

**Report to
Rapport au:**

**Council
Conseil**

13 December 2017 / 13 décembre 2017

**Submitted on 8 December 2017
Soumis le 8 décembre 2017**

**Submitted by
Soumis par:**

M. Rick O'Connor, City Clerk and Solicitor / Greffier et Chef du contentieux

Contact Person

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Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE File Number: ACS2017-CCS-GEN-0030

SUBJECT: PLANNING ADVISORY COMMITTEE – ESTABLISHMENT

**OBJET: COMITÉ CONSULTATIF D'AMÉNAGEMENT DU TERRITOIRE –
CONSTITUTION**

REPORT RECOMMENDATIONS

That Council:

1. Take up consideration of Part I, Recommendations 7(b) and 7(c) within the 2014-2018 Mid-term Governance Review report (ACS2016-CCS-GEN-0024) pertaining to the establishment of a Planning Advisory Committee, which were deferred from the City Council meeting held on 8 March 2017; and
2. Approve the following substitute recommendations with respect to a Planning Advisory Committee:
 - a. Approve the establishment of a Planning Advisory Committee to meet the requirements of the *Planning Act*, as amended by Bill 73, the *Smart Growth for Our Communities Act, 2015*, including the recruitment and selection process, as described in this report; and
 - b. Approve the Terms of Reference for the Planning Advisory Committee, as set forth in Document 1.

RECOMMANDATIONS DU RAPPORT

Que le Conseil :

1. procède à l'examen des recommandations 7b et 7c de la partie I du rapport intitulé *Examen de la gouvernance à mi-mandat de 2014-2018 (ACS2016-CCS-GEN-0024)*, portant sur la constitution d'un comité consultatif d'aménagement du territoire, qui avait été reporté par le Conseil municipal lors de sa réunion du 8 mars 2017; et
2. approuve les recommandations révisées relatives à un comité consultatif d'aménagement du territoire, c'est-à-dire :
 - a) la constitution d'un comité consultatif d'aménagement du territoire pour satisfaire aux exigences de la *Loi sur l'aménagement du territoire*, dans sa version modifiée par le projet de loi 73, la *Loi de 2015 pour une croissance intelligente de nos collectivités*, y compris le processus de recrutement et de sélection, comme le décrit le présent rapport; et
 - b) le mandat du Comité consultatif d'aménagement du territoire exposé dans le document 1.

EXECUTIVE SUMMARY

Further to the Bill 73 amendments to the *Planning Act*, the City is required to establish a Planning Advisory Committee (PAC) with at least one public member. Council may determine the structure and mandate of the PAC.

As part of its consideration of the 2014-2018 Mid-term Governance Review report on November 9, 2016, Council deferred the staff recommendations establishing a PAC. At its meeting of March 8, 2017, Council further deferred consideration of the PAC to Q4 2017 to allow a Council working group to work with staff to bring forward recommendations on the PAC's proposed composition, mandate and Terms of Reference.

This report recommends that Council establish a PAC in accordance with the structure and mandate as set out in the proposed Terms of Reference attached as Document 1. The proposed mandate of the PAC is to advise on the Planning, Infrastructure and Economic Development Department's policy priorities and, more specifically, its annual work plan. The proposed composition of the PAC provides for input from representatives of community associations, the development industry, major non-

residential property owners, professional groups who interact regularly with the City's planning process, and residents drawn from its urban, suburban and rural areas.

SOMMAIRE

Conformément aux modifications apportées par le projet de loi 73 à la *Loi sur l'aménagement du territoire*, la Ville doit établir un comité consultatif d'aménagement du territoire (CCAT) comprenant au moins un représentant du public. Le Conseil peut déterminer la structure et le mandat du CCAT.

Le 9 novembre 2016, dans le cadre de sa revue du rapport intitulé *Examen de la gouvernance à mi-mandat de 2014-2018*, le Conseil a reporté sa décision concernant la recommandation du personnel qui portait sur l'établissement d'un CCAT. À sa réunion du 8 mars 2017, le Conseil a de nouveau reporté la question du CCAT au quatrième trimestre de 2017 afin de laisser le temps à l'un de ses groupes de travail de collaborer avec le personnel pour formuler des recommandations sur la composition, le mandat et le cadre de référence proposés pour le CCAT.

