

**5. SETTLEMENT OF APPEAL 2 TO OFFICIAL PLAN AMENDMENT 180**  
**RÈGLEMENT DE L'APPEL 2 RELATIF À LA MODIFICATION AU PLAN**  
**OFFICIEL 180**

**COMMITTEE RECOMMENDATIONS**

That Council approve:

1. the modifications to Schedule B in the Official Plan as detailed in this report and included in Document 2;
2. the modifications to the Policies in Official Plan Amendment 180 (OPA 180) as detailed in this report and included in Document 3;
3. that the City Solicitor, as part of a Settlement of Appeal 2 to OPA 180, request the Local Planning Appeals Tribunal to approve the amendments included in Documents 2 and 3 subject to Conroy Road Developments Inc and Claridge Homes (Elgin) Inc. withdrawing their appeal to OPA 180.

**RECOMMANDATIONS DU COMITÉ**

Que le Conseil approuve :

1. les modifications apportées à l'annexe B du Plan officiel, telles qu'elles sont indiquées dans le présent rapport et incluses dans le document 2;
2. les changements apportés aux politiques prévues dans la Modification 180 du Plan officiel, tels qu'ils sont indiqués dans le présent rapport et inclus dans le document 3;
3. que l'avocat général de la Ville, dans le cadre du règlement de l'appel 2 relatif à la Modification 180 du Plan officiel, demande au Tribunal d'appel de l'aménagement local d'approuver les modifications telles qu'elles sont indiquées dans les documents 2 et 3, à condition que les sociétés Conroy Road Developments Inc. et Claridge Homes

**(Elgin) Inc. abandonnent leurs procédures d'appel relatives à la  
Modification 180.**

DOCUMENTATION/DOCUMENTATION

1. Director's Report, Economic Development and Long Range Planning, Planning, Infrastructure and Economic Development Department, dated January 8, 2019 (ACS2019-PIE-EDP-0009)

Rapport du directeur, Développement économique et planification à long terme, Direction générale de la planification, de l'Infrastructure et du développement économique, daté le 8 janvier 2019 (ACS2019-PIE-EDP-0009)

2. Extract of draft Minutes, Planning Committee, February 14, 2019

Extrait de l'ébauche du procès-verbal, Comité de l'urbanisme, le 14 février 2019

**Report to  
Rapport au:**

**Planning Committee  
Comité de l'urbanisme  
14 February 2019 / 14 février 2019**

**and Council  
et au Conseil  
27 February 2019 / 27 février 2019**

**Submitted on January 8, 2019  
Soumis le 8 janvier 2019**

**Submitted by  
Soumis par:  
John Smit**

**Director / directeur**

**Economic Development and Long Range Planning / Développement économique  
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**Ward: GLOUCESTER-SOUTHGATE  
(10)**

**File Number: ACS2019-PIE-EDP-0009**

**SUBJECT: Settlement of Appeal 2 to Official Plan Amendment 180**

**OBJET: Règlement de l'appel 2 relatif à la Modification au Plan officiel 180**

## REPORT RECOMMENDATIONS

That Planning Committee recommend Council approve:

1. The modifications to Schedule B in the Official Plan as detailed in this report and included in Document 2.
2. The modifications to the Policies in Official Plan Amendment 180 (OPA 180) as detailed in this report and included in Document 3.
3. That the City Solicitor as part of a Settlement of Appeal 2 to OPA 180 request the Local Planning Appeals Tribunal to approve the amendments included in Documents 2 and 3 subject to Conroy Road Developments Inc and Claridge Homes (Elgin) Inc. withdrawing their appeal to OPA 180.

## RECOMMANDATIONS DU RAPPORT

Que le Comité de l'urbanisme recommande au Conseil d'approuver :

1. les modifications apportées à l'annexe B du Plan officiel, telles qu'elles sont indiquées dans le présent rapport et incluses dans le document 2.
2. les changements apportés aux politiques prévues dans la Modification 180 du Plan officiel, tels qu'ils sont indiqués dans le présent rapport et inclus dans le document 3.
3. Que l'avocat général de la Ville, dans le cadre du règlement de l'appel 2 relatif à la Modification 180 du Plan officiel, demande au Tribunal d'appel de l'aménagement local d'approuver les modifications telles qu'elles sont indiquées dans les documents 2 et 3, à condition que les sociétés Conroy Road Developments Inc. et Claridge Homes (Elgin) Inc. abandonnent leurs procédures d'appel relatives à la Modification 180.

