

- 2. Plan of Subdivision and Zoning By-law Amendment – 7000 Campeau Drive**  
**Plan de lotissement et modification du Règlement de zonage – 7000, promenade Campeau**

**Committee recommendations**

**That Council:**

- 1. endorse the position that the Local Planning Appeal Tribunal not approve the Draft Plan of Subdivision for 7000 Campeau Drive as it is premature, inclusive of all matters as set out in this report;**
- 2. refuse an amendment to the Zoning By-law 2008-250 for 7000 Campeau Drive to permit a residential subdivision that includes a mix of housing types, parks, stormwater management ponds, open spaces and roadways in Kanata North.**

**Recommandations du Comité**

**Que le Conseil :**

- 1. se rallie à l'avis selon lequel le Tribunal d'appel de l'aménagement local ne devrait pas approuver l'ébauche du plan de lotissement du 7000, promenade Campeau car elle est prématurée, dans tous les domaines décrits dans ce présent rapport;**
- 2. refuse la modification du Règlement de zonage (no 2008-250) concernant le 7000, promenade Campeau, qui vise la construction à Kanata-Nord d'un lotissement résidentiel composé de divers types de logements, de parcs, de bassins de gestion des eaux pluviales, d'espaces ouverts et de routes.**

**Documentation/Documentation**

- 1. Director's report, Planning Services, Planning, Infrastructure and Economic Development Department, dated November 13, 2020 (ACS2020-PIE-PS-0109)**

Rapport du Directeur, Service de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 13 novembre 2020 (ACS2020-PIE-PS-0109)

2. Extract of draft Minutes, Planning Committee, November 26, 2020  
  
Extrait de l'ébauche du procès-verbal du Comité de l'urbanisme, le  
26 novembre 2020

**Report to  
Rapport au:**

**Planning Committee  
Comité de l'urbanisme  
26 November 2020 / 26 novembre 2020**

**and Council  
et au Conseil  
9 December 2020 / 9 décembre 2020**

**Submitted on 13 November 2020  
Soumis le 13 novembre 2020**

**Submitted by  
Soumis par:  
Douglas James,  
Acting Director / Directeur par intérim  
Planning Services / Services de la planification  
Planning, Infrastructure and Economic Development Department / Direction  
générale de la planification, de l'infrastructure et du développement économique**

**Contact Person / Personne ressource:  
Laurel McCreight, Planner II / Urbaniste II, Development Review West / Examen  
des demandes d'aménagement ouest  
613-580-2424, 16587, laurel.mccreight@ottawa.ca**

**Ward: KANATA NORTH (4) / KANATA  
NORD (4)**

**File Number: ACS2020-PIE-PS-0109**

**SUBJECT: Plan of Subdivision and Zoning By-law Amendment – 7000 Campeau  
Drive**

**OBJET: Plan de lotissement et modification du Règlement de zonage – 7000,  
promenade Campeau**

**REPORT RECOMMENDATIONS**

- 1. That Planning Committee recommend Council endorse the position that the  
Local Planning Appeal Tribunal not approve the Draft Plan of Subdivision**

for 7000 Campeau Drive as it is premature, inclusive of all matters as set out in this report.

2. That Planning Committee recommend Council refuse an amendment to the Zoning By-law 2008-250 for 7000 Campeau Drive to permit a residential subdivision that includes a mix of housing types, parks, stormwater management ponds, open spaces and roadways in Kanata North.
3. That Planning 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 Office of the City Clerk and submitted to Council 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 December 9, 2020," subject to submissions received between the publication of this report and the time of Council's decision.

#### RECOMMANDATIONS DU RAPPORT

1. Que le Comité de l'urbanisme recommande au Conseil de se rallier à l'avis selon lequel le Tribunal d'appel de l'aménagement local ne devrait pas approuver l'ébauche du plan de lotissement du 7000, promenade Campeau car elle est prématurée, dans tous les domaines décrits dans ce présent rapport.
2. Que le Comité de l'urbanisme recommande au Conseil de refuser la modification du Règlement de zonage (n° 2008-250) concernant le 7000, promenade Campeau, qui vise la construction à Kanata-Nord d'un lotissement résidentiel composé de divers types de logements, de parcs, de bassins de gestion des eaux pluviales, d'espaces ouverts et de routes.
3. Que le Comité de l'urbanisme donne son approbation à ce que la section du présent rapport consacrée aux détails de la consultation soit incluse en tant que « brève explication » dans le résumé des observations écrites et orales du public, qui sera rédigé par le Bureau du greffier municipal et soumis au Conseil dans le rapport intitulé « 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 municipal prévue le 9 décembre 2020 », à la condition

**que les observations aient été reçues entre le moment de la publication du présent rapport et le moment de la décision du Conseil.**

## **EXECUTIVE SUMMARY**

### **Staff Recommendation**

Planning staff recommend Council not approve the Draft Plan of Subdivision as it is premature and refuse the Zoning By-law amendment for 7000 Campeau Drive. The subdivision is not consistent with the 2020 Provincial Policy Statement and multiple Official Plan policies related to Managing Growth, Providing Infrastructure, Building Liveable Communities and Urban Design and Compatibility.

The applications were submitted to facilitate the development of a residential subdivision consisting of a mix of housing types with approximately 1,500 units. The proposal also includes four new parks, four new stormwater management ponds, a series of new internal streets and other open space blocks, as well as landscaped buffers throughout the property.

The applicant is proposing to rezone the lands to a mix of residential zones including Residential First Density, Subzone T (R1T), Residential Third Density, Subzone V (R3V), and Residential Fifth Density, Subzone A (R5A), as well as Parks and Open Space Zone (O1) to permit the proposed uses.

### **Applicable Policy**

The following policies are not supported by these applications:

Section 2.2 of the Official Plan (Managing Growth) directs where growth will occur within Ottawa. Specifically, 2.2.2.22 speaks to intensification outside of target areas for growth, including areas designated as General Urban Area. Section 3.6.1 is specific to the General Urban Area designation and 3.6.1.5 speaks to intensification where it will complement the existing pattern and scale of development and planned function of the area. The City will assess compatibility of new development as it relates to existing community character and consider the desire for a balance of housing types and tenures. The City's review of the applications has determined that the proposed is not compatible with the existing neighbourhood in terms of lot layout and setbacks and does not compliment the existing pattern and scale of development, as per the direction set out in Policy 23 of Section 2.2.