Le présent rapport recommande que le Conseil établisse un CCAT conformément à la structure et au mandat, comme il est suggéré dans le cadre de référence, ci-joint en document 1. Il est proposé que le CCAT ait pour mandat de donner son avis sur les priorités stratégiques de la Direction générale de la planification, de l'infrastructure et du développement économique et, plus précisément, sur son plan de travail annuel. La composition proposée pour ce comité faciliterait la participation de représentants d'associations communautaires, de l'industrie de l'aménagement, de propriétaires de grands immeubles non résidentiels et de groupes de professionnels jouant régulièrement un rôle dans le processus de planification de la Ville, ainsi que de résidents habitant ses secteurs urbains, suburbains et ruraux.

BACKGROUND

Bill 73, the *Smart Growth for Our Communities Act, 2015*, received Royal Assent on December 3, 2015. Bill 73 made a number of amendments to the *Planning Act* and the *Development Charges Act*, including a requirement for some municipalities, including the City of Ottawa, to establish a mandatory PAC. This requirement is in place for all upper-tier municipalities and single-tier municipalities in southern Ontario. PACs are optional for lower-tier municipalities, single-tier municipalities in territorial districts, and the Township of Pelee.

Section 8 of the *Planning Act*, as amended by Bill 73 requires that members of a PAC be chosen by Council “and shall include at least one resident of the municipality who is neither a member of a municipal council nor an employee of the municipality.” However, there are no other requirements with respect to the Committee’s structure or mandate under this section of the *Planning Act*, which is provided below in its entirety:

Planning advisory committee

Mandatory for certain municipalities

8. (1) The council of every upper-tier municipality and the council of every single-tier municipality that is not in a territorial district, except the council of the Township of Pelee, shall appoint a planning advisory committee in accordance with this section.

Optional for other municipalities

(2) The council of a lower-tier municipality, the council of a single-tier municipality that is in a territorial district or the council of the Township of Pelee may appoint a planning advisory committee in accordance with this section.

Joint planning by agreement

(3) The councils of two or more municipalities described in Subsection (2) may enter into an agreement to provide for the joint undertaking of such matters of a planning nature as may be agreed upon and may appoint a joint planning advisory committee in accordance with this section.

Membership

(4) The members of a planning advisory committee shall be chosen by the council and shall include at least one resident of the municipality who is neither a member of a municipal council nor an employee of the municipality.

Same

(5) Subsection (4) applies with respect to a joint planning advisory committee, with necessary modifications.

Remuneration

(6) Persons appointed to a committee under this section may be paid such remuneration and expenses as the council or councils may determine, and where a joint committee is appointed, the councils may by agreement provide for apportioning the costs of the payments to their respective municipalities.

On November 9, 2016, City Council considered the [2014-2018 Mid-term Governance Review](#) report, which included recommendations that proposed the establishment of a PAC for the City of Ottawa. Council deferred the recommendations – being Recommendations 7(b) and 7(c) within Part I of the report – to its meeting on March 8, 2017.

At its [meeting of March 8, 2017](#), Council approved the following motion to defer consideration of the PAC recommendations to a Council meeting by Q4 2017:

MOTION NO. 47/2

Moved by Councillor J. Harder

Seconded by Councillor T. Nussbaum

WHEREAS, effective July 1, 2016, the *Planning Act*, as amended by Bill 73, the *Smart Growth for Our Communities Act, 2015*, requires that particular municipalities, including the City of Ottawa, appoint a Planning Advisory Committee (“PAC”) that includes at least one resident of the municipality who is neither an employee of the municipality nor a Member of Council, with the remaining elements of the PAC’s composition, as well as its mandate, left up to individual municipalities to determine how this Advisory Committee would be most effective; and

