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4837 Albion Road Hard Rock Ottawa Planning Rationale

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4837 Albion Road

**Planning Rationale
in support of a
Zoning By-law Amendment**

Prepared For:

RIDEAU CARLETON RACEWAY HOLDINGS LTD.
4837 Albion Road
Gloucester, Ontario
K1X 1A3

Prepared By:

NOVATECH
Suite 200, 240 Michael Cowpland Drive
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January 25, 2018

Novatech File: 116111
Ref: R-2017-207

January 25, 2018

City of Ottawa
Planning Infrastructure and Economic Development Department
110 Laurier Avenue West, 4th Floor
Ottawa, ON
K1P 1J1

Attention: John Smit, Director, Economic Development and Long Range Planning

Dear Mr. Smit:

**Reference: Zoning By-law Amendment Application
4837 Albion Road
Our File No.: 116111**

The following Planning Rationale has been prepared in support of a Zoning By-law Amendment application to rezone the property at 4837 Albion Road in the City of Ottawa (the "Subject Property"). 4837 Albion Road includes two properties that have merged on title, identified by PIN's 043280500 and 043280501. The property is legally described as part of lots 23 and 24, concession 4, Rideau Front, Gloucester being part 2 on plan 4R-15731, Ottawa (PIN 043280500), and consolidation of various properties: part of lot 24, concession 4, Rideau Front, Gloucester being parts 3, 4, 6 and 7 on plan 4R-15731, Ottawa (PIN 043280501).

The property is subject to an application for consent that has been approved by the Committee of Adjustment to sever a 100-acre parcel with frontage on Albion Road (to be addressed 4837 Albion Road). The proposed Zoning By-law Amendment relates to the 100-acre parcel with frontage on Albion Road.

The property is designated General Rural Area on Schedule A (Rural Policy Plan) of the City of Ottawa's Official Plan (OP). The Subject Property is zoned Rural Commercial, Subzone 4, Rural Exception 528, with a Maximum Height of 15 metres - RC4 [528r] H (15).

This Planning Rationale will examine location and community context of the Subject Property, the proposed Zoning By-law Amendment, the planning policy and regulatory framework of the site, and make a recommendation on the proposed Zoning By-law Amendment.

Should you have any questions regarding any aspect of this application please do not hesitate to contact either Murray Chown or myself.

Yours truly,
NOVATECH


Ryan Poulton, M. PL.
Planner

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1.0 INTRODUCTION

Novatech has prepared this Planning Rationale in support of a Zoning By-law Amendment application for the property at 4837 Albion Road (the “Subject Property”). The Subject Property is currently zoned Rural Commercial, Subzone 4, Rural Exception 528, with a Maximum Height of 15 metres - RC4 [528r] H(15) in the City of Ottawa Zoning By-law 2008-250 (the “Zoning By-law”). The Zoning By-law Amendment will facilitate the phased redevelopment of the Rideau Carleton Raceway and Slots. The proposed Zoning By-law Amendment will permit a hotel use on the Subject Property, increase the permitted building height to the geodetic elevation of 151.79 metres above sea level, and to increase the permitted gaming tables associated with a casino use from 35 to 55.

The requested Zoning By-law Amendment will modify the rural exception provisions and site specific maximum building height provision attached to the existing zoning of the Subject Property. The proposed revisions to the existing zoning provisions will allow for an increase in the number of gaming tables and the construction of a hotel.

This Planning Rationale will demonstrate that development permitted by the proposed zoning will:

- Be consistent with the policies of the Provincial Policy Statement (2014);
- Conform to the policies of the City of Ottawa Official Plan (up to and including Official Plan Amendment 180 (2016));
- Be consistent with the land use requirements of Transport Canada publication TP-124E titled “*Aviation: Land Use in the Vicinity of Airports*”; and
- Be compatible with surrounding uses.

2.0 LOCATION AND COMMUNITY CONTEXT

The Committee of Adjustment recently approved the severance of a 100-acre parcel from the property at 4837 Albion Road. The 100-acre severed parcel will continue to be addressed 4837 Albion Road. The 100-acre severed parcel is the “Subject Property” for this application. The proposed Zoning By-law Amendment relates only to the severed 100-acre parcel, identified by parts 1-4 on the draft reference plan submitted in support of the severance application (see Figure 1).

The Subject Property is located within the rural area of the City of Ottawa. The Subject Property has 542 metres of frontage along Albion Road, and currently accommodates the Rideau Carleton Raceway and Slots (see Figure 2). The site is located southeast of the intersection of High Road and Albion Road. The primary access to the Subject Property is a signalized intersection on Albion Road. There is a one-way driveway north of the primary access that allows vehicles to exit the Subject Property onto Albion Road. A private driveway runs east-west along the southern property line, providing access to horse barns on the property to the east, and extending to Bank Street across the property to the east. This private driveway is gated at Bank Street.