The subdivision application does not support Section 2.3.3 (Drainage and Stormwater Management Services) as there are several unresolved issues related to creating drainage services to ensure safe, well-drained sites. Specifically, 2.3.3.1 speaks to development in accordance with system capacity for drainage that will implement stormwater management to protect, improve or restore the quality and quantity of water in the receiving watercourse. The City's review has determined there is disagreement as to the future status of the site's legal stormwater outlet due to the change in land use and resulting increased runoff volume, as well as disagreement on the appropriate number of stormwater management ponds. In addition, the major overland flow from the subject development, and connecting existing residential lands, into the Beaver Pond has not been accounted for.

Section 2.5.1 of the Official Plan is broad in nature with design objectives such as defining quality spaces, ensuring safety and accessibility, respecting the character of the community, and sustainability. Policy 2.5.1.1 speaks to urban design and compatibility and that in the review of development applications, proponents will be required to demonstrate how design objectives have been met.

New development is reviewed and evaluated using the policies of Section 4.11, which address urban design and compatibility. Policy 5 of this section speaks to compatibility of new buildings within their surroundings. Also applicable is Policy 19, referring to applicants demonstrating that development minimizes undesirable impacts on the existing private amenity spaces of adjacent residential units and considering design measures such as transitions, terracing, and landscaping. The inclusion of well-designed, usable communal and private amenity spaces is referred to in Policy 4.11.20.

Several matters are unresolved that relate to these sections of the Official Plan, which include: lot pattern and scale is not in character with the surrounding community and is thus inappropriate, the proposed setbacks are not adequate, the proposed right of way widths and cross sections are inappropriate, grading plans are not consistent with lot patterns and open space as well as mid-block connections are not acceptable.

### **Other Matters**

The subject site is part of an agreement between the City of Kanata and Campeau Corporation, who was at that time the developer of Kanata Lakes. The agreement was made May 26, 1981 and updated December 20, 1988. The agreement requires that 40 per cent of the total development area of the community be open space for

recreation and natural environment purposes, including the subject site's current use as a golf course.

The impact of the Forty Percent Agreement on the subject lands is currently the subject matter of a court application commenced by the City. This matter was heard in Superior Court on July 13, 14 and 15, 2020 and a decision has not yet been rendered at the time this report was written.

The Plan of Subdivision and Zoning By-law amendment applications were appealed to the Local Planning Appeal Tribunal on March 6, 2020 due to the City of Ottawa's lack of decision on the applications within the timelines prescribed under the *Planning Act*. A Case Management Conference occurred on October 9, 2020 to determine the issues at hand. A hearing is scheduled for January 17 to February 25, 2022.

### **Financial Implications**

There are no direct financial implications associated with the report recommendations.

### **Public Consultation/Input**

The City has created a website dedicated to the Kanata Lakes applications so residents could be provided with pertinent information pertaining to the applications.

Councillor Sudds held a community meeting on October 28, 2019 to discuss the legal implications of the 40 Percent Agreement and to give a brief overview of the development applications that were submitted to the City. The meeting was attended by the Councillor, the Mayor, over 400 residents, and City staff.

On November 25, 2019, the City held a community information session to discuss the Draft Plan of Subdivision and Zoning By-law amendment applications. Approximately 500 residents attended three separate time slots where a video presentation was shown followed by a question and answer session. Members of the public were asked to write down their questions for staff and the applicant team that were based on several themes. Councillor Sudds, the Kanata Greenspace Coalition and multiple City staff attended this meeting.

The City has received comments from over 800 members of the community, in opposition to the applications.

## **RÉSUMÉ**

### **Recommandation du personnel**

Le personnel de la planification recommande au Conseil de ne pas approuver l'ébauche du plan de lotissement car elle est prématurée, et de refuser la modification du Règlement de zonage pour le 7000, promenade Campeau. En effet, le lotissement n'est pas conforme à la Déclaration de principes provinciale de 2020, ni à plusieurs politiques du Plan officiel concernant la gestion de la croissance, la construction de l'infrastructure, la création de collectivités où il fait bon vivre et la conception urbaine et la compatibilité.

Les demandes soumises visent à faciliter la construction d'un lotissement résidentiel comprenant quelque 1 500 logements de divers types. Le projet prévoit aussi l'aménagement de quatre parcs, de quatre bassins de rétention des eaux pluviales, d'un réseau de rues internes et d'espaces ouverts ainsi que de zones tampons paysagées réparties sur la propriété.

Le requérant propose de passer à un mélange de zones résidentielles, dont R1T (zone résidentielle de densité 1, sous-zone T), R3V (zone résidentielle de densité 3, sous-zone V) et R5A (zone résidentielle de densité 5, sous-zone A), ainsi qu'à une zone de parc et d'espace vert (O1) pour permettre les utilisations proposées.

### **Politiques applicables**

Les demandes en question ne cadrent pas avec les politiques suivantes :

La section 2.2 du Plan officiel (Gestion de la croissance) indique où la croissance doit avoir lieu dans la ville. Le point 2.2.2.22 traite de la densification à l'extérieur des secteurs cibles, y compris ceux désignés « secteur urbain général ». Le point 3.6.1 porte expressément sur la désignation de secteur urbain général, et le point 3.6.1.5 sur la densification qui vient compléter le modèle et l'échelle d'aménagement existants et la fonction prévue du secteur. La Ville évalue la compatibilité du nouvel aménagement en fonction du caractère de la communauté, dans un souci d'équilibre entre les différents types d'habitations et d'occupations. Après examen des demandes, la Ville a déterminé que le retrait et le tracé des lots n'étaient pas compatibles avec le quartier, et que le projet ne venait pas compléter le modèle et l'échelle d'aménagement existants, comme le veut la politique 23 de la section 2.2.



