

Summary of Written and Oral Submissions

Zoning By-law Amendment – 3809 Borrisokane Road

Note: This is a draft Summary of the Written and Oral Submissions received in respect of Zoning By-law Amendment – 3809 Borrisokane Road (ACS2020-PIE-PS-0009), prior to City Council’s consideration of the matter on February 26, 2020.

The final Summary will be presented to Council for approval at its meeting of March 26, 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 February 26, 2020’. Please refer to the ‘Bulk Consent’ section of the Council Agenda of March 26, 2020 to access this item.

Note: this report was originally considered by Planning Committee at its meeting on January 23 and was referred to its meeting on February 13.

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: 3 (2 on January 23, 1 on February 13)

Number of written submissions received by Planning Committee between January 13 (the date the report was originally published to the City’s website with the agenda for the January 29 Planning Committee meeting) and February 13, 2020 (committee meeting date): 3

Primary concerns, by individual

January 23 Planning Committee meeting:

George Neville (oral submission)

- was concerned about the issue that had been raised in the media in respect of the status of aggregate resources on the site, and in respect of confusion that ensued about whether the report was to be dealt with at this meeting or not
- suggested that although the matter is referred to as an aggregate resource, it is actually a sandpit operation, and that in order to clarify the matter of release before planning approvals are given for sandpit remediation, the request must be made to the Ministry of Natural Resources
- the sandpits in that area are well-known for having artesian springs below them, and the fill being brought in presents as a potential contamination of groundwater,

with springs coming up to the base of the excavated area

- there are critical geological engineering and environmental considerations that go beyond a professional engineering opinion, and more information is needed prior to any remediation of the site

February 13 Planning Committee meeting:

Faith Blacquiere (written submission)

- the Zoning By-law Amendment should be refused on the basis that a subdivision cannot be placed on an active aggregate pit
- the primary rationale for approving the zoning application, stated in the Staff report, is that rehabilitation and new use of a depleted mineral extraction site may be possible where the aggregate resources of a property have been fully extracted, and that the extraction operation has recently ended on the site, as the Ministry of Natural Resources and Forestry (MNR) has deemed the site to be exhausted of aggregate and no longer requiring protection, but the 16 January 2020 CBC News article refuted this, quoting MNR that staff's statements were incorrect
- the aggregate pits at 3809 Borrisokane and 3713 Borrisokane both have active licenses and the sites have not been rehabilitated; there is a big difference between cessation of operations, resource exhaustion, and surrender of a license
- the Barrhaven South Urban Expansion Area (BSUEA) reports indicate that an OPA and Class EA were required to integrate 3809 Borrisokane and 3713 Borrisokane (to the north), and say it will take many years for the fill used for rehabilitation to settle; unless the rehabilitation plan retains, or restores, the Kars Esker groundwater conditions to those expected by other developers in the area, these developments and adjacent uses, such as the Trail Road Waste Facility, may be adversely impacted; Cambrian Woods may also be adversely impacted
- the owner's permit from the Rideau Valley Conservation Authority, issued without any *Planning Act* application, to fill more than 100 hectares on the north side of the Jock River floodway, may also adversely affect the south side developments
- for these reasons, a BSUEA Class EA Addendum is needed with the rehabilitation planning and Jock River north-side fill impacts being included, and a holding zone needs to be placed on all developments which may be impacted; in addition, Block C on the zoning map is on 3713 Borrisokane, which does not have an active development application to support the zoning
- Planning Committee should direct staff to provide full quotations when referencing the OP and PPS, as this is not the first application where they have cherry-picked

parts in favour of developers, and provided Council with incomplete information; Councillors should not have to look up what the OP actually says

(note: more detailed comments from Ms. Blaquiére that expand on her arguments are held on file)

Paul Johanis, Chair, Greenspace Alliance of Canada's Capital (written submission)