WHEREAS Part I, Recommendations 7(b) and 7(c) within the 2014-2018 Mid-term Governance Review report (ACS2016-CCS-GEN-0024) proposed the establishment of a PAC for the City of Ottawa, including a recommended composition, mandate and Terms of Reference; and

WHEREAS, on November 9, 2016, City Council considered the 2014-2018 Mid-term Governance Review report and approved Motion No. 41/3, which deferred consideration of Part I, Recommendations 7(b) and 7(c) within the report to a Council meeting in Q1 2017 and noted that, “receiving additional feedback from community and industry stakeholders, and a further review by staff of practices in other municipalities, may further assist in determining how the PAC would be most effective and best complement a number of initiatives already in place at the City of Ottawa with respect to public engagement, citizen representation and collaboration in planning matters”; and

WHEREAS, as described in the 2014-2018 Mid-term Governance Review report, the City of Ottawa is committed to public engagement in planning matters, and

currently incorporates citizen representation and collaboration in a number of ways, including but not limited to:

- The Urban Design Review Panel;
- Citizen representation on the Built Heritage Sub-Committee;
- The Planning Primer program;
- The pilot program enabling community associations to participate in pre-application consultation meetings between developers and City planners in wards within the City's Development Review Inner Urban Area;
- Sponsor Groups; and
- Regular public consultations, workshops and open houses; and

WHEREAS a review by staff of practices in other municipalities indicates that there is no consistent approach being applied to address the Bill 73 PAC requirement, with some municipalities using existing Advisory Committees or other bodies, some municipalities establishing new PACs with a variety of mandates, and other municipalities not yet meeting the requirement; and

WHEREAS, on February 6, 2017, the Chair of Planning Committee held a planning engagement session at which various community and industry stakeholders reviewed and discussed the Planning Services 2017-2018 Work Program, and feedback resulting from this session may assist in determining how a PAC could provide for meaningful citizen engagement and stakeholder participation; and

WHEREAS, after assuming his role with the City of Ottawa on February 27, 2017, the new General Manager of Planning, Infrastructure and Economic Development met with the Chair of Planning Committee and the City Clerk and Solicitor to review and discuss how a PAC could complement the City's other ongoing initiatives with respect to public engagement, citizen representation and collaboration in planning matters; and

WHEREAS, further to the recent initiatives and developments set out in this motion, additional consultation with Members of Council and stakeholders is required to develop the proposed composition, mandate and Terms of Reference for a City of Ottawa PAC;

THEREFORE BE IT RESOLVED THAT City Council defer consideration of Part I, Recommendations 7(b) and 7(c) within the 2014-2018 Mid-term Governance Review report (ACS2016-CCS-GEN-0024) to a Council meeting by Q4 2017; and

BE IT FURTHER RESOLVED that Council approve the establishment of a working group comprised of Councillors Harder, Moffatt and Nussbaum to work with staff to bring forward recommendations on proposed composition, mandate and Terms of Reference for a City of Ottawa Planning Advisory Committee.

In keeping with the direction of Motion No. 47/2, this report brings forward recommendations regarding the proposed composition, mandate and Terms of Reference for a City of Ottawa PAC, in accordance with the mandatory provisions set out under Bill 73.

DISCUSSION

Bill 73, the *Smart Growth for Our Communities Act, 2015*, received Royal Assent on December 3, 2015. The *Smart Growth for Our Communities Act, 2015* made a number of amendments to the *Planning Act* and the *Development Charges Act*, including a requirement to establish a mandatory Planning Advisory Committee.

The [2014-2018 Mid-term Governance Review](#) report included recommendations that proposed the establishment of a PAC for the City of Ottawa, including a recommended composition, mandate and Terms of Reference.

As noted above, on March 8, 2017, City Council approved Motion No. 47/2 to defer consideration of the PAC recommendations to a Council meeting by Q4 2017. This motion also established a working group comprised of the Chair of the Planning Committee, the Chair of the Agriculture and Rural Affairs Committee, the Chair of the Built Heritage Sub-Committee and staff to bring forward the proposed composition, mandate and Terms of Reference for a City of Ottawa PAC. The three committee chairs were selected as Council's working group as planning related matters flow through their respective committees.