La demande de lotissement ne respecte pas la section 2.3.3 (Services de gestion du drainage et des eaux pluviales), car il y a plusieurs problèmes concernant la création de services de drainage sûrs efficaces. Plus précisément, elle n'est pas conforme au point 2.3.3.1, selon lequel tout aménagement doit correspondre à la capacité du système de drainage et s'accompagner des pratiques de gestion des eaux pluviales nécessaires à la protection, à l'amélioration ou à la restauration de la qualité et de la quantité des eaux réceptrices. À l'issue de son examen, la Ville a déterminé qu'il y avait divergence sur deux points : l'état futur de la sortie des eaux pluviales du site en raison de l'augmentation du volume des eaux de ruissellement attribuable au changement d'utilisation du sol, et le nombre acceptable de bassins de rétention des eaux pluviales. Qui plus est, le requérant n'a pas tenu compte des écoulements de surface majeurs dans l'étang Beaver provenant de l'aménagement et des terres résidentielles voisines.

La section 2.5.1 du Plan officiel est de nature générale et contient des objectifs de conception liés, entre autres, aux espaces de qualité, à la sécurité et à l'accessibilité, au respect du caractère des quartiers et à la durabilité. La politique 2.5.1.1, qui porte sur la conception urbaine et la compatibilité, stipule que dans sa demande d'aménagement, le requérant doit prouver que son projet respecte les objectifs de conception.

Les nouveaux aménagements sont évalués à la lumière de la section 4.11, où il est question de conception urbaine et de compatibilité. La politique 5 de cette section traite de la comptabilité des nouveaux bâtiments avec leurs environs. Est également applicable la politique 19, selon laquelle le requérant doit démontrer que son projet limite les répercussions indésirables sur les aires d'agrément privées des immeubles résidentiels adjacents, et qu'il prévoit des mesures de conception telles que des transitions, des terrasses et des éléments paysagers. Enfin, la politique 4.11.20 porte sur l'aménagement d'aires d'agrément communes et privées bien conçues et fonctionnelles.

Plusieurs éléments du projet ne sont pas conformes à ces sections du Plan officiel : le modèle et l'échelle du lotissement ne cadrent pas avec l'environnement qui l'entoure; les retraits proposés ne sont pas adéquats; la largeur et les coupes transversales proposées pour les emprises ne conviennent pas; les plans de nivellement ne correspondent pas au modèle du lotissement et aux espaces ouverts; et les allées traversant les îlots sont inacceptables.

### **Autres questions**

Le site visé fait partie d'un accord conclu le 26 mai 1981 et mis à jour le 20 décembre 1988 entre la Ville de Kanata et la Campeau Corporation, qui était à l'époque le promoteur de Kanata Lakes. Selon cet accord, 40 % de la superficie totale du secteur d'aménagement de la municipalité doivent être des espaces ouverts consacrés aux loisirs et à l'environnement naturel, ce qui comprend l'actuel terrain de golf qui constitue le site.

L'incidence de cette disposition sur le site est actuellement visée par une requête déposée par la Ville devant le tribunal. L'affaire a été entendue les 13, 14 et 15 juillet 2020 par la Cour supérieure de justice, qui n'avait pas encore rendu de décision au moment d'écrire ces lignes.

En l'absence d'une décision de la Ville d'Ottawa dans les délais prescrits par la Loi sur l'aménagement du territoire, les demandes de plan de lotissement et de modification du Règlement de zonage ont fait l'objet d'un appel devant le Tribunal d'appel de l'aménagement local le 6 mars 2020. Une conférence de gestion de la cause a été organisée le 9 octobre 2020 pour déterminer les enjeux en cause, et une audience devrait avoir lieu du 17 janvier au 25 février 2022.

### **Répercussions financières**

Aucune répercussion financière directe n'est associée aux recommandations du présent rapport.

### **Consultation publique/commentaires**

La Ville a créé un site Web consacré aux demandes visant Kanata Lakes pour que les résidents puissent en savoir plus à leur sujet.

Le 28 octobre 2019, la conseillère Jenna Sudds a organisé une rencontre publique pour étudier les répercussions juridiques de l'accord des 40 % et présenter brièvement les demandes d'aménagement soumises à la Ville. En plus de la conseillère, étaient présents à cette rencontre le maire, le personnel de la Ville et plus de 400 résidents.

Le 25 novembre 2019, la Ville a organisé une séance d'information publique sur la demande d'approbation de l'ébauche du plan de lotissement et la demande de modification du Règlement de zonage. En tout, quelque 500 résidents ont assisté à une présentation vidéo suivie d'une période de questions (trois créneaux différents). Ils étaient invités à écrire leurs questions sur plusieurs thèmes pour le personnel et

l'équipe du requérant. À cette réunion étaient présents la conseillère Sudds, la coalition pour la protection des espaces verts de Kanata et de nombreux membres du personnel de la Ville.

La Ville a reçu des commentaires de plus de 800 résidents s'opposant aux demandes.

## **BACKGROUND**

Learn more about [link to Development Application process - Zoning Amendment](#)

For all the supporting documents related to this application visit the [link to Development Application Search Tool](#).

### **Site location**

7000 Campeau Drive

### **Owner**

ClubLink Corporation ULC

### **Applicant**

Bousfields Inc.

### **Architect**

NAK design strategies

### **Description of site and surroundings**

The subject site is approximately 70 hectares (175 acres) and is made up of four irregularly shaped parcels separated by the local road network. The municipal address for the property is 7000 Campeau Drive, however, there is also frontage along abutting roads including Knudson Drive, Beaverbrook Road and Weslock Way. The subject site is located within the neighbourhood of Kanata Lakes north of Highway 417, west of Beaverbrook Road and east of Terry Fox Drive.

Currently, the site is occupied by the Kanata Golf and Country Club, which consists of an 18-hole golf course, a two-storey clubhouse, as well as a large surface parking lot on the southwest portion of the site. The site includes golf greens, fairways and tee boxes. There is low-lying landscaping throughout the site and trees are generally located towards the perimeter of the site.

The adjacent area includes low-rise residential neighbourhoods to the north, east and west. To the south is the major east-west arterial road Campeau Drive, which has a variety of built forms including low rise and high-rise developments. The Kanata Town Centre is south of Campeau Drive which is comprised of a mix of medium density uses.

### **Summary of requested Plan of Subdivision**

A Plan of Subdivision application was submitted to permit the development of a subdivision consisting of a variety of dwelling types and land uses:

- Residential uses, open space blocks and stormwater management facilities;
- A total of 1,544 residential units, which is proposed to consist of approximately:
  - 630 detached dwellings;
  - 332 townhouse dwellings;
  - 70 back-to-back townhouses;
  - 76 stacked townhouses; and
  - 436 medium density apartment blocks.

