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| <p>1. Bill 109 Implementation Phase 2</p> <p>Étape 2 de la mise en œuvre du projet de loi 109</p> |
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Committee Recommendation(s), as amended

That Council:

- 1. Receive for information the update on the internal process changes undertaken since July 6, 2022 and proposed to be undertaken as part of Bill 109 Implementation Phase 2 contained in this report;**
- 2. Approve the amendments to the Pre-Consultation By-law 2009-320, as per Document 1 attached to this report, to introduce a Multi-tiered Pre-Consultation Process;**
- 3. Approve the amendments to the Development Application Study Policy By-law 2022-254, attached as Document 2 to this report;**
- 4. Approve the amendments to the Public Notification and Consultation Policy, attached as Document 3 to this report;**
- 5. Approve the amendments to the Planning Fees By-law 2023-139, attached as Document 4 to this report;**
- 6. Receive for information, an update on future amendments to the Site Plan Control By-law;**
- 7. Direct Staff to report back to Council via report with an Official Plan Amendment to explicitly define the types of applications that can be classified as minor zoning by-law amendments to set the stage for a future delegation of authority;**
- 8. Approve the following amendments with respect to the**

Council and Committee governance processes, Terms of Reference, and the Procedure By-law, attached as Document 5, and as described in this report:

- a. **Schedule Council and Planning and Housing Committee meetings bi-weekly on alternating Wednesdays, and that additional meetings scheduled during traditional legislative breaks in January, March break, July, August, and December, be convened as special meetings, if required, to consider any Zoning By-law amendments or any other time-sensitive items approved by the Chair;**
 - b. **Enact Zoning By-law Amendments (ZBLA) and Official Plan Amendment (OPA) by-laws at the same day as the policy report is before Council;**
 - c. **Publish Zoning By-law Amendment reports six (6) calendar days before Committee; and**
 - d. **Enable all zoning matters in any area of the city to have the ability to be considered at Planning and Housing Committee, allowing a rural zoning file to go to Planning and Housing Committee instead of Agriculture and Rural Affairs Committee, should there be a time pressure to meet the provincially imposed deadline, provided that the Agriculture and Rural Affairs Committee is given the opportunity to hold a Special Meeting and is able to meet quorum to consider the matter.**
9. **Approve that Bill 109 timeline data be reported to Council annually through the Planning, Real Estate and Economic Development's Year-End Report.**

Recommandation(s) du comité, telle que modifiée

Que le Conseil :

1. **Prenne connaissance de la mise à jour sur les changements aux processus internes entrepris depuis le 6 juillet 2022 et qu'on propose d'entreprendre dans le cadre de l'étape 2 de la mise en œuvre du projet de loi 109 contenue dans le présent rapport;**
2. **Approuve la modification du *Règlement sur la préconsultation* (n° 2009-320), conformément au document 1 joint au présent rapport, afin de mettre en place un processus de préconsultation à différents paliers;**
3. **Approuve la modification du *Règlement de la politique d'étude des demandes d'aménagement* (n° 2022-254), jointe en tant que document 2 au présent rapport;**
4. **Approuve la modification du *Règlement sur la Politique d'avis et de consultation publique*, jointe en tant que document 3 au présent rapport;**
5. **Approuve la modification du *Règlement sur les droits d'aménagement* (n° 2023-139), jointe en tant que document 4 au présent rapport;**
6. **Prenne connaissance d'une mise à jour sur des changements futurs au *Règlement régissant la réglementation du plan d'implantation*;**
7. **Demande au personnel de présenter au Conseil un rapport contenant une modification du Plan officiel qui définit explicitement les types de demandes pouvant être classées**

comme changements mineurs au *Règlement de zonage*, afin de faciliter une future délégation de pouvoirs;

8. Approuve les changements suivants relativement aux processus de gouvernance du Conseil et du Comité, au cadre de référence et au *Règlement de procédure*, présentés en pièce jointe en tant que document 5, tels que décrits dans le présent rapport :

