

**Report to
Rapport au:**

**Council
Conseil**

12 April 2017 / 12 avril 2017

**Submitted on April 7, 2017
Soumis le 7 avril 2017**

**Submitted by
Soumis par:**

Council Coordinator / coordonnatrice du Conseil

Contact Person

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Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE File Number: ACS2017-CCS-OCC-0005

**SUBJECT: SUMMARY OF ORAL AND WRITTEN PUBLIC SUBMISSIONS FOR
ITEMS SUBJECT TO BILL 73 'EXPLANATION REQUIREMENTS' AT THE CITY
COUNCIL MEETING OF MARCH 8, 2017**

**OBJET: RÉSUMÉS DES OBSERVATIONS ORALES ET ÉCRITES DU PUBLIC
SUR LES QUESTIONS ASSUJETTIES AUX EXIGENCES D'EXPLICATION AUX
TERMES DE LA LOI 73 EXAMINÉS À LA RÉUNION DU CONSEIL 8 MARS 2017**

REPORT RECOMMENDATION

That City Council approve the Summaries of Oral and Written Public Submissions for items considered at the City Council Meeting of March 8, 2017 that are subject to the 'Explanation Requirements' of Bill 73, the *Smart Growth for Our Communities Act, 2015*, as described in this report and attached as Documents 1 and 2.

RECOMMANDATION DU RAPPORT

Que le Conseil municipal approuve les résumés des observations orales et écrites du public sur les questions assujetties aux exigences d'explication aux termes de la loi 73, la *Loi de 2015 pour une croissance intelligente de nos collectivités*, qui ont été étudiées à la réunion du Conseil du 8 mars 2017, 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 March 8, 2017, City Council considered five planning applications for which written and/or oral submissions were received after publication of the staff report:

- Zoning By-law Amendment – 175 Main Street (North Village) (ACS2017-PIE-PS-0017)
- Official Plan Amendment and Zoning By-Law Amendment – Part of 300 Goulbourn Forced Road (ACS2016-PIE-PS-0030)

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

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 8 mars 2017, le Conseil municipal a examiné cinq demandes d'aménagement pour lesquelles il a reçu des observations orales ou écrites suivant la publication du rapport du personnel :

- Modification au Règlement de zonage – 404, rue Main (Village Nord) (ACS2017-PIE-PS-0017)
- Modification au Plan officiel et au Règlement de zonage – une partie du 300, chemin Goulbourn Forced (ACS2017-PIE-PS-0030)

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

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> |
| 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 22 June 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 March 8, 2017, considered three items that are subject to the Bill 73 'Explanation Requirements' described above. These items are as follows:

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- Zoning By-law Amendment – 175 Main Street (North Village) (ACS2017-PIE-PS-0017)
- Official Plan Amendment and Zoning By-Law Amendment – Part of 300 Goulbourn Forced Road (ACS2016-PIE-PS-0030)

RURAL IMPLICATIONS

There are no rural implications associated with the report recommendation.

CONSULTATION

The consultation undertaken with respect to the planning applications noted in this report is summarized in Documents 1 and 2

COMMENTS BY THE WARD COUNCILLORS

The Ward Councillors' comments were contained in the individual reports 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 applications described in this report are contained in the individual reports 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 applications described in this report are contained in the individual reports 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 - Zoning By-law Amendment – 175 Main Street (North Village) (ACS2017-PIE-PS-0017)

Document 2 - Summary of Written and Oral Submissions –Official Plan Amendment and Zoning By-Law Amendment – Part of 300 Goulbourn Forced Road (ACS2016-PIE-PS-0030)

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 April 12, 2017.