- extremely concerned about the impact of this planned development, especially the storm water management infrastructure, on the Cambrian Woods Urban Natural Feature, located immediately to the north of the site
 - according to the Functional Servicing report of September 11 for the Brazeau development, the location of the storm water pond has been changed and would now be located on an adjacent parcel, the Drummond pit, which is even closer to the Cambrian Woods UNA than in the initial plan and raises greater concern for its impact on the health and preservation of this unique woodland in South Barrhaven
 - the Permit to Take Water associated with the excavation of the SWM pond requested by the proponent is greatly overestimated, as confirmed by the local councillor; while the permit is qualified as temporary, it would be in force for a 10 year period, long enough to cause permanent lowering of the water table, starving of water supply to the Cambrian Woods, which are up grade from the site
- the potential impact on this Urban Natural Area, designated as such in the Official Plan, of the location of the storm water pond, and of the planned dewatering under the PPTW, has not been addressed in the environmental assessments conducted to date; it would seem that a whole class of in-depth studies for this new residential development, on what was recently a resource extraction area, should be conducted
- from a quick glance at Schedule B of the Official Plan, it would seem that these lands are designated Developing Community (Expansion Area); it has been the Greenspace Alliance's experience with Expansion Areas that comprehensive studies are required to move such areas into the General Urban Area designation, and it does not seem such studies have been conducted for these lands
- it is as if everything is being done backwards on this application: the PTTW being approved before zoning is confirmed, the zoning application processed before General Urban Area designation is recognized, no OPA to change designation from Expansion Area to General Urban Area
- Cambrian Woods UNA is City owned, having been obtained in a land swap with the

proponent for this development some 10 years ago, and it would be a dark irony to see them destroyed as the result of the City mishandling of this planning application

- the file should be withdrawn and referred to staff for further investigation of these issues

Primary reasons for support, by individual

January 23 Planning Committee meeting:

Frank Cairo, Caivan Brazeau Development Corporation (owner) (oral submission and slides)

- provided context on the application and explained they were appearing before the committee to complete a necessary step in the development process and to answer questions. He spoke to an issue that had been raised in the media in respect of the status of aggregate resources on the site, but noted that Caivan has requested deferral of the application to the next Planning Committee meeting because there had been changes in the architectural designs since publication of the Planning Committee agenda, and staff had not had sufficient time to review and form a position on those changes
- suggested there had been an inadvertent inflation of issues related to this file and provided some clarification and context on the two parallel tracks associated with it – one being how redevelopment of the site relates to whether or not the mineral resource on site has in fact been depleted and/or exhausted, and the other being the process by which the license itself is surrendered or retired under the *Aggregate Resource Act*
- having the mineral resource exhausted is not necessary in a statutory approval process, and it is a technical determination that gets made based on the natural quality of the resource itself and the required grading to rehabilitate the site
- the retiring of the license is a process in and of itself, with its own statutory and regulatory framework (as identified in the staff presentation)
- zoning approval is one step within the parallel between the *Planning Act* and the *Aggregate Resource Act*; completion of major site plan amendment process remains outstanding, as does the surrender of license
- the redevelopment of this site will be a continuation of the Barrhaven Community Design Plan, the lands here already having been identified and prioritized for development, guided by the Official Plan

- the aggregate resource has been exhausted and fill is being imported in order to bring this site up to the appropriate grading for rehabilitation that is consistent with adjoining land uses
- the *Aggregate Resource Act* provides clarification on what is deemed to be an exhausted resource and references aggregate that exists on site for required grading, building of roads or construction of infrastructure; there are a couple of piles of materials that are mineral in nature on the site now, which are being used as part of the cut and fill, as the site is in a deficit situation where fill has to be brought in to complete the development
- it has been determined by an external professional engineer that the quality of resource that remains on site, even if it was surplus to the need of the site, would not be worthwhile harvesting because of its poor quality; all quality mineral aggregate has been exhausted

February 13 Planning Committee meeting:

Susan Murphy, Caivan Brazeau Development Corporation (owner) (oral submission)

- the concept plan for the lands was considered through the CDP process, where the lands were looked at in terms of continuity with the land use plan, pedestrian network, road network and etcetera
- the sanitary, water and stormwater management solution for the lands was determined through the Master Servicing Study, approved by City Council
- site-specific matters were addressed through more detailed studies required in the Plan of Subdivision