Figure 1. Draft Reference Plan Excerpt

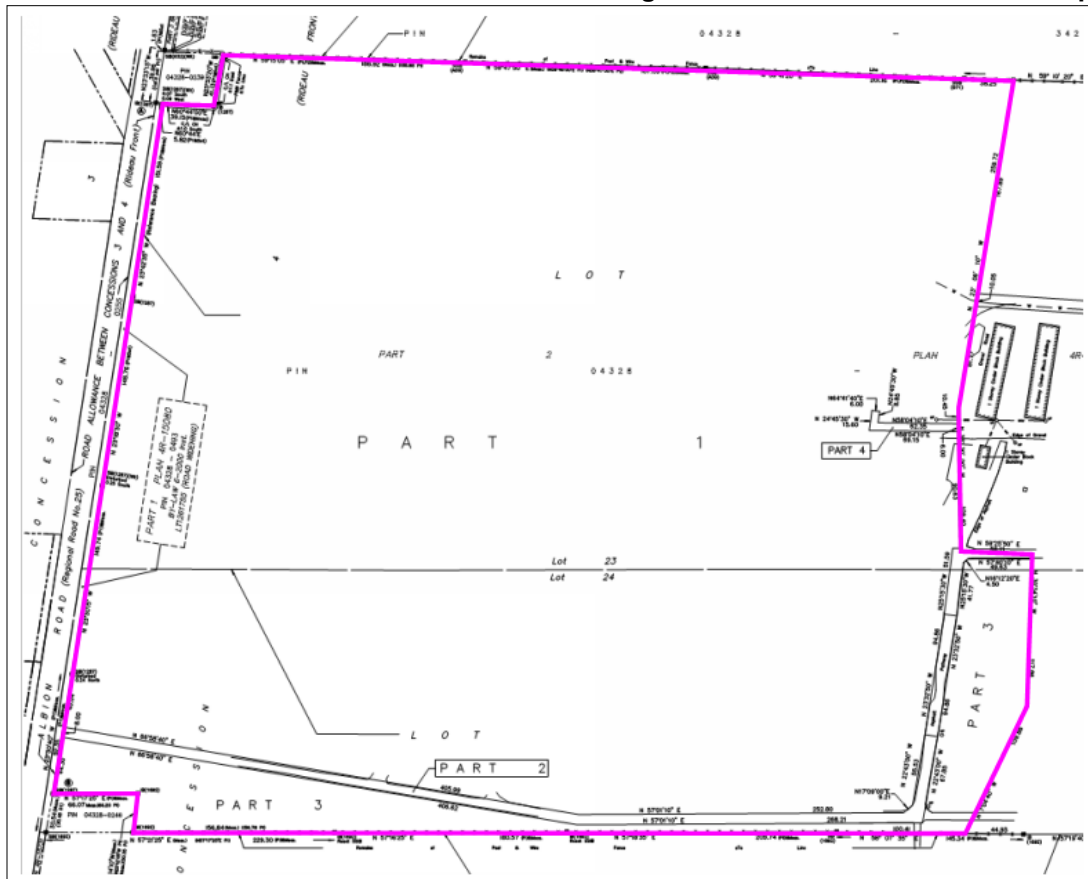
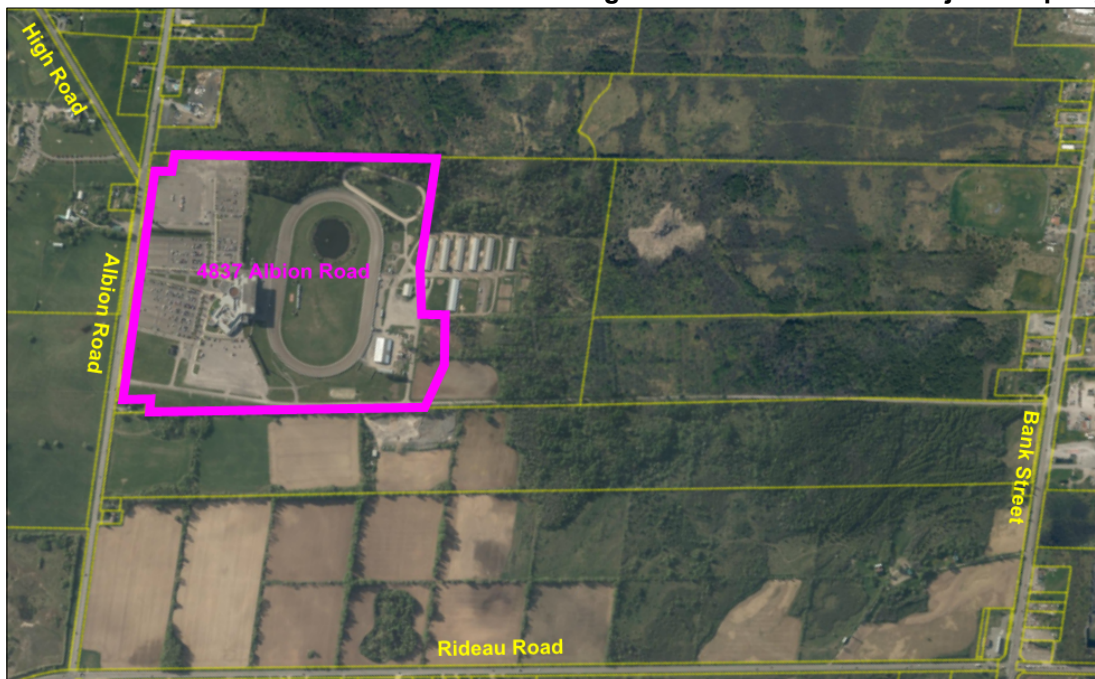


Figure 2. Aerial Photo of Subject Property



North of the Subject Property is the Leitrim Wetland Complex.

South of the Subject Property are lands used for agriculture and for mineral extraction (licenced sand and gravel pits).

East of the Subject Property are the retained lands of the above noted severance application. The retained lands are developed with stables that are accessory to the horseracing track on the Subject Property. Further east of the Subject Property are lands used for mineral extraction (licenced limestone quarries).

West of the Subject Property is Falcon Ridge Golf Course. There are residential properties along Albion Road adjacent to and north and south of the Subject Property.

3.0 DESCRIPTION OF SUBJECT PROPERTY

The Subject Property is described as parts 1 to 4 on the draft reference plan submitted in support of the severance application. The Subject Property was originally part of a larger holding which included two properties that were merged on title.

The Subject Property currently accommodates the Rideau Carleton Raceway and Slots. The property was first developed with the existing horseracing track, including the racetrack, grandstand, and accessory stables and storage structures. The facility was expanded in 2000 to accommodate an OLG Slots. There are large surface parking areas along Albion Road that accommodate approximately 2450 parking spaces. The Subject Property is within a Public Service Area and will be serviced by full municipal services.

4.0 PROPOSED PHASED EXPANSION

The Rideau Carleton Raceway and Slots is proposed to be expanded through three phases of development. There are no Official Plan policies or zoning provisions that prevent the expansion of the existing casino on the Subject Property today. The proposed three phases of development represent a cumulative direct investment of 318.7 million dollars in construction costs over six years. The total economic impact from the three phases of construction is projected to be 742 million dollars. The number of direct full time equivalent jobs on the Subject Property is projected to increase from 400 today to 883 after construction of Phase III.

Phase I of the casino expansion includes internal renovations to the existing building. A minor variance was granted in November of 2017 by the Committee of Adjustment to increase the number of permitted gaming tables associated with a casino from 21 to 35. Building permit applications have been filed to proceed with internal renovations to the existing casino to accommodate 35 gaming tables.

Phase II of the expansion of the Casino includes the construction of an addition to the casino. An initial addition of 20 gaming tables to the 35 already approved by the Committee of Adjustment are planned to be added to the casino at the opening of Phase II, for a total of 55. Rezoning of the Subject Property is required to increase the number of permitted gaming tables associated with the Casino. The total floor area of the planned Phase II expansion to the casino's gaming area is 13,180 m².

Phase III of the expansion of the casino includes the construction of a hotel and parking garage (see Figure 3). The proposed hotel includes 200 rooms. Rezoning of the Subject Property is required to permit the hotel, including an increase to the maximum permitted building height (see Figure 4).

The three phases of development are anticipated to increase the annual tax revenue generated by the casino and raceway for the City of Ottawa, the Province of Ontario, and the Federal Government. Total incremental annual tax revenue after Phase III of development is projected to be 206 million dollars, including 12.8 million to the City of Ottawa. The total annual economic impact after Phase III of development is projected to be 927.6 million dollars from incremental direct, indirect, and induced economic impacts.