Summary of Written and Oral Submissions

ZONING BY-LAW AMENDMENT – 175 MAIN STREET (NORTH VILLAGE) (ACS2017-PIE-PS-0017)

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:** 1
- **Number of Submissions received between 21 February and 8 March 2017:** 2
- **Primary arguments in support:**
 - Regional Group and their limited company has listened to the community on this project and has been good to work with
- **Primary concerns and arguments in opposition:**
 - The City should negotiate with Regional Group to acquire a 30-metre waterfront corridor in Greystone Village and make it a new city park, as part of a continuous 5.4K river corridor that includes eight other parks (*note: the park issue was not within the scope of the report before Committee*).
 - There is a potential mapping error in the recommended zoning changes within the report
 - There is no justifiable reason for allowing the developer a 10-metre encroachment beyond the 30-metre shoreline zone and no community benefit to be gained, only economic benefit to the developer.
 - The encroachment would impact the community's open green space and there is no real environmental concern involved in creating the multi-use pathway
 - The developer should have to negotiate with the community in regards of the encroachment and concessions that would make a difference to the community's social and natural environment
 - The report / documentation provided to the public is difficult to understand and it, along with the timing of the committee meeting, creates a barrier for lay people to participate

- **Effect of Submissions on Committee Decision:**

Debate: The Committee spent fifteen minutes on this item

Vote: The Committee CARRIED this item as presented

- **Effect of Submissions on Council Decision:** Council considered all written and oral submissions in making its decision, and CARRIED this item as presented.

Summary of Written and Oral Submissions

OFFICIAL PLAN AMENDMENT AND ZONING BY-LAW AMENDMENT – PART OF 300 GOULBOURN FORCED ROAD (ACS2017-PIE-PS-0030)

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:** 1
- **Number of Submissions received between 21 February and 8 March 2017:** 0
- **Primary arguments in support:**
 - Is a good example of the City and developer working together to enhance greenspace in the midst of a substantial development
- **Primary concerns and arguments in opposition:**
 - The entire area should be considered from a holistic methodology to ensure the best possible greenspace preservation and stormwater management system approach
 - There is a potential mapping error in the recommended zoning changes within the report
- **Effect of Submissions on Committee Decision:**

Debate: The Committee spent twelve minutes on this item

Vote: The Committee CARRIED this item as presented
- **Effect of Submissions on Council Decision:** Council considered all written and oral submissions in making its decision, and CARRIED this item with the following amendment:

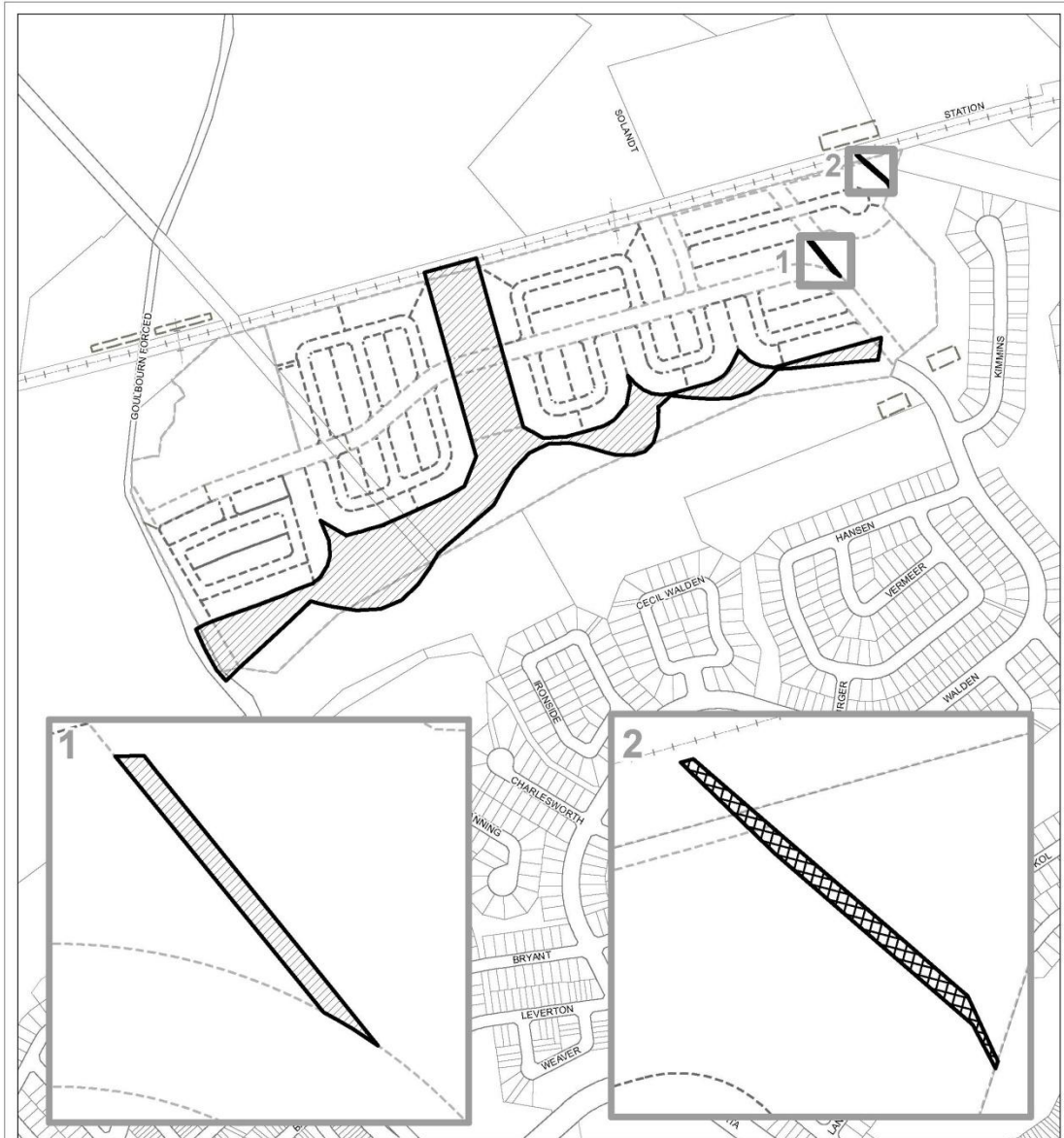
WHEREAS Report ACS2017-PIE-PS-0030 (Official Plan Amendment and Zoning By-law Amendment – Part of 300 Goulbourn Forced Road) recommends approval and adoption of an Official Plan Amendment and related Zoning By-law Amendment; and