- a. Tenir les réunions du Conseil et du Comité de la planification et du logement tous les deux mercredis, et faire en sorte que des réunions supplémentaires pendant les congés traditionnels de janvier, mars (relâche), juillet, août et décembre puissent être convoquées en tant que réunions extraordinaires, au besoin, pour examiner toute modification du *Règlement de zonage* ou toute autre question soumise à une échéance approuvée par le président;
- b. Adopter les règlements régissant la modification du *Règlement de zonage* et la modification du Plan officiel le jour où le rapport sur la politique est présenté au Conseil;
- c. Publier les rapports sur la modification du *Règlement de zonage* six (6) jours civils avant la réunion du Comité;
- d. Faire en sorte que toutes les questions de zonage, peu importe le secteur de la ville, puissent être examinées par le Comité de la planification et du logement, ce qui permettra de transmettre le dossier de zonage rural au Comité de la planification et du logement plutôt qu'au Comité de l'agriculture et des affaires rurales, advenant le cas où il faudrait respecter l'échéance imposée par le gouvernement provincial, à la condition que le Comité

**de l'agriculture et des affaires rurales ait l'occasion de
tenir une réunion extraordinaire et soit en mesure de
respecter le quorum pour se pencher sur ces
questions..**

- 9. Approuve la présentation annuelle au Conseil des données relatives au calendrier du projet de loi 109, au moyen du Rapport de fin d'exercice de la Direction générale de la planification, de l'immobilier et du développement économique.**

Documentation / Documentation

1. Interim General Manager's Report, Planning, Real Estate and Economic Development, dated May 19, 2023 (ACS2023-PRE-GEN-0004).

Rapport du Directeur par intérim, Direction générale de la planification, des biens immobiliers et du développement économique, daté le 19 mai 2023 (ACS2023-PRE-GEN-0004).
2. Extract of draft Minutes, Joint Meeting of the Planning and Housing Committee and Agriculture and Rural Affairs Committee, May 30, 2023.

Extrait de l'ébauche du procès-verbal, Réunion conjointe du Comité de la planification et du logement et du Comité de l'agriculture et des affaires rurales, le 30 mai 2023.

Bill 109 Implementation Phase 2

File No. ACS2023-PRE-GEN-0004 – City Wide

The Committee considered this item concurrently with Provincial Legislation Resource Impact Report (ACS2023-PRE-GEN-0005).

Derrick Moodie, Director, Planning Services and Emily Davies, Manager, Strategic Projects, Planning, Real Estate and Economic Development Department (PRED), presented a comprehensive overview and answered questions from the Committee. A copy of the slide presentation is filed with the Office of the City Clerk.

The following Staff were also present to respond to questions:

PRED:

- Don Herweyer, General Manager
- Charmaine Forgie, Manager, Business and Technical Support Services
- Court Curry, Manager, ROW, Heritage & Urban Design Services
- David Wise, Director, Economic Development & Long-Range Planning

Legal:

- Tim Marc, Senior Legal Counsel-Planning, Development & Real Estate

Office of the City Clerk

- Caitlin Salter MacDonald, Manager, Council and Committee Services

The following speakers addressed the Committee to speak to the report:

1. Jason Burggraaf, GOHBA and Philip Osterhout, Soloway Wright (written submission) spoke to the pre-consultation process, concurrent applications, and the Development Application Study Policy By-law.
2. Murray Chown expressed skepticism as to how the process will unfold, noting concerns with the ability to dispute the list of studies and the stages of pre-consultation leading to costs and delays in the process.
3. Joseph Ostrovsky, Make Housing Affordable noted the City could use this opportunity to be more proactive about accelerating construction and housing, streamlining the process with innovative strategies.

Following discussions and questions of staff, the Committee carried the report recommendations as amended.

Direction to Staff

Councillor R. Brockington

That staff provide a verbal update to Planning Committee and Agriculture and Rural Affairs Committee in January 2024 to advise on the functionality of the new process and how the timelines are being met for zoning bylaw amendment and site plan applications.