The apartment blocks are proposed to front Campeau Drive. The proposal also includes four new parks, four new stormwater management ponds, a series of new internal streets and other open space blocks, as well as landscaped buffers throughout the property. All existing abutting residential properties are proposed to be separated from the proposed development block by either a park, stormwater management pond, an open space or a landscaped buffer. Road connections are proposed to Beaverbrook Road, Campeau Drive, Knudson Drive and Weslock Way.

### **Summary of requested Zoning By-law amendment proposal**

The land is currently zoned Parks and Open Space, Subzone A (O1A) and is designated as General Urban Area in the City's Official Plan. The O1A zone permits an environmental preserve, education area, park, urban agriculture and a golf course. The applicant is proposing to rezone the lands to a mix of residential zones including Residential First Density, Subzone T (R1T), Residential Third Density, Subzone V (R3V), and Residential Fifth Density, Subzone A (R5A), as well as Parks and Open Space Zone (O1) to permit the proposed uses.

## **Brief history of proposal**

The subject site is part of an agreement between the City of Kanata and Campeau Corporation, who was at that time the developer of Kanata Lakes. The agreement was made May 26, 1981 and updated December 20, 1988. The agreement requires that 40 per cent of the total development area of the community be open space for recreation and natural environment purposes, including the subject site's current use as a golf course.

The impact of the Forty Percent Agreement on the subject lands is currently the subject matter of a court application commenced by the City. This matter was heard in Superior Court on July 13, 14 and 15, 2020 and a decision has not yet been rendered at the time this report was written.

The Plan of Subdivision and Zoning By-law amendment applications were appealed to the Local Planning Appeal Tribunal on March 6, 2020 due to the City of Ottawa's lack of decision on the applications within the timelines prescribed under the *Planning Act*.

## **DISCUSSION**

### **Public consultation**

Notification and public consultation were undertaken in accordance with the Public Notification and Consultation Policy approved by Council for Development Applications. A statutory meeting for the Plan of Subdivision had not been held at the time the applicant appealed to the Local Planning Appeal Tribunal for the City's lack of decision on the Draft Plan of Subdivision and Zoning By-law amendment.

The City created a [website](#) dedicated to the Kanata Lakes applications so that residents could be provided with all of the pertinent information pertaining to the applications in one location.

Councillor Sudds held a community meeting on October 28, 2019 to discuss the legal implications of the Forty Percent Agreement and to give a brief overview of the development applications that were submitted to the City. The meeting was attended by the Councillor, the Mayor, over 400 residents, and City staff.

On November 25, 2019, the City held a community information session to discuss the Draft Plan of Subdivision and Zoning By-law amendment applications. Approximately 500 residents attended three separate time slots where a video presentation was shown followed by a question and answer session. Members of the public were asked to write

down their questions for staff and the applicant team that were based on several themes. Councillor Sudds, the Kanata Greenspace Coalition and multiple City staff attended this meeting.

Since the submission of the applications, staff have received over 800 comments from members of the Community. Following the November 25 meeting, answers provided by the City and the applicant team were posted on the City's website responding to the Community's questions.

For this proposal's consultation details, see Document 3 of this report.

### **Official Plan designations**

The site is located within the General Urban Area designation as shown on Schedule B of the City's Official Plan.

Section 2.2 of the Official Plan (Managing Growth) directs where growth will occur within Ottawa. Specifically, 2.2.2.22 speaks to intensification outside of target areas for growth, including areas designated as General Urban Area. The City will promote opportunities for intensification in these areas guided by Section 3.6.1. Section 3.6.1 is specific to the General Urban Area designation and 3.6.1.5 speaks to intensification where it will complement the existing pattern and scale of development and planned function of the area. The City will assess compatibility of new development as it relates to existing community character and consider the desire for a balance of housing types and tenures.

Policy 23 speaks to supporting intensification in the General Urban Area where it will enhance and complement desirable characteristics and long-term renewal. The character of the community may be expressed in its built environment and features such as setbacks and buildings from the property line. The City will consider such attributes in its assessment of the compatibility of new developments within the surrounding community when reviewing development applications.

Section 2.3.3 is Drainage and Stormwater Management Services and speaks to the need to create drainage services to ensure safe, well-drained sites. Specifically, Policy 1 of this section speaks to development in accordance with system capacity for drainage that will implement stormwater management to protect, improve or restore the quality and quantity of water in the receiving watercourse. Policy 3 of this section speaks to current standards superseding the requirements of the Master Drainage Plan

in certain circumstances and that the application of standards will be subject to consultation between several stakeholders.

Policy 4 of Section 2.4.5 (Greenspaces), refers to greenspaces taking many forms in including privately-owned open spaces such as golf courses.

Sections 2.5.1 and Section 4.11 of the Official Plan provides policy direction for designing Ottawa, urban design and compatibility.

Section 2.5.1 of the Official Plan is broad in nature with design objectives such as defining quality spaces, ensuring safety and accessibility, respecting the character of the community, and sustainability. Policy 2.5.1.1 speaks to urban design and compatibility and that in the review of development applications, proponents will be required to demonstrate how design objectives have been met.

New development is reviewed and evaluated using the policies of Section 4.11, which address urban design and compatibility. Policy 5 of this section speaks to compatibility of new buildings within their surroundings including the parts of the building facing the public realm. Also applicable is Policy 19, referring to applicants demonstrating that development minimizes undesirable impacts on the existing private amenity spaces of adjacent residential units and considering design measures such as transitions, terracing, and landscaping. The inclusion of well-designed, usable communal and private amenity spaces is referred to in Policy 4.11.20.

Section 4.10.5(b) is specific to greenspace requirements in Kanata Lakes and that the parkland requirements for all development that is subject to the legal agreement provides 40 per cent greenspace, as determined based on the agreement.

### **Other applicable policies and guidelines**

On March 10, 2015, Planning Committee approved a report titled [Building Better and Smarter Suburbs: Strategic Directions and Action Plan](#) (BBSS). The report addresses the challenge of supporting land efficiency and functionality in new suburban subdivisions, while at the same time improving urban design. Four overarching principles guide this initiative: Land Efficient and Integrated, Easy to Walk, Bus or Drive, Well Designed and Financially Stable. Building Better and Smarter Suburbs also includes several recommendations and strategic directions that are applicable to suburban growth.