Figure 3. Site Plan

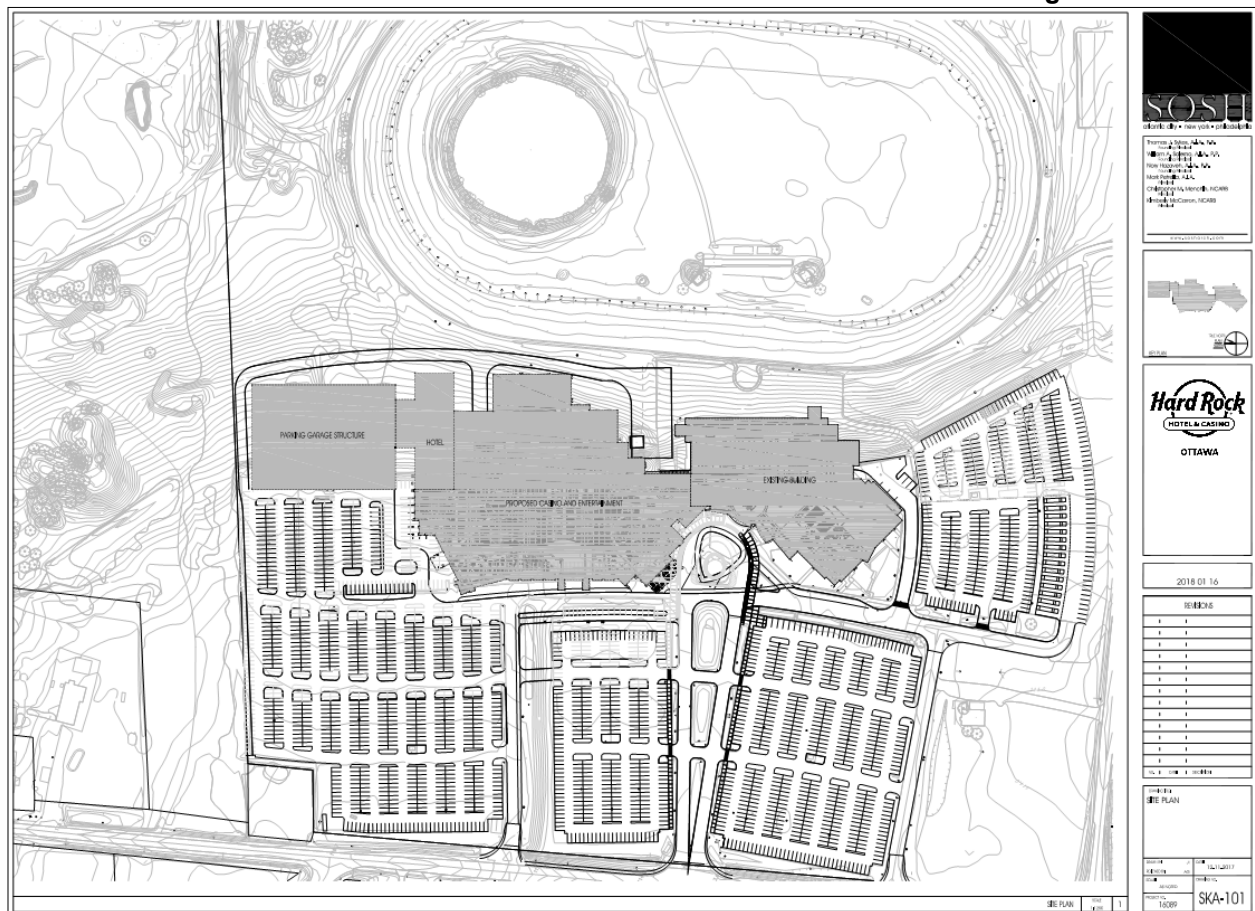
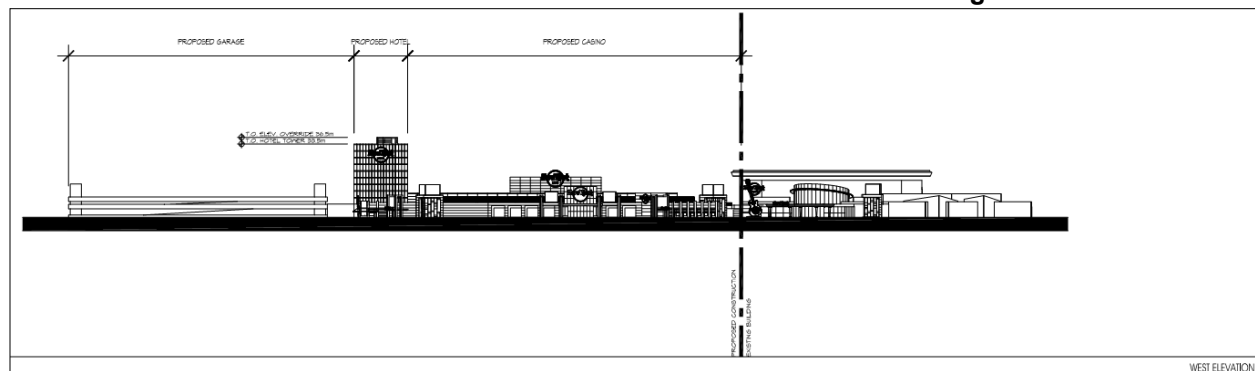


Figure 4. West Elevation



5.0 PROPOSED ZONING BY-LAW AMENDMENT

The Subject Property is currently zoned Rural Commercial, Subzone 4, Rural Exception 528, with a Maximum Height of 15 metres - RC4 [528r] H(15) in the Zoning By-law. Rural Exception 528 specifies the permitted uses on the Subject Property and includes additional zoning provisions. Rural Exception 528 is detailed below:

Column III – Additional Permitted Uses

- Casino
- Place of Assembly
- Fairground
- Sports Arena limited to a Horse Racing Track

Column IV – Land Uses Prohibited

All other uses other than those listed in Column III except:

- Amusement centre limited to a bingo hall
- Casino limited to slot machines and a maximum of 21 gaming tables
- Restaurant
- Retail store limited to a flea market

Column V – Provisions

- No new buildings are permitted to be constructed on the site except for the use casino
- Maximum height limit- 15 metres

The Zoning By-law Amendment proposes to rezone the Subject Property to permit a hotel use, increase the maximum building height to the geodetic elevation of 151.79 metres above sea level, and permit 5 gaming tables associated with a casino use. The Zoning By-law Amendment does not seek to change the underlying Rural Commercial zone of the Subject Property. The proposed changes to Rural Exception 528 are detailed below. Additions are highlighted in grey. Deletions are shown as struck through.

Column III – Additional Permitted Uses

- Casino
- Place of Assembly
- Fairground
- Sports Arena limited to a Horse Racing Track
- Hotel

Column IV – Land Uses Prohibited

All other uses other than those listed in Column III except:

- Amusement centre limited to a bingo hall
- Casino limited to slot machines and a maximum of 24 **55** gaming tables
- Restaurant
- Retail store limited to a flea market

Column V – Provisions

- ~~No new buildings are permitted to be constructed on the site except for the use casino~~
- Maximum height limit- 45 **151.79 metres above sea level**

The revised Rural Exception 528 zoning provisions are considered appropriate for the Subject Property as they are complimentary to the existing use of the property as a racetrack and casino. The addition of a hotel use, the revised casino use provisions, and the revised maximum building height provision are discussed below.