## BACKGROUND

Council approved Official Plan Amendment 180 (OPA 180) on January 25, 2017. OPA 180 amended the Official Plan by increasing the planning horizon to 2036, updating the growth projections and completing the Employment Lands Review (ELR) and Land Evaluation Agricultural Review (LEAR). The amendment was approved, with modifications, by the Minister of Municipal Affairs and Housing on August 8, 2017.

Fifteen appeals were received in response to the Minister's approval. Appeal 2 relates to Conroy Road Developments Inc. and Claridge Homes (Elgin) Inc. (Conroy/Claridge) and the Employment Area land use designation applying to their lands located on the northwest corner of Conroy Road and Johnston Road. No request was received through the ELR or OPA 180 to convert the subject lands from an Employment Lands designation to a non-employment designation and as such OPA 180 did not change the land use of the subject lands from an Employment Lands designation. A planning rationale was submitted by the appellant that addresses the Employment Land conversion criteria in the Provincial Policy Statement (PPS) and the Official Plan. The planning rationale addressing the conversion criteria was submitted after Council adopted OPA 180 and is new information, attached as Document 1.

This report recommends that Council approve the change of land use designation from Employment Area to General Urban Area on the subject lands to Schedule B of the Official Plan as contained in Document 2; the site specific policy contained in Document 3; and, that the City Solicitor present this change to the Local Planning Appeals Tribunal (LPAT) for approval as part of a settlement of Appeal 2 to OPA 180 subject to the owner of the subject lands withdrawing its appeal to OPA 180.

## **DISCUSSION**

The subject lands encompass 19.4 gross hectares and are northwest of Conroy Road and Johnston Road, bounded by the Walkley rail corridor on the north, an Urban Natural Feature (Greenboro Turtlehead Natural Area woodlot) with access to Johnston Road on the west, the Greenboro community on the south and Conroy Road on the east, as shown on Figure 1.





Figure 2: Proposed Land Uses

Staff have reviewed the Conroy/Claridge Planning Rationale and concur with the conclusions that the proposal meets the tests of the PPS and the Official Plan for the conversion to a non-employment land use. The subject lands are not required for employment purposes during the Official Plan planning horizon to 2036 and there is a demonstrated need for the conversion. In addition, the soils on the subject lands do not support conventional slab-on-grade foundations and would require a substantial amount of lightweight fill and non-conventional building foundations that would impact the feasibility of industrial development.

### Employment Land Supply

The employment land supply through OPA 180 as adopted by Council and approved by the Minister of Municipal Affairs and Housing is estimated at 832.9 net hectares. The demand from 2014 to 2036 is estimated to be between 715.0 and 805.0 net hectares depending on the job densities of future development on employment lands. The subject lands represents approximately 16.5 net hectares of employment parcels after removing the estimated area required for non-employment parcels, such as roads and stormwater management. Converting the subject lands to a non-employment use reduces the supply to 816.4 net hectares, which is greater than the conservative estimate of 805.0 net hectares for demand. Sufficient employment land supply will remain to 2036 should the subject lands be converted to a non-employment use.

As reported in the City's Vacant Industrial and Business Park Lands Inventory 2016-2017 update there were 28 vacant parcels and a further 12 opportunities for expansion of existing uses in the business parks between Walkley Road and Hunt Club Road, ranging from 0.3 hectares to 20.7 hectares and averaging 2.5 hectares in size. Staff concurs with the Conroy/Claridge planning rationale that with the conversion, a sufficient supply of optimum sized parcels remain within the immediate area and that there is sufficient diversity of parcel sizes within the surrounding area.