### **Urban Design Review Panel**

The property is not within a Design Priority Area and the Zoning By-law amendment application and Plan of Subdivision application was not subject to the Urban Design Review Panel (UDRP) process.

### **Planning rationale**

The Draft Plan of Subdivision as submitted is not consistent with the Official Plan policies referenced above. The below is a general summary of the main outstanding issues that remain at the time this report was written:

- Lot pattern and scale is not in character with the surrounding community and is thus inappropriate
- Proposed setbacks are not adequate
- The proposed right of way widths and cross sections are inappropriate
- Grading plans are not consistent with lot patterns
- Open space and mid-block connections are not acceptable
- Tree protection measures are not consistent with proposed infrastructure
- Additional analysis is required with relation to the buffer proposed around the perimeter of the site, and potential conditions of draft approval
- Park frontages are not in keeping with the Park Development Manual
- There is not agreement as to the future status of the site's legal stormwater outlet
- Modification of the draft plan of subdivision is necessary if permission to modify existing easements is refused
- Stormwater management has not been determined for the plan of subdivision
- The major overland flow from the subject development, and connecting existing residential lands, into the Beaver Pond has not been accounted for
- The technique for low impact development measures to deal with stormwater needs to be determined prior to draft approval
- The proposed use and number of oil and grit separators is not appropriate



- The appropriate number, location, and function of stormwater ponds has not been determined
- Draft conditions of approval are necessary if sump pumps are contemplated
- The specifics of a monitored surcharging/preloading program needs to be determined, including expected timelines in order to achieve the grade raise exceedances designed within proposed lots and proposed right of ways
- There are inconsistencies and missing information in transportation, geotechnical, environmental and servicing plans and studies provided

As the department is not satisfied that the Draft Plan of Subdivision as proposed, meets the policies of the Official Plan, approval is premature. Subsequently, as zoning details associated with a Draft Plan of Subdivision typically follow its approval, the Zoning By-law amendment is recommended for refusal.

### **Provincial Policy Statement**

Staff have reviewed this proposal and have determined that it is not consistent with the 2020 Provincial Policy Statement.

### **RURAL IMPLICATIONS**

There are no rural implications associated with the recommendations in this report.

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

Councillor Sudds has provided the following comment:

“My community and I are strongly against the zoning by-law and subdivision applications being brought forward by this applicant.

I was first made aware of this application fourteen days after becoming the Councillor for Kanata North and there has been tremendous community engagement since against these applications.

Part of the consultation process has included hosting two large townhalls. The first, held on January 21, 2019, was attended by over 500 residents. The second one was on October 28, 2019 and again over 500 residents participated. In addition to this, another community meeting was held on November 25, 2019, which included the applicant and their teams. At every meeting with the community a wide range of issues were

discussed and highlighted including the need for better compatibility with the existing community, appropriate setbacks, and existing legal agreements governing these lands. In addition to these meetings, residents have come together to form their own community groups, hosted canvassing events, and other outreach activities. Throughout this process, I have received hundreds emails, letters, and other correspondence on these applications. Unfortunately, at no point in this process has the applicant meaningfully acted on the feedback provided by the community or my office. This lack of engagement was apparent when the city canceled a scheduled meeting with the community on January 20, 2020 due to the applicant's unwillingness to participate.

As these applications have moved through the planning process, we have seen city staff work professionally and diligently through the many outstanding and ongoing issues with these applications. During the first submission, City staff identified over 200 technical comments, which demonstrated the complexity of these applications and called into question the assumptions that ClubLink had made in their technical studies and submissions. These issues continue to be apparent and in the second re-submission many issues were again identified with an excess of 160 technical comments sent back to the applicant by staff.

In an additional act of bad faith, prior to even responding to the first round of technical comments, the applicant appealed to the Local Planning Tribunal.

I am asking Planning committee and Council to deny these applications due to the large number of significant issues unresolved, which are just too fundamental to ignore including:

- Not conforming with the Official Plan or the Provincial Policy Statement.
- Not compatible with the surrounding community and adjacent plans of subdivisions.
- The plan of subdivisions has not been able to secure a legal outlet for stormwater from the proposed development.

In addition to the many outstanding planning issues that are evident in the applications, the land that is being proposed to be developed is subjected to the Forty Percent Agreement and the legal agreements should be honoured. The City did pursue a judgement from the Ontario Superior Court on this fundamental issue and is currently awaiting the Justices' ruling.

I would ask for my colleagues support in denying these applications.”

### **LEGAL IMPLICATIONS**

A case management conference has been held by the Local Planning Appeal Tribunal pending Council's consideration of the applications.

Subject to the direction from Council on the applications, a six-week hearing has been scheduled commencing January 17, 2022. Should the recommendations in this report be sustained, it is anticipated that the hearing can be conducted within staff resources.

When the decision from Superior Court is delivered, Legal Services will report to Committee and Council to seek instructions.

### **RISK MANAGEMENT IMPLICATIONS**

There are no risk management implications associated with the recommendations in this report.

### **ASSET MANAGEMENT IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

There are no direct financial implications associated with the report recommendations.

### **ACCESSIBILITY IMPACTS**

There are no accessibility implications associated with the recommendations in this report.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with the recommendations in this report.

### **TERM OF COUNCIL PRIORITIES**

This project has not addressed the following Term of Council Priorities:

- Integrated Transportation: Enable effective mobility through a sustainable, accessible and connected city transportation system.

- Environmental Stewardship: Grow and protect a healthy, beautiful, and vibrant city that can adapt to change.
- Sustainable Infrastructure: Ensure sustainable infrastructure investment to meet the future growth and service needs of the city.

### **APPLICATION PROCESS TIMELINE STATUS**

These applications (Development Application Number: D07-16-19-0026 and D02-02-19-0123) were not processed by the "On Time Decision Date" established for the processing of Plan of Subdivision and Zoning By-law amendments due to complexity of issues associated with the subdivision.

