

**Report to
Rapport au:**

**Council
Conseil**

28 February 2018 / 28 février 2018

**Submitted on February 23, 2018
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**Submitted by
Soumis par:**

Council Coordinator / coordonnatrice du Conseil

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Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE File Number: ACS2018-CCS-OCC-0003

**SUBJECT: Summary of Oral and Written Public Submissions for Items Subject to
the *Planning Act* 'Explanation Requirements' at the City Council Meeting of
February 14, 2018**

**OBJET : Résumé des observations orales et écrites du public sur les questions
assujetties aux exigences d'explication aux termes de la *Loi sur l'aménagement du
territoire* à la réunion du Conseil du 14 février 2018.**

REPORT RECOMMENDATION

**That Council approve the Summaries of Oral and Written Public Submissions for
items considered at the City Council Meeting of February 14, 2018 that are subject
to the 'Explanation Requirements' being the *Planning Act*, subsections 17(23.1),**

22(6.7), 34(10.10) and 34(18.1), as applicable, as described in this report and attached as Documents 1 and 2

RECOMMANDATION DU RAPPORT

Que le Conseil approuve les résumés des observations orales et écrites du public sur les questions étudiées à la réunion du 14 février 2018 du Conseil municipal qui sont assujetties aux exigences d'explication prévues aux paragraphes 17(23.1), 22(6.7), 34(10.10) et 34(18.1) de la *Loi sur l'aménagement du territoire*, selon le cas, et comme les décrit le présent rapport et qui sont joints à titre de documents 1 et 2.

EXECUTIVE SUMMARY

This report was prepared pursuant to the process approved by City Council on November 9, 2016 to address Bill 73, the *Smart Growth for Our Communities Act, 2015*, which amended the *Planning Act* such that municipalities are required to explain the effect of public input on planning decisions.

At its meeting of Feb 14, 2018, City Council considered two planning applications for which written and/or oral submissions were received after publication of the staff report:

1. Official Plan And Zoning Amendments – Rochester Field (ACS2018-PIE-EDP-0001)
2. Zoning By-Law Amendment – 5130 and 5208 Ramsayville Road (ACS2018-PIE-PS-0010)

A 'Summary of Written and Oral Submissions' for each application is attached as a supporting document to this report. Council considered all written and oral submissions received prior to Council consideration of this matter in making its decision on this matter.

SOMMAIRE

Le présent rapport a été préparé conformément au processus approuvé par le Conseil municipal le 9 novembre 2016 en vue de répondre aux exigences de la loi 73, la Loi de 2015 pour une croissance intelligente de nos collectivités, modifiant la Loi sur l'aménagement du territoire de telle sorte que les municipalités doivent expliquer les répercussions des commentaires du public sur les décisions d'urbanisme.

Lors de sa réunion du 14 février 2018, le Conseil municipal a examiné deux demandes d'aménagement pour laquelle il a reçu des observations orales ou écrites suivant la publication du rapport du personnel :

1. Modifications au Plan officiel et au Règlement de zonage – pré Rochester (ACS2017-PIE-PS-0001)
2. Modification au Règlement de zonage – 5130 et 5208, chemin Ramsayville (ACS2017-PIE-PS-0010)

Un « Résumé des observations orales et écrites » pour chaque demande est soumis en pièce jointe. Le Conseil a pris connaissance de toutes les observations orales et écrites reçues avant son examen afin d'éclairer son décision.

BACKGROUND

Effective July 1, 2016, provisions of Bill 73, the *Smart Growth for Our Communities Act, 2015*, took effect to amend certain Subsections of the *Planning Act* such that municipalities are required explain the effect of public input on planning decisions. Generally, the legislation requires City Council to ensure that a written Notice of its decision is given in the prescribed manner, and that this Notice contain a “brief explanation of the effect, if any, that the written and oral submissions ... had on [Council’s] decision.” Oral submissions include the public delegations that appear at Committee, and written submissions include any that were provided formally to Council between the date a report is published in the Committee agenda and the date of Council’s decision.

The legislation applies to the following Subsections of the *Planning Act*:

Subsections	Related Matters
17(23)-(23.2), 17(35)-(35.2)	Official Plan
22(6.6)-(6.8)	Official Plan
34(10.9)-(10.11), 34(18)-(18.2)	<i>Zoning By-laws</i>

Subsections	Related Matters
45(8)-(8.2)	Committee of Adjustment
51(37)-(38.2)	Plan of Subdivision
53(17)-(18.2)	Consents

In anticipation of the legislation coming into effect, City Council, at its meeting on June 22, 2016, passed Motion No. 34/7 to adopt an interim practice to ensure the City's compliance with these particular new Bill 73 requirements, with the intent of adopting a new process as part of the Mid-term Governance Review later that year.