Report Recommendation(s)

That Planning and Housing Committee and Agriculture and Rural Affairs Committee recommend Council:

1. **Receive for information the update on the internal process changes undertaken since July 6, 2022 and proposed to be undertaken as part of Bill 109 Implementation Phase 2 contained in this report;**
2. **Approve the amendments to the Pre-Consultation By-law 2009-320, as per Document 1 attached to this report, to introduce a**

Multi-tiered Pre-Consultation Process;

- 3. Approve the amendments to the Development Application Study Policy By-law 2022-254, attached as Document 2 to this report;**
- 4. Approve the amendments to the Public Notification and Consultation Policy, attached as Document 3 to this report;**
- 5. Approve the amendments to the Planning Fees By-law 2023-139, attached as Document 4 to this report;**
- 6. Receive for information, an update on future amendments to the Site Plan Control By-law;**
- 7. Direct Staff to report back to Council via report with an Official Plan Amendment to explicitly define the types of applications that can be classified as minor zoning by-law amendments to set the stage for a future delegation of authority;**
- 8. Approve the following amendments with respect to the Council and Committee governance processes, Terms of Reference, and the Procedure By-law, attached as Document 5, and as described in this report:**
 - a. Schedule Council and Planning and Housing Committee meetings bi-weekly on alternating Wednesdays, and that additional meetings scheduled during traditional legislative breaks in January, March break, July, August, and December, be convened as special meetings, if required, to consider any Zoning By-law amendments or any other time-sensitive items approved by the Chair;**
 - b. Enact Zoning By-law Amendments (ZBLA) and Official Plan Amendment (OPA) by-laws at the same day as the policy report is before Council;**
 - c. Publish Zoning By-law Amendment reports six (6)**

calendar days before Committee; and

- d. Enable all zoning matters in any area of the city to have the ability to be considered at Planning and Housing Committee, allowing a rural zoning file to go to Planning and Housing Committee instead of Agriculture and Rural Affairs Committee should there be a time pressure to meet the provincially imposed deadline.**

- 9. Approve that Bill 109 timeline data be reported to Council annually through the Planning, Real Estate and Economic Development's Year-End Report.**

Carried as amended

Amendment:

Motion No. PHC-ARAC 2023-01-01

Moved by L. Johnson

WHEREAS the City of Ottawa is committed to public participation in the planning and development process; and

WHEREAS the City initiated in 2014 a development application pre-application consultation program with community associations, with the objective to increase transparency to the City's development review process, and to allow for early input by the community into the development proposal; and

WHEREAS any public participant from the 6 participating Wards must attend training and sign a Non-Disclosure Agreement acknowledging their understanding of confidentiality requirement under the Planning Act; and

WHEREAS the Province's Bill 109 introduced tight timelines for development applications to be considered during Official Review; and

WHEREAS Bill 109 Implementation Phase 2 report introduces a multi-phased pre-consultation process for development applications, which introduces three phases to allow the applicant to discuss their idea to obtain preliminary feedback, present their refined idea and any draft studies for comment, and finally, submit their final proposal for the study review to ensure the studies are complete, consistent with one another, and contain enough information to allow a proper application processing during the provincially timed review; and

WHEREAS there is opportunity to build upon the existing pre-consultation engagement with community associations in the context of Bill 109's multi-phased pre-consultation process;

THEREFORE BE IT RESOLVED that Staff be directed to undertake a fulsome review of the pre-application consultation program that involves community associations to assess the efficiency and effectiveness of the current process, examine potential expansion of the Pre-application consultation program with Community Associations, and undertake an education, training and awareness initiative in relation to the program; and that the result of this review be reported back to Council within 18 months at the latest.