Effect of Submissions on Planning Committee Decision: Debate: The Committee spent 46 minutes on the item at its meeting on January 23, and deferred the item to February 13. On February 13, the committee spent 18 minutes on the item

Vote: The committee considered all written submissions in making its decision and carried the report recommendations as amended by the following motion:

WHEREAS the report ACS2020-PIE-PS-0009, Zoning By-law Amendment – 3809 Borrisokane Road details zoning by-law amendments recommended to permit the development of the lands as a subdivision; and

WHEREAS the applicant has requested the City to consider modifications for the zoning in respect of performance standards for the front yard, minimum lot area and rear yard setback; and

WHEREAS the report was deferred from January 23rd, 2020 to the following meeting of Planning Committee on February 13, 2020 to give proper consideration to the requested zoning details modifications; and

WHEREAS Planning staff has worked with the applicant to address the zoning details modifications; and

WHEREAS certain statements within the report with respect to the Ministry of Natural Resources and Forestry were not clear;

THEREFORE BE IT RESOLVED that Planning Committee recommend Council amend the staff report item in regards to 3809 Borrisokane Road as follows:

THEREFORE BE IT RESOLVED that Planning Committee recommend Council amend the staff report item in regard to 3809 Borrisokane Road as follows:

1. replace “Document 1 Location Map and Zoning Key” with the revised, attached Document 1¹; and
2. replace “Document 2 Proposed Zoning By-law Amendment” with the revised, attached Document 2²; and
3. replace the statement found in the section Summary of requested Zoning By-law Amendment Proposal “The Ministry of Natural Resources and Forestry had confirmed that the aggregate resources on the site have been exhausted” with “The Ministry of Natural Resources and Forestry had confirmed that the pit license surrender process has been initiated”; and
4. replace the statement “the Ministry of Natural Resources and Forestry has deemed the site to be exhausted of aggregate and no longer requiring protection” found in the Planning Rationale section with “The Ministry of Natural Resources and Forestry had confirmed that the pit license surrender process has been initiated”.

AND BE IT FURTHER RESOLVED that pursuant to the *Planning Act*, subsection 34(17) no further notice be given.