### **SUPPORTING DOCUMENTATION**

Document 1 Location Map

Document 2 Draft Plan of Subdivision

Document 3 Consultation Details

### **CONCLUSION**

The department recommends that the Plan of Subdivision not be approved as it is premature for reasons outlined above and subsequently that the Zoning By-law amendment be refused. The subdivision is not consistent with the 2020 Provincial Policy Statement and multiple Official Plan policies related to Managing Growth, Providing Infrastructure, Building Liveable Communities and Urban Design and Compatibility.

### **DISPOSITION**

Office of the City Clerk, Council and Committee Services to notify the owner; applicant; Krista O'Brien, Program Manager, Tax Billing and Control, Finance Services Department (Mail Code: 26-76) of City Council's decision.

Planning Operations Branch, Planning Services to undertake the statutory notification.

Document 1 – Location Map

For an interactive Zoning map of Ottawa visit [geoOttawa](http://geoOttawa).



Document 2 – Draft Plan of Subdivision





### **Document 3 – Consultation Details**

#### Notification and Consultation Process

Notification and public consultation were undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Plan of Subdivision and Zoning By-law amendments. However, a statutory meeting for the Plan of Subdivision had not been held at the time the applicant appealed to the Local Planning Appeal Tribunal for the City's lack of decision on the Plan of Subdivision and Zoning By-law amendment.

Councillor Sudds held a community meeting on October 28, 2019 to discuss the legal implications of the Forty Percent Agreement and to give a brief overview of the development applications that were submitted to the City. The meeting was attended by the Councillor, the Mayor, over 400 residents, and City staff.

On November 25, 2019, the City held a community information session to discuss the Draft Plan of Subdivision and Zoning By-law amendment applications. Approximately 500 residents attended three separate time slots where a video presentation was shown followed by a question and answer session. Members of the public were asked to write down their questions for staff and the applicant team that were based on several themes. Councillor Sudds, the Kanata Greenspace Coalition and multiple City staff attended this meeting.

#### **Public Comments and Responses**

The following is a summary of questions and answers on the subject applications. An earlier version of the below was posted on the City's Kanata Lakes [website](#), as well as on the Development Applications Search website.

#### **Planning**

1. Will the City be responsible for the management of streetlights, hydrants, underground water and other services and for street sweeping and winter plowing?

#### **Answer**

The City will be responsible for maintenance of all public facilities and roads.

2. Density is an issue - it is too dense? Is there a master plan for development of Kanata?

**Answer**

There are secondary plans, as well as community design plans, across Kanata North, however, there is not one specific to Kanata Lakes.

3. Is the 1,500-unit proposal set in stone? Can the City require changes to the number and mix of units?

**Answer**

The number of units can change depending on the comments provided to the applicant by the City. Should comments require the applicant to make changes based on engineering, environment, transportation, etc., there is a possibility that the number of units may be affected.

4. Can the City require a proportion of affordable housing?

**Answer**

The City's Official Plan does not contain any policies that require a development to include affordable housing.

5. A neighbourhood study is required. Why was this key step skipped?

**Answer**

A neighbourhood study was not required, as per the requirements set out in the City's Official Plan.

6. What schools are being proposed? The existing schools are beyond capacity. Schools are using temp classrooms outside the building, how are the current schools are considered to support such a huge development?

**Answer**

The City circulates all school boards for comment. It is up to each school board to indicate if a school site is needed. No school board has indicated the need for a school site.

7. Who will own the 3-metre buffer zones? Is it the City or new homeowners? And who will maintain the 3-metre buffers?



**Answer**

As per the applicant's second submission, The Draft Plan of Subdivision has been revised to remove the 3 metre buffer blocks previously proposed, as the landscaped buffers are instead proposed to be secured in the zoning by-law (and through the subdivision process) by including a provision for new homes backing onto existing homes that prohibit this area (i.e. the rear 3 metres of the property) from being occupied by permanent accessory uses, buildings and structures.

As part of the review of the second submission, the City has requested more information from the applicant on the long-term integrity of the landscape buffers.

8. Why doesn't the City update the sub-zoning to include cross-country skiing?

**Answer**

Cross-country skiing is not a use as defined in the City's Zoning By-law.

9. The planning process goes back and forth between the City and the applicant. Does the applicant need to address 100 per cent of all bylaws and concerns?

**Answer**

The City provided the applicant with comments based on their submission. The applicant must address each of the comments to the City's satisfaction.

10. Does the City of Ottawa have discretion in specifying what steps the applicant should make? It would seem the City is allowing the developer to avoid key planning steps.

**Answer**

The City has very prescriptive steps that are established through City policies, as well as required by the Ontario *Planning Act*. All applicants are required to follow specific steps in the development application process.

11. How can you stop this rezoning?

**Answer**

Planning Services has prepared this report to Planning Committee and City Council with a recommendation to refuse the rezoning application. However, the matter is

before the Local Planning Appeal Tribunal as the applicant appealed the City's lack of decision on the application.

12. How are residents notified about the planning submissions by the builders?

**Answer**

The applications have been posted on the City's Development Application Search Tool website, as well as at [www.Ottawa.ca/KanataLakes](http://www.Ottawa.ca/KanataLakes). Each time a revised submission is received, these websites will be updated with the new submission materials.

13. Does the community have any say in the rezoning application approval/rejection process?

**Answer**

Members of the public are welcome to submit their comments regarding the Zoning By-law amendment application to staff at anytime, as well as appear at the Planning Committee meeting to present their views, as it is a public meeting. Residents are encouraged to submit written feedback to the Committee coordinator.

14. What are the provisions for apartment parking? At least 1 space per unit?

**Answer**

The City's Zoning By-law requires 1.2 spaces per dwelling unit for an apartment dwelling (low-rise or mid-high-rise).

15. When will this application go to Planning Committee?

**Answer**

November 26th, 2020. Everyone who has provided comments will be notified 10 days prior to Planning Committee.

16. The accommodation plan was 1502. What is the new total as a result of the City analysis?

**Answer**

The City does not provide a revised number of dwelling units to the applicant. Comments provided to the applicant by the City will allow the applicant to revise their

application accordingly.

The total number of units now proposed is 1,544.

17. If this proposal results in approval and developed during the coming decade, could we, the original neighbours ask for a rezoning of our properties to be able to build high or medium density buildings to increase the value of our properties?

**Answer**

If an applicant wishes to develop a property in a manner that deviates from the current zoning provisions, they must apply for a Zoning By-law amendment.