Carried

Amendment:

Motion No. PHC-ARAC 2023-01-02

Moved by L. Dudas

WHEREAS report ACS2023-PRE-GEN-0004 recommends amendments to the Pre-Consultation By-law 2009-320 to introduce a Multi-tiered Pre-Consultation Process; and

WHEREAS Pre-Consultation is a process that takes place between applicants and City staff, with other participants signing non-disclosure agreements given the commercial confidentiality of development projects in early stages; and

WHEREAS members of Council may have an interest in participating in the Pre-Consultation Process early on for development application files; and

WHEREAS Site Plan Control approval authority rests with staff by appointment, not delegation, which limits the role of elected officials; and

WHEREAS approval authority on Zoning By-law Amendments remains with Council, which may permit involvement of elected officials in the pre-consultation process;

THEREFORE BE IT RESOLVED THAT staff be directed to assess the feasibility of Councillor participation in Pre-Consultation for Zoning By-law Amendment applications and report back to Council in Q4 2023 with their findings.

Carried

Amendment:

Motion No. PHC-ARAC 2023-01-03

Moved by G. Gower

WHEREAS the Bill 109 Implementation Phase 2 report introduces a multi-phased pre-consultation process for development applications, which introduces three phases to allow the applicant to discuss their idea to obtain preliminary feedback, present their refined idea and any draft studies for comment, and finally, submit their final proposal for the study review to ensure the studies are complete, consistent with one another, and contain enough information to allow a proper application processing during the provincially timed review; and

WHEREAS a dispute resolution process for issues that may arise during the pre-consultation process was not identified in the report; and

WHEREAS it is in the interest of applicants and the City to ensure that development application files move smoothly through the new pre-

consultation process in a timely manner, with the shared objective to facilitate the building of homes to solve the housing crisis;

THEREFORE BE IT RESOLVED that Planning Services Staff be directed to:

- a. Develop a dispute resolution procedure for the pre-consultation process and report back to Council via Memo by the end of Q3 2023 on the process and implementation timeline; and**
- b. Report on the use of the dispute resolution process be included as part of the monitoring report, as per Recommendation 9.**

Carried

Amendment:

Motion No. PHC-ARAC 2023-01-04

Moved by G. Darouze

WHEREAS ARAC was created to ensure that matters pertaining to rural Ottawa, including planning matters, are considered from a rural perspective, with a full appreciation of rural issues and impact; and

WHEREAS Bill 109 will impose stricter timelines related to zoning by-law amendments and site plan control applications; and

WHEREAS Bill 109 Implementation Phase 2 (ACS2023-PRE-GEN-0004) outlines staff requests for amendments to Council and committee governance processes, Terms of Reference, and the Procedure by-law in order to adhere to the provincial timelines; and

WHEREAS item 3.1 recommendation 8a asks the joint Agriculture and Rural Affairs (ARAC) and Planning and Housing Committee (PHC) to schedule Council and PHC bi-weekly on alternating Wednesdays in order to meet provincial timelines; and

WHEREAS Recommendation 8.d. asks the joint committee to enable all zoning matters in the City to have the ability to be considered at the PHC, allowing rural zoning files to be considered there if there are time pressures related to rural files that are unable to be considered at a regularly scheduled ARAC meeting; and

WHEREAS it is integral that Council aims to refer the appropriate items to their respective committee whenever possible to ensure that they are considered in their appropriate jurisdiction; and

WHEREAS ARAC is a proportionately smaller committee in comparison to other committees and there is a requirement of 3 members to have a quorum meaning it will ordinarily not be difficult to have a quorum during time sensitive circumstances;

THEREFORE BE IT RESOLVED that for items that are related to rural zoning matters, staff be directed to prioritize consideration at a Special Meeting of ARAC prior to considering routing to PHC; and

BE IT FURTHER RESOLVED that Recommendation 8.d. be amended to read as follows:

“Enable all zoning matters in any area of the city to have the ability to be considered at Planning and Housing Committee, allowing a rural zoning file to go to Planning and Housing Committee instead of Agriculture and Rural Affairs Committee, should there be a time pressure to meet the provincially imposed deadline, provided that the Agriculture and Rural Affairs Committee is given the opportunity to hold a Special Meeting and is able to meet quorum to consider the matter.”

BE IT FURTHER RESOLVED that the required Special meetings be regularly scheduled on the day Planning and Housing Committee is otherwise scheduled.

Carried