Hotel Use

The proposed Zoning By-law Amendment will add “Hotel” as a permitted use in the Rural Exception 528 zone. Hotels are not specifically referenced as a permitted use in the General Rural Area designation. Motels are listed as a permitted use in the General Rural Area subject to a Zoning By-law Amendment application. A hotel on the Subject Property would be compatible with the residential uses along Albion Road, and support the existing horseracing track and casino uses on the property. Any potential impacts resulting from the proposed hotel would be minimal and could be mitigated through the Site Plan Control process.

Casino Use

The current zoning of the Subject Property does not place a limit on the number of slot machines permitted in the casino. The current limit of 21 gaming tables reflects an earlier application by Rideau Carleton Raceway. Column IV limits a Casino use to slot machines and a maximum of 21 gaming tables. The Committee of Adjustment approved a minor variance in November of 2017 to increase the number of permitted gaming tables on the Subject Property from 21 to 35.

The proposed Zoning By-law Amendment will increase the number of permitted gaming table associated with the casino use currently permitted on the Subject Property from 35 to 55. Any potential impacts resulting from the addition of gaming tables would be minimal and could be mitigated through the Site Plan Control process.

Maximum Building Height

The Zoning By-law Amendment proposes to increase the maximum building height on the Subject property to 151.79 metres above sea level. The requested increase to the maximum permitted building height on the Subject Property is required to facilitate development of the proposed hotel.

The proposed wording for the Zoning By-law Amendment is attached at Appendix A to this report.

6.0 PLANNING POLICY AND REGULATORY FRAMEWORK

6.1 Provincial Policy Statement

The 2014 Provincial Policy Statement (PPS) was issued under the authority of Section 3 of the Planning Act and came into effect on April 30, 2014. Under Section 3 of the Planning Act, all decision affecting planning matters shall be consistent with this policy statement.

Section 1.1.4 of the PPS includes policies for rural areas in municipalities. Policy 1.1.4.1 of the PPS states:

“Healthy, integrated and viable rural areas should be supported by:

- f) promoting diversification of the **economic base and employment opportunities** through goods and services, including value-added products and the sustainable management or use of resources;*
- g) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;”*

The Subject Property includes the Rideau Carleton Raceway and Slots. The existing horseracing track and casino contribute to the establishment of a diverse economy, and provide a destination for tourists in the rural area of Ottawa. Both the horseracing track and the casino will continue to be permitted on the Subject Property if the proposed Zoning By-law Amendment is approved.

The proposed Zoning By-law Amendment will facilitate three phases of development to expand the existing casino, increase in the number of gaming tables in the casino, and permit the construction of a new hotel. The three phases of construction represent a cumulative direct investment of 318.7 million dollars. The total economic impact through the three phases of development is projected to be 742 million dollars. The total number of direct full time equivalent jobs on the Subject Property is projected to increase from 400 jobs today to 883 jobs once construction of Phase III is complete. Approval of the Zoning By-law Amendment will protect and enhance the diverse tourism and employment opportunities offered by the Rideau Carleton Raceway and Slots.

Section 1.1.5 of the PPS includes policies for rural lands in municipalities. Policy 1.1.5.3 states: *“Recreational, tourism and other **economic opportunities** should be promoted.”* Approval of the proposed Zoning By-law Amendment will facilitate the phased expansion of the casino and development of a new hotel. The total incremental annual tax revenue after Phase III of construction is projected to be 206 million dollars, and the total annual economic impact of the project after Phase III of construction is projected to be 927.6 million dollars. The proposed zoning amendment will enhance the existing tourist and economic opportunities provided by the Rideau Carleton Raceway and Slots.

The PPS does not support placing limitations on economic development opportunities in the rural area. Expansion of the casino, increasing the number of permitted gaming tables, and permitting a hotel will promote diversification of the economic base in the rural area.

Policy 1.1.5.5 states: *“Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.”* The Subject Property is within a public service area. The property is currently

served by a private sewage pumping station outletting to a municipal sewer on High Road, and by a water service connected to a municipal watermain on Bank Street. A Serviceability Report dated January 25th 2018 has been prepared by Novatech in support of the Zoning By-law Amendment application. The Serviceability Report concludes the existing 200mm watermain that connects to the watermain along Bank Street, and the existing sanitary servicing infrastructure can service the proposed development. The Serviceability Report also concludes the existing storm servicing infrastructure can be expanded to service the proposed development. The expansion of the casino and the new hotel will be on full municipal services. The proposed Zoning By-law Amendment is appropriate for the existing municipal services servicing the Subject Property.

Policy 1.1.5.9 states: *“New land uses, including the creation of new lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.”* The Minimum Distance Separation Formulae is discussed in Section 5.3 of this report.

Section 2.0 of the PPS provides policies related to the use and management of resources. The proposed rezoning adheres to the policies in Section 2.0 as follows:

- Relating to Section 2.1 (Natural Heritage), an Environmental Impact Statement (EIS) was prepared in support of the Zoning By-law Amendment application. The EIS identified the Leitrim Provincially Significant Wetlands within the vicinity of the Subject Property. The EIS states: *“Given this distance (approximately 200 metres) no potential impacts on the wetland are anticipated.”* The EIS also identifies Significant Woodlands north of the Subject Property. The EIS concludes *“Given the reduced ecological value associated with the young plantation and the surrounding existing site disturbances no detectable impacts are anticipated on the overall contiguous forests to the north from the removal of the pines in the study area provided the mitigation measures below are properly implemented.”* The EIS recommends specific mitigation measures which will be implemented through the Site Plan Control process. Based on the conclusions of the EIS, the proposed Zoning By-law Amendment will not impact on natural features or their functions on or near the Subject Property;
- Relating to Section 2.2 (Water), other than a fountain located within the horseracing racetrack, there are no water features on the Subject Property;
- Relating to Section 2.3 (Agriculture), The Subject Property is within the rural area in the Ottawa Official Plan. The Subject Property is designated General Rural Area in Schedule A of the City of Ottawa’s Official Plan. There are no lands designated Agricultural Resource Area near the Subject Property;
- Relating to Section 2.4 (Minerals and Petroleum), the Subject Property has no known areas of mineral or petroleum potential;
- Relating to Section 2.5 (Mineral Aggregate Resources), the Subject Property has no mineral aggregate potential. A Mineral Resource Impact Statement dated December 12, 2017 has been prepared by Novatech in support of the Zoning By-law Amendment application. The Mineral Resource Impact Statement concludes *“the proposed Zoning By-law Amendment will not preclude or hinder the expansion of existing pit operations in proximity to the Subject Property, or the establishment of new operations.”*;

- Relating to Section 2.6 (Cultural Heritage and Archaeology), the Subject Property is identified as having possible archaeological potential, as shown on the City of Ottawa Archaeological Potential mapping. An archaeological assessment may be required in support of a site plan application. The PPS requires that if any archaeological resources are discovered, the resources are conserved by removal and documentation;

The proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement. Approval of the requested zoning will permit additional gaming tables and a hotel on the Subject Property with no negative impacts to natural heritage and features or cultural heritage resources, consistent with the PPS. After Phase III of construction, the casino and raceway is projected to include 883 direct full time equivalent jobs, and have a projected 927.6 million dollars total annual economic impact. Through the rezoning of the Subject Property, the proposed phased expansion of the casino and raceway will contribute to a diversified economy and provide new employment opportunities to the rural area of the City of Ottawa. The expansion of the casino and raceway will promote new tourist opportunities.