On November 9, 2016, City Council considered the report titled, "2014-2018 Mid-term Governance Review" (ACS2016-CCS-GEN-0024), and approved the following revised process to ensure the City's compliance with these particular new Bill 73 requirements:

1. Staff reports to Planning Committee and Agriculture and Rural Affairs Committee with respect to affected planning matters include the following recommendation:

That Committee approve the Consultation Details Section of this report be included as part of the 'brief explanation' in the Summary of Written and Oral Public Submissions, to be prepared by the City Clerk and Solicitor's Office and submitted to Council in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to Bill 73 'Explanation Requirements' at the City Council Meeting of [Date of Council meeting at which the item is considered]," subject to submissions received between the publication of this report and the time of Council's decision";

2. Following Council's decision with respect to the matter, Clerk's staff, in consultation with the relevant Committee Chair and Legal shall prepare the report titled, "Summary of Oral and Written Public Submissions for Items Subject to Bill 73 'Explanation Requirements' at the City Council Meeting of [Date of Council meeting at which the item is considered]." This report would include information with respect to all items considered at the Council meeting that were subject to the relevant Bill 73 provisions. For each item included in the report, a 'Summary of Written and Oral Submissions' would be attached as a supporting document. Each 'Summary of Written and Oral Submissions' would incorporate the information above and other submissions that were received in advance of Council's decision;
3. The above-noted report would be placed on the Bulk Consent Agenda for the next City Council meeting. As there is a requirement that Notice of decision be circulated within 15 days after a Council decision, and given that the Notice would typically be circulated

before the next Council meeting, the Notice would be circulated indicating that the 'Summary of Written and Oral Submissions' for the matter was subject to Council approval.

This report was prepared pursuant to the process approved by City Council on November 9, 2016, and includes information with respect to all items considered at the Council meeting of November 23, 2016, that were subject to the relevant Bill 73 provisions. A 'Summary of Written and Oral Submissions' is attached as a supporting document for each item.

As noted above, there is a requirement that Notice of Decision be circulated within 15 days after a Council decision. Given that the Notice is typically circulated before the next Council meeting, the Notice is circulated indicating that the 'Summary of Written and Oral Submissions' for the matter is subject to Council approval.

DISCUSSION

City Council, at its meeting of February 14, 2018, considered two items subject to the Bill 73/ *Planning Act* 'Explanation Requirements' described above. These items are as follows:

Planning Committee Report 57:

1. Official Plan And Zoning Amendments –Rochester Field (ACS2018-PIE-EDP-0001)

Agriculture and Rural Affairs Committee Report 31:

2. Zoning By-Law Amendment – 5130 and 5208 Ramsayville Road (ACS2018-PIE-PS-0010)

RURAL IMPLICATIONS

There are no rural implications associated with the report recommendations to approve the summary of public submissions.

CONSULTATION

The consultation undertaken with respect to the above-noted planning application is contained within the original staff report considered by Committee and Council.

COMMENTS BY THE WARD COUNCILLORS

The Ward Councillor's comments were contained in the original report considered by Committee and Council.

ADVISORY COMMITTEE(S) COMMENTS

This section is not applicable to this report.

LEGAL IMPLICATIONS

The legal implications with respect to the planning application described in this report is contained in the original report considered by Committee and Council.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications associated with the report recommendation.

FINANCIAL IMPLICATIONS

The financial implications with respect to the planning application described in this report are contained in the original report considered by Committee and Council

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with the report recommendation.

TERM OF COUNCIL PRIORITIES

This report addresses the Governance, Planning and Decision-making Term of Council Priority.

SUPPORTING DOCUMENTATION

Document 1 – Summary of Written and Oral Submissions - Official Plan and Zoning Amendments –Rochester Field (ACS2018-PIE-EDP-0001)

Document 2 – Summary of Written and Oral Submissions - Zoning By-Law Amendment – 5130 and 5208 Ramsayville Road (ACS2018-PIE-PS-0010)

DISPOSITION

This report will be placed on the Bulk Consent Agenda portion of the City Council Agenda for Council's consideration and approval at its meeting of February 28, 2018.