18. What is delegated authority? Does this mean Councillor Sudds has a veto?

**Answer**

Delegated authority refers to a City of Ottawa by-law, which allows City Council to delegate certain powers and responsibilities to various officers of the City to deal with administrative matters on behalf of the City.

The General Manager, Planning, Infrastructure and Economic Development, the Director, Planning Services, and the Managers of Development Review individually are authorized to approve applications under Section 51 of the *Planning Act*. Where the Ward Councillor has indicated in writing that delegated authority be removed, all authority shall rest with Planning Committee.

Councillor Sudds removed Delegated Authority on February 4, 2020 regarding the Plan of Subdivision.

19. Can you outline the appeal processes should the proposal be accepted?

**Answer**

The draft plan of subdivision and zoning by-law have already been appealed to the Local Plan Appeal Tribunal by the applicant.

20. Will street names change? Streets are named after Canadian Golfers.

**Answer**

Existing street names will not change.

21. What is the minimum size of a park?

**Answer**

The City has six park typologies reflecting the City's parkland structure: District Park, Community Park, Neighbourhood Park, Parkette, Urban Parkette/Plaza and Woodland Park. Each typology requires a different size:

District Park = minimum 10 hectares

Community Park = minimum 3.2 hectares

Neighbourhood Park = 1.2 hectares minimum to 3.2 hectares maximum

Parkette = 0.4 hectares minimum to 1.2 hectares maximum

Urban Parkette/Plaza = 400 square metres minimum to 4,000 square metres maximum

Woodland Park = 1.2 hectares minimum to 3.2 hectares maximum

22. Separate from the Forty Percent Agreement, what is the process for simple registration of the application? The description assumes it will be approved. Can't it be turned down?

**Answer**

The two applications are being processed as required by the *Planning Act* and city policies. The City has reviewed the applications in accordance with procedures and has provided comments to the applicant upon review of the submission materials. The department is recommending the Plan of Subdivision not be approved due to prematurity and refusal of the Zoning By-law amendment at this time.

23. Can you please give us the City of Ottawa definitions of intensification, infill and greenfields and explain the differences?

**Answer**

Section 2.2.2 of the Official Plan identifies "infill" as a subset of intensification and is a general term used to describe redevelopment on underutilized sites. From an Official Plan perspective, infill involves a scenario where there is an increase in the number of residential dwelling units. Outside of the Plan, the term may be used by members of the public who are referring to redevelopment that may not necessarily result in an increase in density.

Greenfield is a colloquial term. Generally, a greenfield is land that is redeveloped from a rural context into a new community.

24. Does the City have the ability to rezone? Under what circumstances?

**Answer**

The *Planning Act* provides the opportunity for residents and municipalities to rezone parcels of land.

25. Is the City targeting the zoned lands for intensification?

**Answer**

The property is designated General Urban Area in the City's Official Plan. This designation supports intensification provided it is at an appropriate scale and function. The Vacant Urban Residential Land Survey has not considered these lands as vacant when determining development potential for the City. The City's Official Plan also sets out target areas for intensification: Central Area, Mixed Use Centres, Mainstreets, and Town Centres.

26. Will homeowners have any input into the landscaping of parks, stormwater, open space or the landscaped buffer immediately behind their property? How can this be respectfully submitted for consideration?

**Answer**

Members of the public are welcome to submit comments on the application at any time throughout the development application process. All types of comments are welcome including those making specific recommendations on different subject matters including engineering, the environment, parks, transportation, etc.

27. What defines a landscape buffer?

**Answer**

The City of Ottawa Zoning By-law defines a "landscaped buffer" as a landscaped area located inside and along the perimeter of a lot intended to screen or separate land uses either from one another or from a public street.

28. What City comments have been submitted to date highlighting issues with the submission?

### Answer

The City provided the first round of circulation comments to the applicant on December 19, 2019. These comments cover disciplines including planning and urban design, the environment, forestry, parks, transportation and engineering. Comments received from technical agencies were also provided.

The applicant resubmitted materials on July 15th, 2020. Technical comments on the second submission were provided to the applicant on October 9<sup>th</sup>, 2020.

### Damage

29. How close to the existing homes/golf course can blasting take place?

### Answer

Blasting can occur to the extent of the property boundary, provided all City and provincial guidelines and policies are followed.

30. Does the City set their blasting limits based on the density of granite and the amount of land involved?

### Answer

The City addresses the use of explosives through specific mechanisms:

- City of Ottawa Standard Tender Documents for Unit Price Contracts provides S.P. F-1201 for blasting-related requirements.
- The Ontario Provincial Standard covering the use of explosives is [OPSS 120\(link is external\)PDF opens in a new tab or window](#). There are two versions, municipal- and provincial-oriented.
- Road Activity By-law - Use of explosives is not specifically regulated under the [Road Activity by-law](#) but the requirements are referenced.
- Site Plan and Subdivision agreements (blasting on private property for projects subject to Planning Approval)
- Various aspects of the use of explosives are addressed in Federal (*Explosives Act, Dangerous Goods Transportation Act*) and Provincial (*Pits and Quarry Act, Occupational Health and Safety Act*) legislation.

31. How can inspectors determine if there is damage to basement walls if the basement is finished?

**Answer**

The pre-blasting survey includes full video coverage of the exterior and interior of the building, residence or structure, provided access is granted by the owner.

32. How can blasting be allowed to occur?

**Answer**

Blasting is an acceptable construction practice within the City of Ottawa for the purpose of removing rock. The use of explosives may be required in a variety of construction projects including the construction and/or installation of roads, sewers, water mains, utilities, foundations, tunnels, etc.

33. Why should homeowners allow the photography of their homes for pre-blasting survey?

**Answer**

It is to existing homeowners benefit to allow the inspection to be conducted on their properties, as it may assist with establishing the impact, if any, that construction has had at a property after work is complete.

If due to privacy concerns, one may wish to complete your own survey of pre-construction conditions on their property. The survey should include photographs.

34. Who will compensate property owners for damage occurring from blasting?

**Answer**

For any questions regarding the contractor's inspections or concerns about property damages, please contact the person identified in your notification letter, or if a notification letter has not been received, please contact the City at 3-1-1. Alternatively, residents may initiate a claim against the City.