WHEREAS, following Planning Committee’s approval of the report on February 28, 2017, a technical discrepancy was identified which requires a correction to Recommendation 1 and the text of the associated Official Plan Amendment – specifically, that two small areas of the subject lands be designated General Urban Area and Urban Natural Feature to facilitate the proposed Zoning By-law amendment;

THEREFORE BE IT RESOLVED that:

- 1. Recommendation 1 a. be amended by adding the text, “and General Urban Area” immediately following the text, “Urban Natural Features”**
- 2. Document 1 be amended as follows:**
 - a. Part A – The Preamble, 1. Purpose, be amended by adding the text, “and Urban Natural Features to General Urban Area” immediately following the text, “Urban Natural Features”**
 - b. Part B – The Amendment be amended as follows:**
 - i. Amend 2. Details of the Amendment, by adding the text, “and Urban Natural Features to General Urban Area” immediately following the text, “Urban Natural Features”**
 - ii. by replacing Schedule 1 with the attached Schedule; and**

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



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 Planning and Infrastructure Approvals Branch,
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Scale - N.T.S. / Echelle N.A.E.

**SCHEDULE 1 to
 AMENDMENT NO.**
 to the OFFICIAL PLAN
 for the CITY OF OTTAWA
Amending Schedule B
 Urban Policy Plan

**ANNEXE 1 de
 L' AMENDEMENT No.**
 au PLAN OFFICIEL
 de la VILLE D'OTTAWA
Modifiant l'Annexe B
 Plan des politiques en milieu urbain

-  LANDS REDESIGNATED FROM "GENERAL URBAN AREA" TO "URBAN NATURAL FEATURES"
 TERRAINS DONT LA DÉSIGNATION PASSERA DE « ZONE URBAINE GÉNÉRALE » À « CARACTÉRISTIQUES NATURELLES ZONE URBAINE »
-  LANDS REDESIGNATED FROM "URBAN NATURAL FEATURES" TO "GENERAL URBAN AREA"
 TERRAINS DONT LA DÉSIGNATION PASSERA DE « CARACTÉRISTIQUES NATURELLES ZONE URBAINE » À « ZONE URBAINE GÉNÉRALE »