Summary of Written and Oral Submissions

OFFICIAL PLAN AND ZONING AMENDMENTS –ROCHESTER FIELD (ACS2018-PIE-EDP-0001)

In addition to those outlined in the Consultation Details section of the report, the following outlines the written and oral submissions received between the publication of the report and prior to City Council's consideration:

- **Number of delegations at Planning Committee:** 11
- **Number of Submissions received by Planning Committee between January 16 and February 14, 2018** (*note: this item was deferred from the 31 January 2018 Council meeting to its 14 February 2018 meeting*) : 10
- **Primary arguments in support**
 1. The field is not as well-used by the community other than as a dog path or thoroughfare
 2. Many residents in the community support development of the land
 3. The portion of the field that is to be developed is too close to Richmond Road to safely enjoy as community greenspace
 4. There would probably be more community use of the land if part of the field was converted to a more manicured linear park with benches
 5. Proposal maintains connectivity to Ottawa River
 6. Protects open space and provides certainty
- **Primary concerns and arguments in opposition**
 1. Loss of open, accessible and inviting greenspace that is well used by the community
 2. Loss of link from Richmond Road to the Parkway and the river
 3. Loss of sightlines to the river
 4. Loss of historical use and heritage aspect of the field/park
 5. Excessive building height and proposed change in zoning does not fit the surrounding character

6. Traffic impact
7. Lack of consultation on the proposed plan
8. Approval of this proposal could set a precedent for future building heights
9. The northeast corner of the site would be the better location for development, being close to the transitway, as well as existing high-rise and commercial buildings
10. The City is not obligated to approve the requested zoning changes and the proposal should be delayed for community consultation
11. The zoning amendment is premature without any site plan proposal
12. Shadowing
13. Departure from Memorandum of Understanding (MOU)
14. The proposed public space will not be inviting because it will be flanked by two mid-rise buildings

Effect of Submissions on Planning Committee Decision:

Debate The Committee spent two hours and nine minutes on this item.

Vote: The staff recommendations CARRIED as presented. With the following direction to staff:

That staff be directed to review the Details of Recommended Zoning (Document 2) and bring forward a motion at Council on 31 January 2018 to make the necessary clarifications with respect to setbacks and retention of mature vegetation.

Effect of Submissions to both committees on Council Decision:

Council considered all written and oral submissions in making its decision, and CARRIED this item with the following amendment:

That Document 2 – Details of the recommended Zoning By-law Amendment of Report ASC2018-PIE-EDP-0001 be amended as follows:

- 1. To include a consistent parking requirement for all zones by amending Section 4 such that the provision relating to underground parking reads as follows:**

“-Despite Section 100(1), underground parking may be located anywhere in the TM [2442], TM[2444] and O1[2441] within 90m of Richmond Road.”; and,

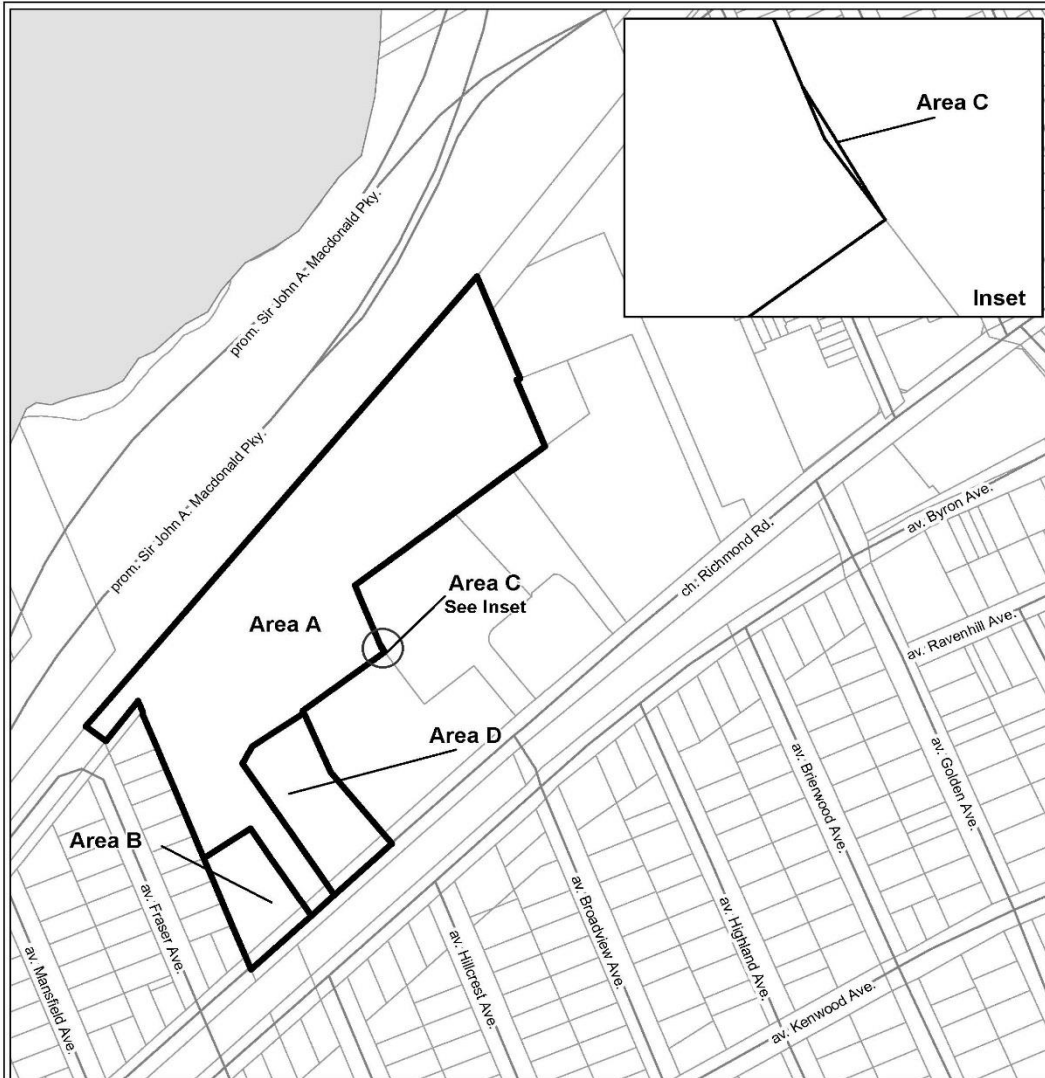
- 2. To change the provision for the interior side yard that abuts a residential zone and the front yard of the TM[2442] zone as follows:**