6.2 City of Ottawa Official Plan

The City of Ottawa Official Plan was adopted by City Council on May 14, 2003 and modified by the Minister of Municipal Affairs on November 10, 2003. There have since been numerous updates and amendments approved by City Council and the Ontario Municipal Board. For the purposes of this planning rationale, the Official Plan Consolidation up to and including Official Plan Amendment No. 180 (the 'Official Plan') was used for reference.

6.2.1 Major Urban Facilities

Section 3.6.7 of the Official Plan includes policies for Major Urban Facilities. Major Urban Facilities are described as facilities that:

“usually service the entire city or large parts of it, and may even draw beyond the boundaries of Ottawa. Large numbers of people require convenient access to these facilities. Some exert a concentrated demand on the transportation, water and wastewater systems...”

Policy 4 of Section 3.6.7 specifically relates to the Subject Property and states:

“Notwithstanding the above policies requiring Major Urban Facilities to locate in the urban area, in order to facilitate the development of the Rideau Carleton Raceway and Slots facility, located on lands legally described as part of the South Half of Lot 24, Concession 4, Rideau Front, Gloucester, being Parts 5 and 11 on Plan 4R – 15731; Parts of lots 23 and 24, Concession 4, Rideau Front, Gloucester, being Part 2 on Plan 4R – 15731; and consolidation of various properties: Part of lot 24, Concession 4, Rideau Front, Gloucester, being Parts 3,4,6 and 7 on Plan 4R- 15731, an exhibition grounds for the viewing of horse racing, gaming premises as defined in the Gaming Control Act and related uses are also permitted in addition to those uses permitted in the General Rural Area designations, in this location.”

Policy 4 in Section 3.6.7 of the Official Plan recognizes and permits a horseracing track, a casino, and related uses, in addition to the uses permitted in the General Rural Area, as permitted uses on the Subject Property. The Official Plan policy does not place any limitation on the size of the casino, the number of slot machines, or the number of gaming tables.

Section 3.6.7 states: *“there may be benefits to the community as a whole through the provision of a wider range of complementary or ancillary uses on sites of some Major Urban Facilities.”* Policy 10 in Section 3.6.7 states:

“In considering an amendment to the Zoning By-law to permit ancillary uses to be established on the same site as Major Urban Facilities, The City will require that:

- a. The ancillary uses are secondary to and supportive of the primary use;*
- b. The addition of ancillary uses does not result in a scale or character of development that is incompatible with adjacent residential uses.”*

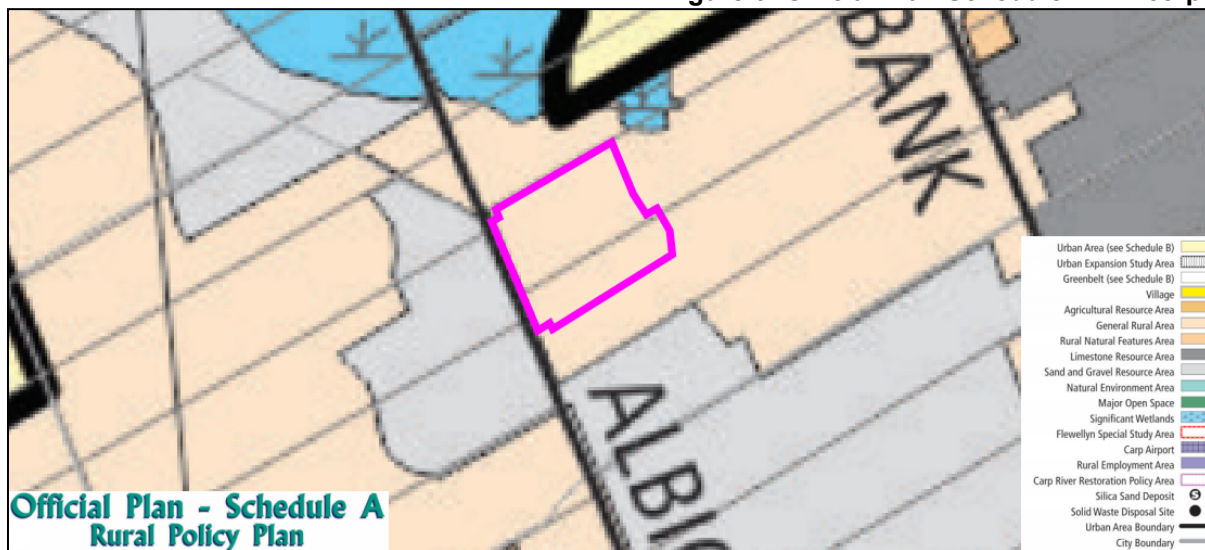
Section 3.6.7 recognizes there may be potential benefits to permitting a wider range of complementary or ancillary uses on properties designated Major Urban Facility. Policy 10 of Section 3.6.7 requires ancillary uses proposed through a Zoning By-law Amendment application to be secondary and supportive to the primary use, and that the addition of ancillary uses does not result in a scale of development incompatible with adjacent residential uses. The proposed hotel will support the existing racetrack and casino. A hotel can be built on the Subject Property at a scale that is compatible with the residential uses along Albion Road.

The proposed Zoning By-law Amendment will allow Rideau Carleton Raceway and Slots to continue to provide services to people within and beyond Ottawa’s boundaries, consistent with the intent of the Major Urban Facility policies.

6.2.2 General Rural Area

Section 3.7.2 of the Official Plan includes policies for the General Rural Area. 4837 Albion Road is designated General Rural Area on Schedule A of the City of Ottawa’s Official Plan (see Figure 5).

Figure 5: Official Plan Schedule ‘A’ Excerpt



The intent of the General Rural Area designation is *“to accommodate a variety of land uses that are appropriate for a rural location and to limit the amount of residential development such that development will not preclude or restrict continued agricultural or other rural non-residential uses.”* Policy 1 of Section 3.7.2 of the Official Plan states the purpose of the General Rural Area is to provide:

- “a. A location for agriculture and for those non-agricultural uses that, due to their land requirements or the nature of their operation, would not be more appropriately located within the urban or Village locations;*
- b. For a limited amount of residential development by severance and other rural and tourist service uses that do not conflict with a) above.”*

As stated above, the Subject Property is recognized as a Major Urban Facility by a site-specific policy in Section 3.6.7 of the Official Plan. The proposed Zoning By-law Amendment will permit the phased expansion of the casino to include additional gaming tables and a hotel. This is consistent with the intent of the Major Urban Facility policies in the Official Plan. The proposed Zoning By-law Amendment will permit the expansion of tourist service uses on the Subject Property.