### **Demonstrated Need for the Conversion**

The PPS encourages planning authorities to support energy conservation and efficiency, improved air quality and maximize opportunities for renewable energy systems and alternative energy systems. The City of Ottawa also has a number of initiatives to support improved air quality and reduced greenhouse gas emissions, including the Official Plan (Policy 1 of Section 2.4.1); Memorandum of Understanding with Energy Ottawa re: District Energy Systems; Air Quality and Climate Change Management Plan; and, Energy Evolution and the Pathway Study on District Energy, concluding that ground-source heat pumps are an attractive option, in particular for small clusters of buildings with heating and cooling loads.

Conroy/Claridge is proposing residential uses, likely consisting of single detached and/or townhouse type units, to be connected to a geothermal district energy system which will reuse waste heat from the ice arena facility and geothermal energy to heat buildings within the new community. There are several community benefits from such a system including a decrease in electricity consumption, natural gas consumption, and greenhouse gas emissions. The proposed district energy system on the subject lands will be a pilot project to demonstrate the benefits of an alternative energy system that supplants the need for private natural gas as the primary heating source and reducing greenhouse gas emissions.

### **Subject Lands Connectivity and Soils**

The subject lands are somewhat isolated from existing employment lands being adjacent to the Greenboro Turtlehead Natural Area (designated as Urban Natural Feature on Schedule B to the Official Plan), existing residential to the south and the Walkley railway corridor to the north, being a connectivity barrier to northerly employment lands. A private access road parallel to the railway provides a connection to the Walkley Rail Yard. Despite the diminished role of freight rail as a connection to



supply chains or market access for employment lands, there would remain sufficient adequate protection for the use of rail by freight through the location of commercial buildings closest to the rail lines and the placement of residential uses further away.

A large portion of the subject lands contain firm to soft silty clay deposits with poor drainage due to the surrounding land uses. The soil constraints are generally characterized as being weak and sensitive clay deposits, which restrict grading to permissible levels and limit load bearing resistance. This has the effect of requiring substantial building engineering for deep foundations, rather than slab-on-grade designs that are typical for industrial developments, and substantial amounts of lightweight fill for building footprints and parking areas to deal with the long term settlements. These development requirements impact the feasibility in developing the subject lands for Employment-type uses.

### **Conclusion**

The proposed development is recommended to be implemented by changing the land use designation of the subject lands on Schedule B of the Official Plan from Employment Area to General Urban Area as shown in Document 2. As the conversion to a non-employment use of the subject lands is partly rationalized for the need of a district energy system, staff recommends that a site specific policy for any residential uses on the subject lands to be on a district energy system as detailed in Document 3.

### **RURAL IMPLICATIONS**

The recommendations proposed as part of this settlement does not impact the rural area.

### **CONSULTATION**

No public consultations was undertaken as part of this settlement.

### **COMMENTS BY THE WARD COUNCILLOR**

Councillor Deans is aware of the proposal and will receive input from the community at a public meeting on February 7<sup>th</sup>, 2019.

## **LEGAL IMPLICATIONS**

Council's endorsement of the proposed settlement would resolve one of the appeals to OPA 180. In the event that the endorsement is not adopted, Legal Services would need to seek immediately to retain an external planner.

## **RISK MANAGEMENT IMPLICATIONS**

The policy addition recommended by this report are part of a settlement negotiation between the City and the appellant. If the recommended changes are not approved by Council then the City will be required to defend OPA 180 with respect to the subject site at an LPAT hearing.

## **ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications associated with the recommendations of this report.

## **FINANCIAL IMPLICATIONS**

There are no direct financial implications.

## **ACCESSIBILITY IMPACTS**

There are no accessibility impacts associated with this report.

## **ENVIRONMENTAL IMPLICATIONS**

If approved a district energy system on the subject lands has the potential to develop and demonstrate the viability of the technology to reduce energy consumption and help achieve our GHG targets.

## **TERM OF COUNCIL PRIORITIES**

This project addresses the following 2015-2018 term of Council priority:

- EP2 – Support growth of local economy

## **SUPPORTING DOCUMENTATION (distributed separately)**

Document 1 Conroy/Claridge Planning Rationale

Document 2 Land Use Amendment

Document 3 Settlement Policy Addition (Conroy/Claridge)

**DISPOSITION**

The City Solicitor is directed to take the changes recommended by this report to the LPAT with the request that the tribunal approve the land use amendment and the new policy.