“Notwithstanding the side and front yard setbacks within the TM Zone within the TM [2442], the following zone provisions will apply:

- minimum front yard setback: 8m**
- maximum front yard setback:12 m**
- no maximum interior side yard setback**
- minimum interior side yard setback adjacent to a residential zone: 7.5m”;**

- 3. To create a new TM exception zone for the larger development parcel (TM [2444]) which will have the same provisions as the TM[2442] zone in addition to a maximum height provision permitting a building height of 7 storeys or 24m, whichever is less, where an additional 5m setback will be required from Richmond Road at the seventh storey.;**
- 4. To add the reference to the TM[2444] zone following reference to the TM[2442] zone, wherever it appears; and,**
- 5. To replace the zoning /location map with the map attached to this motion so that the western boundary of the larger development parcel has a straightened and consistent Open Space corridor of 19 m.**

And, that pursuant to the *Planning Act*, subsection 34(17) no further notice be given.



		<p>This is Attachment 1 to By-law Number _____, passed _____, 2018</p> <p>Lands Affected by By-law</p> <p>Area A to be rezoned from O1L [310]-h to O1[2441] Area B to be rezoned from O1L [310]-h to TM[2442]-h Area C to be rezoned from O1L [310]-h to TM[157] F(2.3) S149 Area D to be rezoned from O1L[310]-h to TM[2444]-h</p>
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<small>©Les données de parcelles appartient à Teranet Enterprises Inc. et à ses fournisseurs. Tous droits réservés. Ne peut être reproduit sans autorisation. CE CI N'EST PAS UN PLAN D'ARPENTAGE</small>		
<p>LANDS AFFECTED PART OF THE ZONING MAP OF BY-LAW NO. 2008-250</p>		

Summary of Written and Oral Submissions

ZONING BY-LAW AMENDMENT – 5130 AND 5208 RAMSAYVILLE ROAD

(ACS2018-PIE-PS-0010)

In addition to those outlined in the Consultation Details section of the report, the following outlines the written and oral submissions received between the publication of the report and prior to City Council's consideration:

- **Number of delegations at Agriculture and Rural Affairs Committee:** 1 in favour 1 opposed
- **Number of Submissions received between 25 January and 14 February:** 0
- **Primary arguments in support:**
 - The present building will be transformed from vegetable to cannabis so no change in size of structure.
 - The amount of water used will be less and septic system less used.
 - A growth sector for the City of Ottawa
- **Primary concerns and arguments in opposition:**
 - A neighbouring property has concerns about future expansion of the facility.
 - He has concerns concerning drainage in the area, as there are already problems.
 - He has concerns over the water table and amount of water used.

Effect of Submissions on Committee Decision:

Debate No debate.

Vote: The Committee CARRIED as presented.

Effect of Submissions on Council Decision: Council considered all written and oral submissions in making its decision, and CARRIED this item with as presented by the Agriculture and Rural Affairs Committee.

That Council approve an amendment to Zoning By-law 2008-250 for 5130 and 5208 Ramsayville Road to permit a medical marihuana production facility use and to add specific zoning provisions for that use, as shown on Document 1 and detailed in Document 2.