Policy 11 in Section 3.7.2 of the Official Plan provides direction on development proposals near Villages and the Urban Boundary. Policy 11 states:

“Development proposals within 1 kilometer of a Village and/or urban boundary will be reviewed with respect to lot size, type of use and other characteristics, to ensure that they do not adversely limit potential expansion of the boundary at that location or create a long-term demand for the extension of municipal services.”

The Subject Property is within 1 kilometer of the urban boundary. The expansion of the urban boundary north of the Subject Property is limited by the Leitrim Wetlands Complex. The proposed Zoning By-law Amendment will not adversely limit the potential expansion of the urban boundary. The Subject Property is currently serviced by a private sewage pumping station outletting to a municipal sewer on High Road, and a water service connected to the existing municipal watermain on Bank Street (please see Serviceability Report prepared by Novatech dated January 25th 2018). The water service and outlet for the pump station have been designed to accommodate future expansion of the Rideau Carleton Raceway and Slots. No unplanned long-term demand will be placed on municipal services as a result of approval of the proposed Zoning By-law Amendment application.

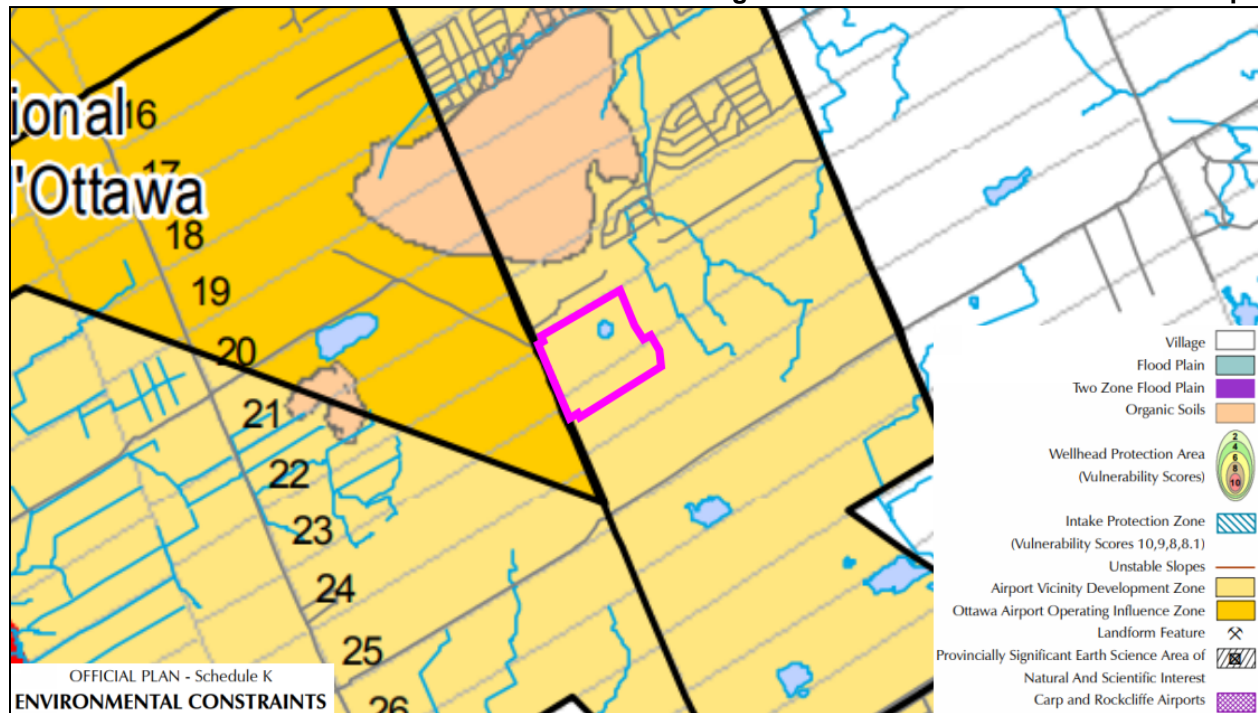
Policy 13 in Section 3.7.2 states: *“All new farm and non-farm development, including severances, will comply with the Minimum Distance Separation (MDS formulae, as amended from time to time, as described in policies 12 and 13 of Section 3.7.3.”* The policies of Section 3.7.3 are discussed in Section 6.5 of this report.

Current Official Plan policies recognize and permit the existing racetrack, casino, and related uses as a Major Urban Facility in the General Rural Area of Ottawa. The proposed Zoning By-law Amendment will facilitate the phased expansion of the casino including additional gaming tables, and the construction of a hotel. The proposed amendment is consistent with the intent of the General Rural Area to allow a limited amount of tourist service uses.

6.2.3 Airport Vicinity Influence Zone

Section 4.8.6 of the Official Plan includes policies related to land use constraints in the vicinity of the Ottawa International Airport. 4837 Albion Road is within the Airport Vicinity Influence Zone as shown on Schedule 'K' of the Official Plan (see Figure 6).

Figure 6: Official Plan Schedule 'K' Excerpt



Policy 1 in Section 4.8.6 of the Official Plan states:

“Land impacted by the operation of the airport is identified on Schedule K as the Ottawa Airport Operating Influence Zone and the Airport Vicinity Development Zone. These zones have been identified in order to protect the economic potential of the city’s airports as well as protect residents from the adverse impacts of unacceptable levels of noise. Review of development applications in these zones will be guided by the Transport Canada manual TP1247E - Land Use in the Vicinity of Airports and the Ministry of Environment Noise Assessment Criteria in Land Use Planning LU-131, as amended periodically.”

Transport Canada’s TP-1247E guidelines as they relate to the Subject Property are discussed in Section 6.3 of this report.

Policy 8 in Section 4.8.6 of the Official Plan states:

“Proposed development in the vicinity of the Ottawa International Airport will comply with the Ottawa Airport Zoning regulations, enacted under the Aeronautics Act. The zoning regulations can be examined at the Land Registry Office. [Amendment #36, November 30, 2005] [Amendment #76, September 09, 2011]”

The Ottawa MacDonald-Cartier International Airport Zoning Regulations as they relate to the Subject Property are discussed in Section 6.4 of this report.