It is recommended that the City's PAC be comprised of:

- Three Members of Council including
 - Chair of the Planning Committee
 - Chair of the Agriculture and Rural Affairs Committee (ARAC)
 - Chair of the Built Heritage Sub-Committee (BHSC)

- Two residents, appointed by Council, residing in the Rural Area of Ottawa
- Two residents, appointed by Council, residing inside the Greenbelt
- Two residents, appointed by Council, residing within the Urban Area but outside of the Greenbelt
- A representative nominated by the Federation of Citizens' Associations of Ottawa (FCA)
- A representative nominated by the Greater Ottawa Homebuilders' Association (GOHBA)
- A representative nominated by the Building Owners and Managers Association (BOMA)
- A practicing architect and member of the Ontario Association of Architects (OAA)
- A practicing landscape architect and member of the Ontario Association of Landscape Architects (OALA)
- A practicing professional planner and member of the Ontario Professional Planners Institute (OPPI)

The recommended PAC composition provides for input from representatives of community associations, the development industry, major non-residential property owners, professional groups who interact regularly with the City's planning process, and six citizen representatives who represent a cross section of the City's community fabric (being a mix of urban, suburban and rural).

The mandate of the proposed PAC is to review the Planning, Infrastructure and Economic Development Department (PIED) annual work plan and advise on PIED's policy priorities. The PAC would report on these matters through the Planning Committee and Agriculture and Rural Affairs Committee to Council.

It is recommended that the PAC will meet twice per year: once to be presented with the PIED annual work plan for comment and once to review the final annual work plan. The PAC may also consider other business referred to it by the Planning Committee, Agriculture and Rural Affairs Committee or Council.

The PAC would operate in a similar manner as the City's other Advisory Committees, insofar as the Committee will have formal Agendas, provide for public notice, follow the Advisory Committees' Rules of Procedure, deliberate on matters within its Terms of Reference and be supported by the City Clerk's Office.

The PAC's mandate and composition would be reviewed at the time of the 2018-2022 Governance Review and Mid-Term Governance Review. This review would assess the

PAC's experience in the remainder of the 2014-2018 Term of Council, as well as practices adopted by other municipalities in response to the PAC requirement.

The draft Terms of Reference for the proposed PAC are set out in Document 1.

Implementation

It is expected that the recruitment and Selection Panel process would begin following Council approval of this report. It is anticipated that the PAC would hold its first meeting in Q2 2018.

Recruitment Process

In keeping with Council's approved Appointment Policy, the City Clerk's Office would undertake a range of recruitment strategies including advertising, outreach letters to community organizations and targeted recruitment for Committee-specific skill sets.

Selection Panel

The Selection Panel would be comprised of the Mayor (or designate), Chair of Planning Committee, Chair of ARAC and the Chair of BHSC. The Selection Panel would be responsible for reviewing applications and making recommendations to Council with respect to the public members, including those with required professional designations.

GOHBA, FCA and BOMA would each nominate a representative and each representative would also be approved by the Selection Panel and by Council.

The Selection Panel would be supported by staff from the City Clerk's Office and departmental staff as appropriate.

Appointments

Pursuant to the City of Ottawa's Appointment Policy, Advisory Committee membership is tied to the Term of Council. As such, the initial appointments to the PAC would be for the balance of the 2014-2018 Term of Council and would expire on November 30, 2018. Re-appointment would be subject to the end-of-term Governance Review and subsequent recruitment and selection process.

Members of the initial PAC would be eligible to serve two additional consecutive terms (up to eight years) recognizing that the first appointment is limited to the remainder of the 2014-2018 Term of Council.

RURAL IMPLICATIONS

Two residents from the rural area of Ottawa will be appointed by Council as members of the Planning Advisory Committee to ensure rural representation.

CONSULTATION

On February 6, 2017, the Chair of Planning Committee held a planning engagement session at which various community and industry stakeholders reviewed and discussed the Planning Services 2017-2018 Work Program.

