

**Report to
Rapport au:**

**Council
Conseil**

28 November 2018 / 28 novembre 2018

**Submitted on November 23, 2018
Soumis le 23 novembre 2018**

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

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Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE File Number: ACS2018-CCS-OCC-0022

**SUBJECT: Summary of Oral and Written Public Submissions for Items Subject
to the *Planning Act* 'Explanation Requirements' at the City Council
Meeting of October 10, 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 le 10
octobre 2018**

REPORT RECOMMENDATIONS

That Council approve the Summaries of Oral and Written Public Submissions for items considered at the City Council Meeting of October 10, 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 Documents 1 and 2.

RECOMMANDATIONS DU RAPPORT

Que le Conseil approuve les résumés des observations orales et écrites du public sur les questions étudiées à la réunion du 10 octobre, 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, et 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 October 10, 2018, City Council considered two planning matters for which written and/or oral submissions were received after publication of the staff report:

1. Zoning By-law Amendment – Part of 401 and Part of 411 Corkstown Road (ACS2018-PIE-PS-0108)
2. Zoning By-law Amendment – 3490 Innes Road (ACS2018-PIE-PS-0106)

A 'Summary of Written and Oral Submissions' for each 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 10 octobre 2018, le Conseil municipal a examiné deux demandes d'aménagement pour laquelle il a reçu des observations orales ou écrites suivant la publication du rapport du personnel :

1. Modification au règlement de zonage – parties du 401 et du 411, chemin Corkstown (ACS2018-PIE-PS-0108)

2. Modification au Règlement de zonage – 3490 chemin Innes (ACS2018-PIE-PS-0106)

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

| 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 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 October 10, 2018, considered two items subject to the *Planning Act* 'Explanation Requirements' described above. These items are as follows:

Planning Committee Report 70:

- Zoning By-law Amendment - Part of 401 and Part of 411 Corkstown Road (ACS2018-PIE-PS-0108)

Planning Committee Report 71

- Zoning By-law Amendment – 3490 Innes Road (ACS2018-PIE-PS-0106)

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 COUNCILLOR(S)

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 - Zoning By-law Amendment – Part of 401 and Part of 411 Corkstown Road (ACS2018-PIE-PS-0108)

Document 2 – Summary of Written and Oral Submissions - Zoning By-law Amendment – 3490 Innes Road (ACS2018-PIE-PS-0106)

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 November 28, 2018.