6.3 Transport Canada Land Use Guidelines (TP-1247E)

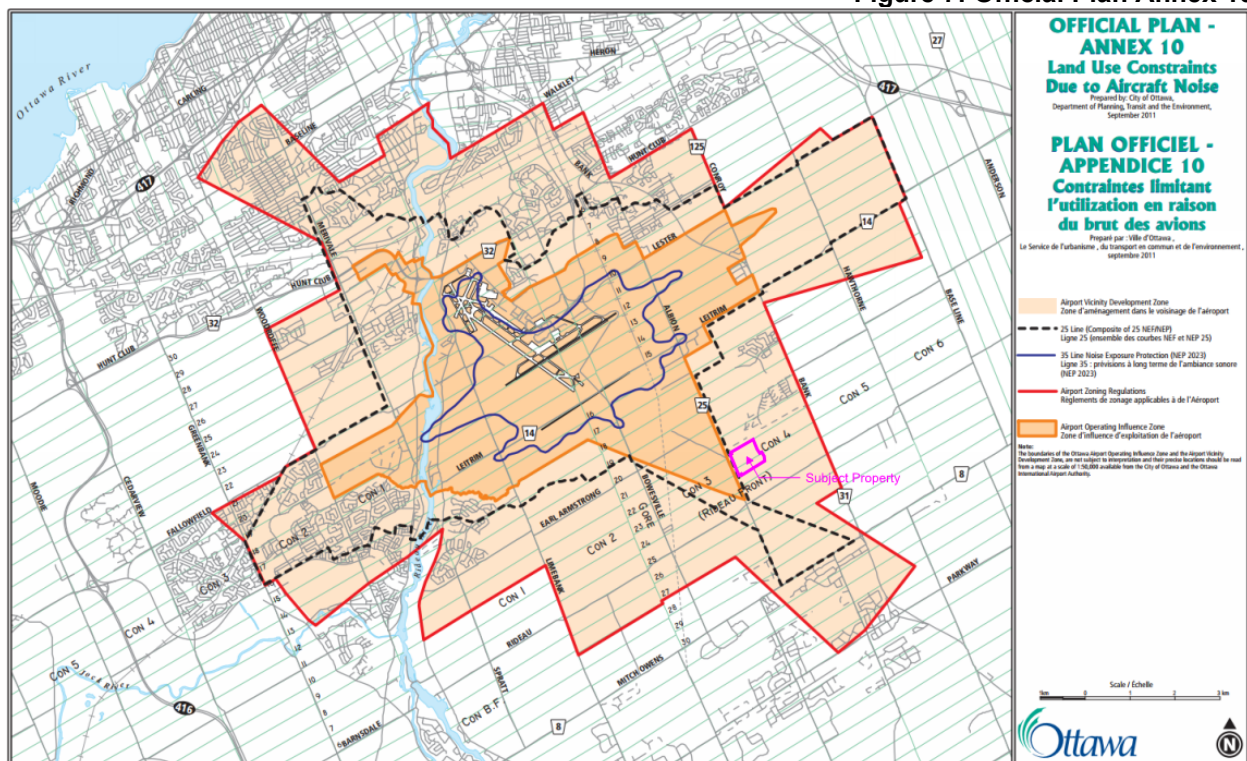
Transport Canada publication TP-1247E titled “*Aviation: Land Use in the Vicinity of Airports*” is a report that provides planners and legislators guidance in determining appropriate land uses in the vicinity of airports. Transport Canada publication TP-1247E provides guidance for implementing land uses, easements, or zoning for properties near airports.

Annex 10 of the Official Plan shows that the Subject Property is outside the 25 NEF/NEP contour and within the Airport Vicinity Development Zone (known as the “AVDZ”) (see Figure 7). The AVDZ area is based on the more restrictive of either the 30 NEF or 30 NEP lines.

With regard to a hotel use in an area of <30 NEF, Transport Canada’s guidelines states that “*Hotels & Motels*” are “*not considered to be adversely affected by aircraft noise and no special noise insulation should be required for new construction or development of this nature.*” The proposed hotel will not be adversely affected by noise generated from the Ottawa Airport.

Transport Canada’s TP-1247E Guidelines do not speak to a casino use. Transport Canada’s guidelines states that in an area of <30 NEF “*racetracks – Horses*” are “*not considered to be adversely affected by aircraft noise and no special noise insulation should be required for new construction or development of this nature.*” The expansion of the existing casino will not be adversely affected by noise generated from the Ottawa Airport.

Figure 7: Official Plan Annex 10



6.4 Ottawa Macdonald-Cartier International Airport Zoning Regulations

The Ottawa Macdonald-Cartier International Airport Zoning Regulations include zoning provisions for development near the Ottawa International Airport (the “Airport Zoning Regulations”). Section 1, Subsection 2 of the Interpretation Section of the Airport Zoning Regulations states:

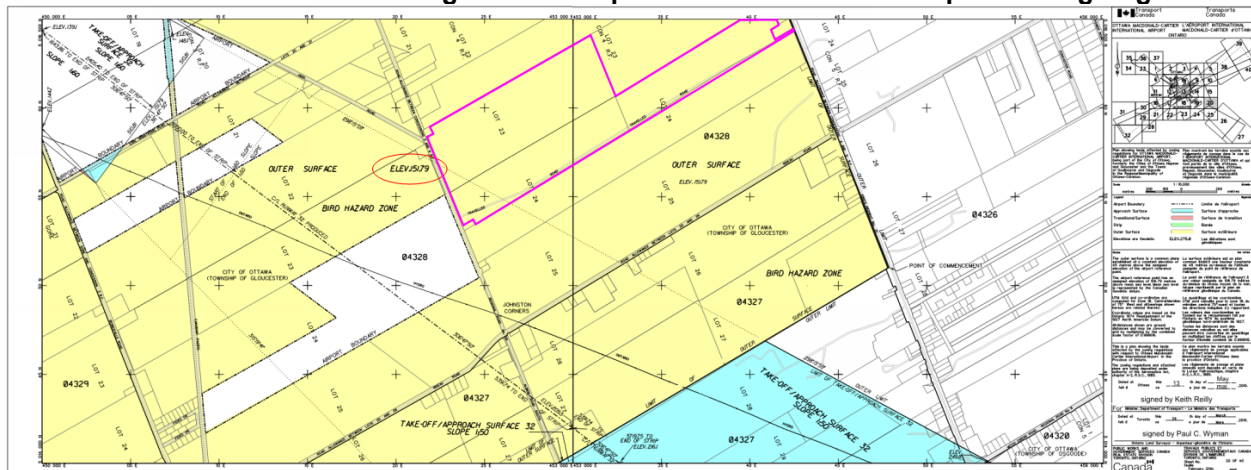
“(2) For the purposes of these Regulations, the assigned elevation of the airport reference points is 106.790 m above sea level, Canadian Geodetic Vertical Datum — CGVD28.”