The General Manager of Planning, Infrastructure and Economic Development has also made presentations in 2017 to the Federation of Citizens' Associations of Ottawa and the development industry on the department's current organization and work plan, in addition to several meetings with individual community associations.

COMMENTS BY THE WARD COUNCILLOR(S)

This report is City-wide in nature.

LEGAL IMPLICATIONS

There are no legal impediments to adopting the recommendations in this report. Furthermore, as noted in this report, there is a statutory requirement in the *Planning Act* to establish the Planning Advisory Committee.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with this report.

FINANCIAL IMPLICATIONS

Staff support for the Planning Advisory Committee can be accommodated within the existing City Clerk and Solicitor and PIED operating budget.

ACCESSIBILITY IMPACTS

There are no direct accessibility impacts associated with this report. Public members of the PAC will be appointed in accordance with the Appointment Policy, which includes general concepts of equity, accessibility and accommodation, to ensure that all citizens have equal opportunity. As with the membership of other City committees, PAC membership would as much as possible reflect Ottawa's diversity and demographics in such areas as gender, official language, geographic representation, race and disability.

TERM OF COUNCIL PRIORITIES

The recommendations relate to the following strategic objective under "Governance, Planning and Decision-Making":

GP1 – Strengthen public engagement

54 – Improved Public Engagement in Planning Matters

Integrated program to refresh the approach and tactics applied to public engagement in planning matters as a result of the adoption of the new corporate Public Engagement Guidelines initiative and community and political interest in improving the dialogue and outcomes.

SUPPORTING DOCUMENTATION

Document 1 – Planning Advisory Committee Terms of Reference

DISPOSITION

The City Clerk's Office will begin the recruitment process as described in this report, and take all other actions necessary to effect the changes approved by City Council.

Upon Council approval, the City Clerk and Solicitor's Office, in cooperation with PIED, will commence a recruitment process for the PAC, and bring forward a report to Council to approve the Council-appointed members.

Document 1 – Terms of Reference

Planning Advisory Committee

Terms of Reference

MANDATE

The mandate of the Planning Advisory Committee is to advise Ottawa City Council on planning matters, specifically with respect to the annual work plan of the Planning, Infrastructure and Economic Development department (PIED) and such other matters as Planning Committee, Agriculture and Rural Affairs Committee or Council may specify.

RESPONSIBILITIES

The Planning Advisory Committee is responsible for providing advice to Ottawa City Council on issues pertaining to:

- The annual work plan of the Planning, Infrastructure and Economic Development department as it relates to planning matters
- Such other planning matters as may be referred by the Planning Committee, Agriculture and Rural Affairs Committee or Council to the Planning Advisory Committee

COMPOSITION

The Planning Advisory Committee shall be organized as follows:

- Three Members of Council including
 - Chair of Planning Committee
 - Chair of the Built Heritage Sub-Committee
 - Chair of Agriculture and Rural Affairs Committee
- Two residents, appointed by Council, residing in the Rural Area of Ottawa
- Two residents, appointed by Council, residing inside the Greenbelt
- Two residents, appointed by Council, residing within the Urban Area but outside of the Greenbelt
- A representative nominated by the Federation of Citizens' Associations of Ottawa
- A representative nominated by the Greater Ottawa Homebuilders' Association
- A representative nominated by the Building Owners and Managers Association
- A practicing architect and member of the Ontario Association of Architects

- A practicing landscape architect and member of the Ontario Association of Landscape Architects
- A practicing professional planner and member of the Ontario Professional Planners Institute

All members shall be appointed by Council.

REPORTING RELATIONSHIP

The Planning Advisory Committee shall report through the Planning Committee and the Agriculture and Rural Affairs Committee to Council; however, it may also report to another Standing Committee where appropriate, depending on the issue.

FREQUENCY OF MEETINGS

The Planning Advisory Committee shall meet twice per year:

1. once to present the PIED annual work plan for comment, and any other business arising
2. once to review the progress against the annual work plan, and any other business arising

OTHER

The meetings of the Planning Advisory Committee shall be open to the public.