¹ See Annex A

² See Annex B

Ottawa City Council

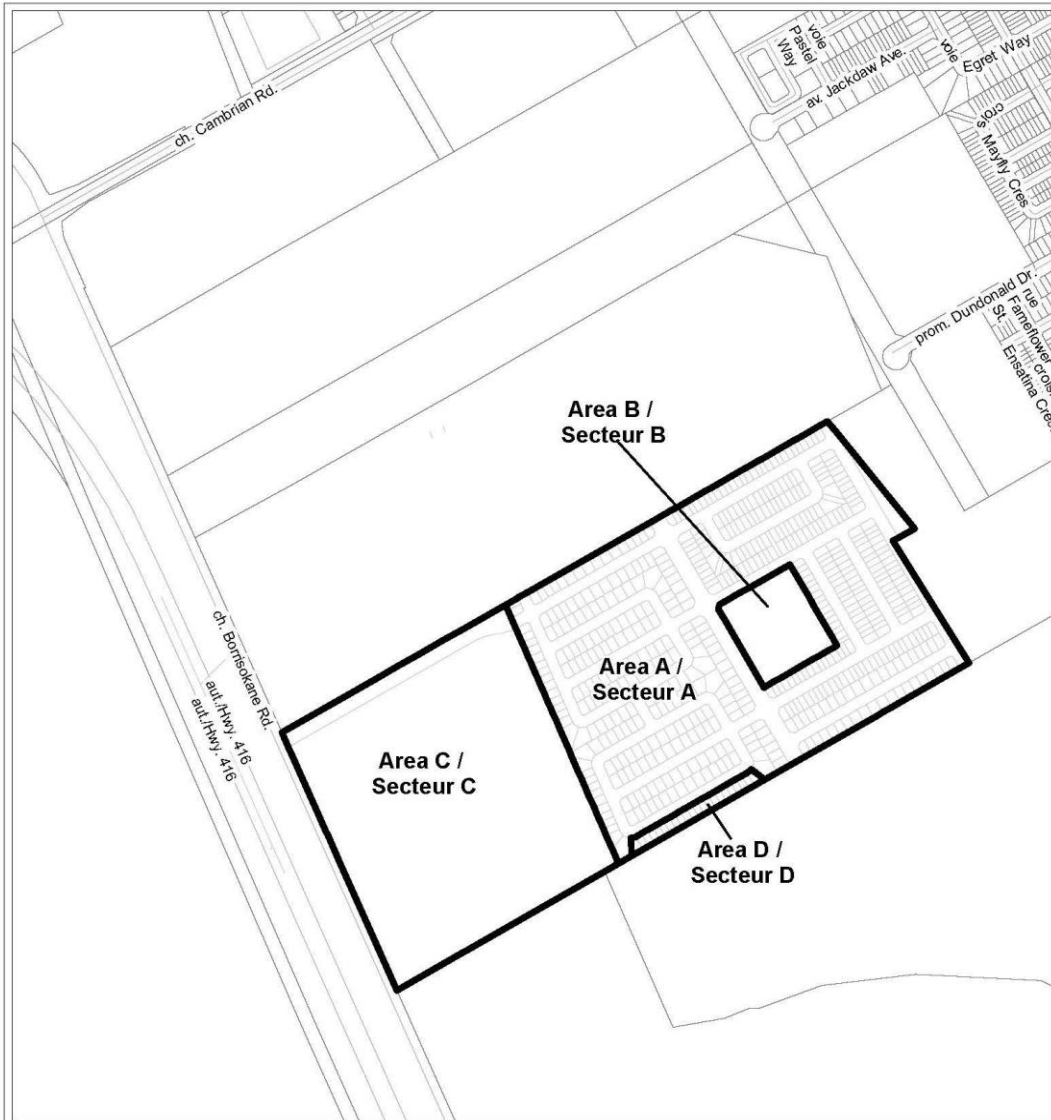
Number of additional written submissions received by Council between February 13 (Planning Committee consideration date) and February 26, 2020 (Council consideration date): 0



Effect of Submissions on Council Decision:

Council considered all written submissions in making its decision and carried the amended recommendations of the Planning Committee.

Annex A – Revised Document 1

Document 1 – Location Map



		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE	
D02-02-19-0010	19-1429-D	3809 ch. Borrisokane Road	
I:\CO\2019\Zoning\Borrisokane_3809_V2			Area A to be rezoned from ME2 to R3YY[xxxx] Le zonage du secteur A sera modifié de ME2 à R3YY[xxxx]
©Parcel data is owned by Teranet Enterprises Inc. and its suppliers All rights reserved. May not be produced without permission THIS IS NOT A PLAN OF SURVEY			Area B to be rezoned from ME2 to O1 Le zonage du secteur B sera modifié de ME2 à O1
©Les données de parcelles appartenant à Teranet Entreprises Inc. et à ses fournisseurs. Tous droits réservés. Ne peut être reproduit sans autorisation. CE CI N'EST PAS UN PLAN D'ARPENTAGE			Area C to be rezoned from ME2 to RU[yyyy] Le zonage du secteur C sera modifié de ME2 à RU[yyyy]
REVISION / RÉVISION - 2020 / 01 / 29			Area D to be rezoned from ME2 to R3YY[zzzz] Le zonage du secteur D sera modifié de ME2 à R3YY[zzzz]
			

Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 3809 Borrisokane Road:

1. Rezone the lands shown in Document 1 as follows:
 - a. Area A from ME2 to R3YY[xxxx]
 - b. Area B from ME2 to O1
 - c. Area C from ME2 to RU[yyyy]
 - d. Area D from ME2 to R3YY[zzzz]
2. Add a new exception, R3YY[xxxx] to Section 239 – Urban Exceptions with provision similar in effect to the following:

In Column V, add the text:

- A maximum of 60 per cent of the area of the front yard, or the required minimum width of one parking space, whichever is the greater, may be used for a driveway, and the remainder of the yard, except for areas occupied by projections permitted under Section 65 and a walkway with a maximum width of 1.8 metres, must be landscaped with soft landscaping.
- Where an attached garage accesses a public street by means of a driveway that crosses a sidewalk, the attached garage must be setback at least 5.2 metres from the nearest edge of the sidewalk.
- Despite Table 65, Rows 1, 2 and 3, a chimney, chimney box, fireplace box, eaves, eave-troughs, gutters and ornamental elements such as sills, belts, cornices, parapets and pilasters may project 1 metre into a required interior side yard but no closer than 0.2 metres to the lot line.
- Despite Table 65, Row 6(b), balconies and porches may project to within 0 metres of a corner lot line.
- Despite Table 65 Row 6(b), the steps of a porch may project 2.5 metres into a required yard but may be no closer than 0.5 metres from a lot line other than a corner side lot line, from which they can be as close as 0 metres.
- Despite Table 65, Row6(a), any portion of a deck with a walking surface higher than 0.3 metres but no higher than 0.6 metres above adjacent grade may project to within 0.6 metres of a lot line, and any portion of a deck with a walking surface less than 0.31 metres may project to within 0.3 of a lot line.

- Despite Table 65, Row 8, an air conditioning condenser unit may project 1 metre, but no closer than 0.2 metres to a lot line and may not be located in a front yard except in the case of a back-to-back multiple dwelling.
- Despite Table 65, Row 8, an air conditioning condenser unit may project 1 m, but no closer than 0.2 m to a lot line, and may not be located in a corner side yard except in the case of a townhouse dwelling.
- In the case of a home-based business operating within a townhouse or semi-detached dwelling, a parking space is only required if a non-resident employee works on-site.
- Section 136 does not apply.
- Zone requirements for detached dwellings:
 - (i) minimum lot area: 220 m².
 - (ii) minimum front yard setback 3 m.
 - (iii) minimum front yard setback for an attached garage: 3.5 m.
 - (iv) minimum total interior side yard setback is 1.8 metres with a minimum of 0.6 metres on at least one side. Where there is a corner lot on which is located only one interior side yard, the minimum required interior side yard setback equals the minimum required for at least one yard.
 - (v) minimum corner side yard setback: 2.5 m, despite the foregoing, no more than two portions of the building, not exceeding a total floor area of 3 m², may be located no closer than 2.0 m from the side lot line abutting a street.
 - (vi) maximum lot coverage: 55 per cent
 - (vii) minimum 6.0 m rear yard setback with minimum 4.50 m setback up to 50 per cent of the lot width, the total area of the rear yard must not be less than 54 m².
 - (viii) for a detached dwelling on a corner lot:
 - a) minimum rear yard setback may be reduced to 2.5 m for part of the building that is no higher than 4.5 m and any part of the building, excluding projections, located less than 6 m from the rear lot line must be located at least 4 m from any interior side lot line.
 - b) detached dwellings on corner lots must keep street facing side yards consistent in the quality and detail of the front elevation.

- zone requirements for semi-detached and townhouse dwellings:
 - (i) minimum lot area: 137 m²
 - (ii) minimum lot width: 5.5 m
 - (iii) minimum front yard setback: 3.0 m
 - (iv) minimum interior side yard setback: 1.5 m
 - (v) minimum corner side yard: 2.5 m
 - (vi) maximum building height: 14 m
 - (vii) maximum lot coverage: 65 per cent
- zone requirements for back-to-back townhouse dwellings:
 - (i) minimum lot area: 81 m²
 - (ii) minimum lot width: 5.5 m
 - (iii) minimum front yard setback: 3.0 m
 - (iv) minimum rear yard setback: 0.0 m
 - (v) minimum interior side yard setback: 1.5 m
 - (vi) minimum corner side yard: 2.5 m
 - (vii) maximum building height: 14 m
- zone requirements for townhouse dwellings with access to a rear lane:
 - (i) minimum lot area: 110 m²
 - (ii) minimum lot width: 5.5 m
 - (iii) minimum front yard setback: 3 m
 - (iv) minimum rear yard setback: 0 m
 - (v) minimum interior yard setback: 1.5 m
 - (vi) minimum corner side yard: 2.5 m
 - (vii) maximum building height: 14 m
 - (viii) maximum lot coverage: no maximum