**Environment**

35. What defines a park versus a parkette?

**Answer**

A park includes a playground, sports field, botanical garden, outdoor public swimming pool or parkway, and may also include accessory buildings or structures such as a maintenance building, washroom or canteen. A parkette is smaller in area and designed for more passive and aesthetic enjoyment of green space.

36. How will the wildlife be protected?

**Answer**

The animals found at the golf course are species generally found in suburban areas already. It is anticipated that these species would likely be able to inhabit the proposed development.

37. Where will the endangered bats live if this goes through?

**Answer**

An Environmental Impact Assessment has been completed by the applicant's consultant that examines the existing species present within the site. This includes an evaluation of the potential impacts of the development on endangered species. This report is reviewed by City staff to determine if adequate mitigation measures have been proposed.

38. After years of pesticide use on golf course, is it safe for children's park and intense residential use?

**Answer**

A Phase 2 Environmental Site Assessment has been submitted in support of the application, which considers potential on the site as a result of heavy pesticide use. In this report, contaminated areas of the site are identified. Therefore, if approved, remediation will be required as part of the development process.

39. How will our quality of life be ensured - regarding more "ponds" which encourage mosquitos?

**Answer**

It is anticipated that mosquito levels at the proposed ponds will be comparable to current conditions. Please note that mosquito levels are generally lower in areas



surrounding stormwater management ponds, compared to natural wetlands, as a result of the increased movement of water.

In addition, the City of Ottawa mosquito control program can be utilized to further lower mosquito levels around the stormwater management pond for the proposed developments.

40. How many tonnes of sequestered carbon will be released to the atmosphere during excavation and construction?

**Answer**

At this time, there are not policies in place that require developers to quantify the amount of sequestered carbon released into the atmosphere as a result of excavation and construction activities.

41. Will the ponds handle the extra rain from climate change?

**Answer**

The stormwater management ponds must be designed to handle up to a 1:100 year storm event as per City requirements.

42. How can the trees on the land be cut down?

**Answer**

A Tree Permit will be required to remove any trees with a diameter at breast height of 15 cm or greater. Tree permits are issued by the City only after the applicant demonstrates that retention is not possible.

43. Who will ensure "swim holes" are safe for swimming and water quality over the years?

**Answer**

Swimming is not permitted in stormwater management ponds.

**Transportation**

44. Are any roads surrounding the development slated for widening or improvement?  
The roads cannot handle the extra traffic.

**Answer**

None of the surrounding roads are on the affordable plan to be widened or improved until post 2031.

**Other**

45. Which assessments does the City conduct itself and which does it rely on submissions from the applicant (i.e. environmental impact statement, transportation/traffic)?

**Answer**

The City has qualified professionals to review the submission documents provided by the applicant. Professionals such as engineers (civil, transportation), planners (policy, environmental, parks) foresters, urban designers, amongst others, provide comments on where the City sees deficiencies and inaccuracies. There can be multiple submissions and reviews until the City is satisfied.

46. Who is responsible for compensation of premium lot cost homeowners paid?

**Answer**

The City is not responsible for compensation of premium lot cost homeowners paid.

47. Can you please clarify that all the people at the front of the table during the meeting work for the applicant or the City?

**Answer**

The panel included:

- Laurel McCreight (City)
- Peter Smith (Applicant's consultant)
- Raymon Yim (Applicant's consultant)
- Mark Jamieson (Applicant's consultant)
- Steve Pichette (Applicant's consultant)
- Jean-Francois Sabourin (Applicant's consultant)

- Dave Gilbert (Applicant's consultant)
- Mark Darcy (Applicant's consultant)
- Dr. Andrew McKinley (Applicant's consultant)
- Bernie Muncaster (Applicant's consultant)

Although not sitting at the Panel, the City had several representatives present, which included, engineers (civil, stormwater and transportation), an environmental planner, a park planner, and forester.

48. How much money was paid by the applicant to the City with the application?

**Answer**

The City has standard fees for each development application type, which can be found [here](#).

49. Does the e-mail that I submitted to the planning department count as a written submission as required by the *Planning Act* for eligibility for subsequent processes?

**Answer**

Any person who provided comments via email, fax or mail, would be eligible for party status regarding the appeal to the Local Planning Appeal Tribunal.

50. Will our property taxes decrease during construction given the significant inconveniences?

**Answer**

The City understands that construction can be inconvenience, however, taxes will not decrease as a result.

51. Why is this proposal even being considered prior to a court ruling?

**Answer**

Under the Ontario *Planning Act*, the City is legally required to proceed with the development applications. The *Act* states that if an applicant submits an application and it is deemed complete, the municipality must circulate the application. This means that that law requires the City to process the applications submitted by ClubLink, regardless of the legal process regarding the Forty Percent Agreement.

Upon receipt of the Superior Court decision, the City will assess if these applications should be further considered.

52. 1981 - legal agreement - how do we find out how the process is going?

**Answer**

Councillor Sudds has provided updates via her [website](#) regarding the court process and the status of the legal agreement.

53. What happens if the court doesn't rule within 120 days?

**Answer**

The Forty Percent Agreement matter was heard in Superior Court in July 2020. Previously to this hearing, the applicant appealed to the Local Planning Appeal Tribunal for the City's failure to render a decision on both applications.

The following is a summary of comments received on the application:

Comments were received from over 800 members of the public regarding both applications. Comments were submitted regarding the following themes:

1. Planning

- Lot layout, character and compatibility with the existing neighbourhood, density and intensification, proposed setbacks, inconsistency with the *Planning Act*, the Provincial Policy Statement and the City's Official Plan.

2. Engineering

- Stormwater, grading and drainage, blasting.

3. Environment

- Loss of greenspace, tree removal, health and safety, species at risk, climate change.

4. Transportation

- Existing conditions increase in traffic, proposed road modifications, health, safety and noise.

5. Other

- Forty Percent Agreement, property values, and construction.

**Response**

The department appreciates the concerns raised by members of the public, and given outstanding issues, is recommending not approving the Plan of Subdivision on the basis of its prematurity, and as a result, refusal of the Zoning By-law amendment application at this time. The department notes that written comments provided by members of the public through the application process as well as any additional comments provided to Planning Committee will be included in the record package provided to the Local Planning Appeal Tribunal for the subject site appeal.