

Summary of Written and Oral Submissions

Zoning By-law Amendment – Part of 3285 Borrisokane Road

Note: This is a draft Summary of the Written and Oral Submissions received in respect of Zoning By-law Amendment – Part of 3285 Borrisokane Road (ACS2020-PIE-PS-0019), prior to City Council’s consideration of the matter on June 24, 2020.

The final Summary will be presented to Council for approval at its meeting of July 15, 2020, in the report titled ‘Summary of Oral and Written Public Submissions for Items Subject to the *Planning Act* ‘Explanation Requirements’ at the City Council Meeting of June 24, 2020’. Please refer to the ‘Bulk Consent’ section of the Council Agenda of July 15, 2020 to access this item.

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/submissions

Number of delegations at Committee: 1

Number of written submissions received by Planning Committee between June 1 (the date the report was published to the City’s website with the agenda for this meeting) and June 11, 2020 (committee meeting date): 2

Primary concerns, by individual

Faith Blacquiere (written submission)

- the Zoning By-law Amendment (ZBA) should not be approved unless there is a Motion that resolves the confusion in the staff report between the 7 November 2019 Permit (RV5-4419), which establishes berms on 4 other parcels, which may or may not need to be altered in the future JFSA modelling report, and the 24 May 2019 site-specific Permit (RV5-1718) which permits a cut/fill on 3285 Borrisokane, which can be implemented by the normal process for updating the Section 58 Floodplain Overlay; it needs to be very clear that the berms should not be added to the Section 58 Floodplain Overlay, as the final JFSA report, which is to be revised as recommended by the Third Party Reviewer, may result in changes
- the ZBA also needs a holding condition to ensure that the new berm water levels will not impact the sewer systems, which were designed based on the 2005 RVCA floodplain mapping, or impact the downstream outlets
- this application is said to relate to the 7 Nov 2019 RVCA Permit R5V-4419,

which was approved by 4 members of the RVCA Executive Committee, with only the Chair being from the City of Ottawa; RVCA staff were not able to approve it because it is contrary to their Regulations and Regulation Policies, as well as to the PPS and Official Plan

- this application is to remove the floodplain overlay from the 2 lots which were frozen in 2019 by not changing the DR zoning, due to the floodplain overlay on part of the northwest block and the southeast block being entirely within the 2007 floodplain limit
- the staff report states “A new Cut and Fill permission (No. RV5-4419) was issued by the RVCA on November 12, 2019 and validated on November 13, 2019 to remove Blocks 62, 63, 64 and 122 on Plan 4M-1645 from the flood plain (Plan 4M-1645 is shown in Document 5)”, but this is not correct; the permit approved cut and fill of lands north of the Jock River, which the RVCA letter now says it relates to berms around 4 parcels
- the staff report refers to the 26 September 2018 Cut/Fill Permit, which is Permit RV5-1718T, and states “The RVCA has reviewed the as-builts of the Cut and Fill works and issued an approval letter dated May 31, 2020. This as-built approval effectively removes the lands from the Flood Plain”; this letter is not relevant to the site. The 31 May 2020 RVCA letter does not refer to the subdivision blocks, but refers to the “construction of a berm around the perimeter of four blocks” and states that these berms are “generally accepted as being appropriate as removing these lands from the floodplain in accordance with the ... approved permits”. The 4 blocks are south and west of the site in other BCDC parcels; Permit RV5-4419 is not relevant to the cut/fill required on the site and Council is not being asked to update the Section 58 Floodplain Overlay for the berms
- the revised version of Permit RV5-1718T was approved in the 24 May 2019 Permit RV5-1718 and approved a cut of 2,290m³ with a fill of 2,260m³, which is 30m³ more than required and acceptable to RVCA; Caivan has authorization to place fill on the site and needed the ZBA but did not need Permit R5V-4419 to undertake the work
- the staff report states “The flood plain overlay in the Zoning By-law will be amended through an Omni-bus By-law once the RVCA sends the updated flood plain information to the City”; the as-builts will be provided by Caivan in relation to Permit RV5-1718, which is the normal process used to implement minor changes to the regulatory floodplain in the Section 58 Floodplain Overlay, and is what staff are requesting to be approved; this is the proper

process for removing the floodplain overlay and it should not be confused with the 7 November 2019 Permit RV5-4419 process to place berms which would be the new regulatory floodplain; in fact, that permit required fill of the complete areas, not the placement of berms

- Councillor McKenney submitted an Inquiry in the May 11th to 19th Joint Meeting, questioning the RVCA decision and the lack of information provided to Council, with the response being circulated to Council on June 10; in relation to that response, staff posted the GHD BCDC Technical Review of Barrhaven Conservancy Cut/Fill Hydrodynamic Impact Assessment, with file title date 2019-10-07, on June 8th; that report reviewed the JFSA modeling which supported the 7 November 2019 RVCA Permit; the report identifies numerous concerns which will be resolved when JFSA completes a “final report”; until that report is finalized, it would be premature to use the berm limits as the regulatory floodplain limit; if the 26 September 2020 deadline can't be met, Caivan has a process to have the site-specific Permit RV5-1718 revised again
- the RVCA Board will also need to consider the feasibility of keeping the 2005 floodplain mapping or approving new modelling, as the Executive Committee only had jurisdiction to conduct a hearing on the permit application, not to approve a major regulatory floodplain change, and it would be inappropriate for the City to implement a regulatory flood line that has not been approved by the RVCA Board, especially when that flood line is only for the north side of the Jock River

Primary reasons for support, by individual

Frank Cairo, Caivan Communities (applicant) (oral and written submission-slide presentation)

- provided context on the application, noting there had been some misinformation about the proposal and potential flood plain impacts in Barrhaven; indicated the Cut/Fill works approved as part of the S.28 Permit have been completed to the satisfaction of the Rideau Valley Conservation Authority; no reductions in 1/100 year flow rates have been utilized in Cut/Fill modelling; significant environmental benefits will result from the riparian restoration of the Jock River Corridor; and, significant open space improvements and amenities will be delivered at no cost to the city

Effect of Submissions on Planning Committee Decision: Debate: The Committee spent 43 minutes on this item

Vote: The committee considered all written submissions in making its decision and carried the report recommendations as presented

Ottawa City Council

Number of additional written submissions received by Council between June 11 (Planning Committee consideration date) and June 24, 2020 (Council consideration date): 0

Effect of Submissions on Council Decision:

Council considered all written submissions in making its decision and carried the report recommendations without amendment.