3. Add a new exception, R3YY[zzzz] to Section 239 – Urban Exceptions with provision similar in effect to the following:

In Column V, add the text:

- A maximum of 60 per cent of the area of the front yard, or the required minimum width of one parking space, whichever is the greater, may be used for a driveway, and the remainder of the yard, except for areas occupied by projections permitted under Section 65 and a walkway with a maximum width of 1.8 metres, must be landscaped with soft landscaping.
- Where an attached garage accesses a public street by means of a driveway that crosses a sidewalk, the attached garage must be setback at least 5.2 metres from the nearest edge of the sidewalk.
- Despite Table 65, Rows 1, 2 and 3, a chimney, chimney box, fireplace box, eaves, eave-troughs, gutters and ornamental elements such as sills, belts, cornices, parapets and pilasters may project 1 metre into a required interior side yard but no closer than 0.2 metres to the lot line.
- Despite Table 65, Row 6(b), balconies and porches may project to within 0 metres of a corner lot line.
- Despite Table 65 Row 6(b), the steps of a porch may project 2.5 metres into a required yard but may be no closer than 0.5 metres from a lot line other than a corner side lot line, from which they can be as close as 0 metres.
- Despite Table 65, Row 6(a), any portion of a deck with a walking surface higher than 0.3 metres but no higher than 0.6 metres above adjacent grade may project to within 0.6 metres of a lot line, and any portion of a deck with a walking surface less than 0.31 metres may project to within 0.3 of a lot line.
- Despite Table 65, Row 8, an air conditioning condenser unit may project 1 metre, but no closer than 0.2 metres to a lot line and may not be located in a front yard except in the case of a back-to-back multiple.
- Despite Table 65, Row 8, an air conditioning condenser unit may project 1 m, but no closer than 0.2 m to a lot line, and may not be located in a corner side yard except in the case of a townhouse dwelling.
- In the case of a home-based business operating within a townhouse or semi-detached dwelling, a parking space is only required if a non-resident employee works on-site.
- Section 136 does not apply.
- Zone requirements for detached dwellings:
 - (i) minimum lot area: 198 m².

- (ii) minimum front yard setback 3 m.
- (iii) minimum front yard setback for an attached garage: 3.5 m.
- (iv) minimum total interior side yard setback is 1.8 metres with a minimum of 0.6 metres on at least one side. Where there is a corner lot on which is located only one interior side yard, the minimum required interior side yard setback equals the minimum required for at least one yard.
- (v) minimum corner side yard setback: 2.5 m, despite the foregoing, no more than two portions of the building, not exceeding a total floor area of 3 m², may be located no closer than 2.0 m from the side lot line abutting a street.
- (vi) maximum lot coverage: 55 per cent
- (vii) minimum 6.0 m rear yard setback with minimum 4.50 m setback up to 50 per cent of the lot width, the total area of the rear yard must not be less than 54 m².

- zone requirements for semi-detached and townhouse dwellings:

- (i) minimum lot area: 137 m²
- (i) minimum lot width: 5.5 m
- (ii) minimum front yard setback: 3.0 m
- (iii) minimum interior side yard setback: 1.5 m
- (iv) minimum corner side yard: 2.5 m
- (v) maximum building height: 14 m
- (vi) maximum lot coverage: 65 per cent

4. Add a new exception, RU[yyyy] to Section 240 – Rural Exceptions with provision similar in effect to the following:

- In Column IV, add the text:
 - detached dwelling
 - group home
 - retirement home
 - secondary dwelling unit