to King, plus the regions these plans encompass, to ensure they remain in effect, stronger and more clearly defined.

Locke stressed there is so much more to this development application that offends just about every value we hold dear to us at CCKT.

It is a beacon for why we must defend and strengthen the legislation and plans that protect our valuable Greenbelt and Moraine lands in the upcoming 2015 reviews.

In essence, if there is a case that shows the importance of protecting Moraine (and Greenbelt and Niagara Escarpment) lands from damage in these regards, this is it, he said.

The case failed for good reason because the development was rightly considered a commercial use, not recreational. But let's not kid ourselves: we got lucky with this one. It could have gone the other way, in which case developers would have been gifted a formula for building large commercial enterprises on the Moraine, disguised as 'recreation.'

The definition of 'recreational use' needs to be significantly narrowed and further defined in the Moraine Plan to be sure.

CCKT will be working hard leading up to and including the 2015 reviews to ensure our voices are heard so that our valuable lands will continue to be protected.