

**Report to  
Rapport au:**

**Council  
Conseil  
9 May 2018 / 9 mai 2018**

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**Submitted by  
Soumis par:  
Council Coordinator / coordonnatrice du Conseil**

**Contact Person  
Personne ressource:  
Caitlin Salter MacDonald, Program Manager, Committee and Council Services  
and Council Coordinator/ Gestionnaire de programme, Services au Conseil  
municipal et aux comités, et coordonnatrice du Conseil  
(613) 580-2424 x 28136, caitlin.salter-macdonald@ottawa.ca**

**Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE      File Number: ACS2018-CCS-OCC-0009**

**SUBJECT: Summary of Oral and Written Public Submissions for Items Subject to the *Planning Act* 'Explanation Requirements' at the City Council Meeting of April 25, 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 25 avril 2018.**

#### **REPORT RECOMMENDATION**

**That Council approve the Summary of Oral and Written Public Submissions for items considered at the City Council Meeting of April 11, 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 Document 1.**

## RECOMMANDATION DU RAPPORT

**Que le Conseil approuve le résumé des observations orales et écrites du public sur les questions étudiées à la réunion du 25 avril 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, comme l'énonce le document 1 et le décrit le présent rapport.**

## 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 April 25, 2018, City Council considered one planning application for which written and/or oral submissions were received after publication of the staff report:

1. Official Plan Amendment – 4305, 4345 and 4375 McKenna Casey Drive and 3285, 3288, 3300, 3305 and 3330 Borrisokane Road (ACS2018-PIE-PS-0057)

A 'Summary of Written and Oral Submissions' for this 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 25 avril 2018, le Conseil municipal a examiné une demande d'aménagement pour laquelle il a reçu des observations orales ou écrites suivant la publication du rapport du personnel :

1. Modification au Plan officiel – 4305, 4345 et 4375, promenade McKenna Casey, et 3285, 3288, 3300, 3305 et 3330, chemin Borrisokane (ACS2018-PIE-PS-0057)

Un « Résumé des observations orales et écrites » pour cette 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*:

<b>Subsections</b>	<b>Related Matters</b>
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

Subsections	Related Matters
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 April 25, 2018, considered one item subject to the *Planning Act* 'Explanation Requirements' described above, as follows:

### **Planning Committee Report 62:**

- Official Plan Amendment - 4305, 4345 and 4375 McKenna Casey Drive and 3285, 3288, 3300, 3305 and 3330 Borrisokane Road (ACS2018-PIE-PS-0057)

## **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: 1. Official Plan Amendment – 4305, 4345 and 4375 McKenna Casey Drive and 3285, 3288, 3300, 3305 and 3330 Borrisokane Road (ACS2018-PIE-PS-0057)

**DISPOSITION**

This report will be placed on the final City Council Agenda for Council’s consideration and approval at its meeting of May 9, 2018.

## Document 1

### Summary of Written and Oral Submissions

#### **OFFICIAL PLAN AMENDMENT – 4305, 4345 AND 4375 MCKENNA CASEY DRIVE AND 3285, 3288, 3300, 3305 AND 3330 BORRISOKANE ROAD (ACS2018-PIE-PS-0057)**

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: 0**
- **Number of Submissions received by Planning Committee between April 13 and April 25, 2018 : 1**

#### **Primary concerns and arguments in opposition, by individual**

##### ❖ ***Faith Blacquiere*** (*written submission*)

1. the floodplain mapping update should not be undertaken at this time and the Official Plan Amendment (OPA) changes to the Secondary Plans are not critical to development applications proceeding
2. the flood plain mapping should be updated by an OPA Omnibus Amendment
3. the reason for this OPA is because the City would need to recognize Areas 8, 9 and 10 as Two-Zone Flood Plain Areas in order to be compliant with the Secondary Plans, which are currently not compliant with the Official Plan, not because the land is a greenfield situation that does not qualify as a flood fringe area under the City's flood plain policy, as stated in the report
4. Council should not permit a landowner group challenge to the RVCA mapping; doing so will lead to further requests of a similar nature
5. the City and conservation authorities have a formal process which has established priorities and funding
6. Council should be providing more money on advanced tools and surveys for the existing mapping projects on the priorities list, rather than to place the RVCA in the position of defending its staff, policies and mapping

7. the other studies identified in the J.F. Sabourin and Associates Inc. report (for all the land between Highway 416 and the Rideau River) should precede any mapping update
8. the staff Report did not provide maps which would show the locations and extent of the parcels or the results of the J.F. Sabourin and Associates Inc. findings, which are required to understand what is being approved and proposed
9. a Thirty Party Review of a conservation authority is an extraordinary measure, which could not result in changes after a mapping update, as the RVCA has the authority to make the final decision; other reviews may also be required for other developments and infrastructure projects if the water levels are impacted
10. the report does not identify a requirement to consider and address impacts in the urban area; the updated flood risk mapping will also impact other South Nepean Urban Area Secondary Plans, projects and development applications which have relied on the 2005 mapping
11. there are errors in the language and content of the OPA that require correction

**Primary arguments in support, by individual** - none received

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

Debate        The Committee approved this item on consent (without discussion or debate, other than a motion to advance it to Council the following day).

Vote:         Planning Committee CARRIED the report recommendations as presented.

**Effect of Submissions to both committees on Council Decision:**

Council considered all written and oral submissions in making its decision, and CARRIED this item as presented.