Part 2 of the Airport Zoning Regulations describes the take-off/approach surfaces. The closest runway to the Subject Property is the take-off/approach surface abutting the 32 end of the strip surface of runway 14-32. Paragraph (h) of Part 2 states:

“(h) the take-off/approach surface abutting the 32 end of the strip surface associated with runway 14-32, consisting of an inclined surface having a ratio of 1.000 m measured vertically to 60.000 m measured horizontally, rising to an imaginary line drawn at right angles to the projected centreline of the strip surface and distant 3 000.000 m measured horizontally from the end of the strip surface; thence continuing upward at a ratio of 1.000 m measured vertically to 50.000 m measured horizontally, rising to the outer edge of the take-off/approach surface drawn at right angles to the projected centreline of the strip surface and distant 15 000.000 m measured horizontally from the end of the strip surface; the outer edge having a length of 2 400.000 m on either side of the projected centreline and a height of 290.000 m above the elevation at the end of the strip surface;”

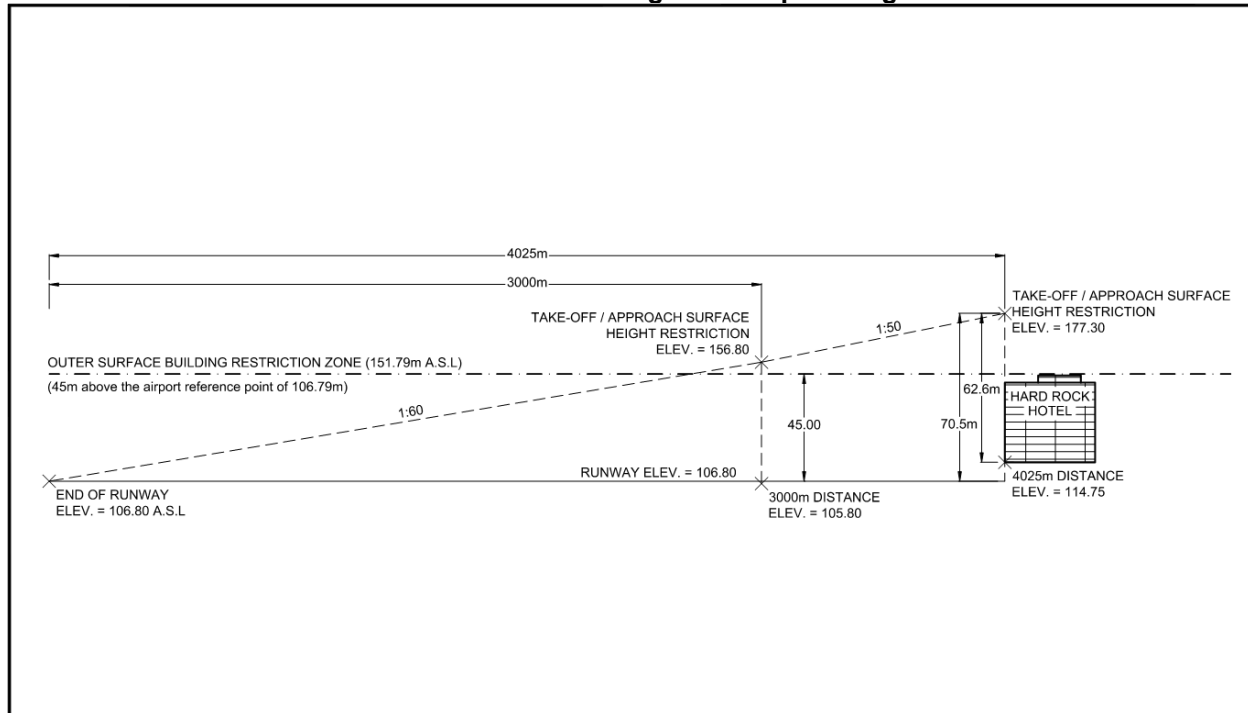
The Airport Zoning Regulations detailed in paragraph (h) define a height restriction for properties based on their distance from the 32 end of the strip surface of runway 14-32. Further to paragraph (h), Part 3 of the Airport Zoning Regulations defines the “outer surface” as: *“The outer surface ... is an imaginary surface established at a constant elevation that is 45.000 m above the assigned elevation of the airport reference points, ...”* The Subject Property is within the “Outer Surface” as shown on Sheets 19 and 20 of the Ottawa Macdonald-Cartier International Airport Zoning Plan (see Figure 8). Sheets 19 and 20 set the maximum building height on the Subject Property at 151.79 metres above sea level.

Figure 8: Excerpts of Sheets 19 & 20 – Airport Zoning Regulations



The cross-section in Figure 9 below shows height restriction from the end of runway 14-32 to the proposed hotel on the Subject Property.

Figure 9: Airport Height Restriction Cross-section



The proposed hotel on the Subject Property is below the height restriction defined by the Airport Zoning Regulations of 151.79 metres above sea level.

6.5 Minimum Distance Separation

Policy 12 of Section 3.7.3 (Agricultural Uses) of the Official Plan requires all new development to comply with the Minimum Distance Separation Formulae. Policy 12 states:

“All new farm and non-farm development, including severances, will comply with the Minimum Distance Separation (MDS) formulae, as amended from time to time, except in the case of:

- a. the development of an existing lot of record that falls almost all or completely within a calculated MDS I separation distance from a neighbouring livestock facility; or*
- b. the creation of a new lot containing an existing dwelling and that dwelling falls partially or completely within a calculated MDS I separation distance from an existing livestock facility on a neighbouring parcel of land. [Amendment #76, August 04, 2010]”*

Policy 1.1.5.9 of the Provincial Policy Statement requires new land uses to comply with the Minimum Distance Separation (MDS) Formulae. The Ministry of Agriculture, Food and Rural Affairs have produced a document titled: *“The Minimum Distance Separation (MDS) Document -*

Formulae and Guidelines for Livestock Facility and Anaerobic Digester Odour Setbacks - Publication 853" (the "Provincial MDS Document") to guide professionals, municipalities, and corporation to ensure consistency with the PPS policies related to the MDS Formulae.

The Zoning By-law Amendment application proposes to permit a hotel on the Subject Property. The MDS Document defines "Non-agricultural uses" as "*Buildings designed or intended for a purpose other than an agricultural use; ...*" Based on the definitions in the Provincial MDS Document, the proposed hotel is considered a non-agricultural use. Proposals to permit new non-agricultural uses are subject to MDS I calculations.

Implementation Guideline #10 in Section 4 of the MDS Document identifies when an MDS I setback applies to Zoning By-law Amendments. Implementation Guideline #10 states:

*"Amendments to rezone or redesignate land already zoned or designated for a non-agricultural use, **shall only need to meet the MDS I setbacks if the amendment(s) will permit a more sensitive land use than existed before.** In other words, if the proposal is to change an existing Type A land use (e.g., industrial use outside of a settlement area) to a type B land use (e.g., commercial) in accordance with Implementation Guidelines #33 and #34, then an MDS I setback shall be required."*

Policy 4 of Section 3.6.7 of the Official Plan permits a casino use on the Subject Property. Rural Exception 528 in the City of Ottawa's Zoning By-law lists "Casino" as a permitted use. The Subject Property currently accommodates the Rideau Carleton Raceway and Slots. The Subject Property is designated and zoned to permit a non-agricultural use – a casino. Implementation Guideline #34 in Section 4 of the Provincial MDS Document identifies what a type B Land Use is for the purpose of MDS I Calculations. Implementation Guideline #34 states:

"For the purposes of MDS I, proposed Type B land uses are characterized by a higher density of human occupancy, habitation or activity including, but not limited to:

- A zoning by-law amendment to permit development, excluding industrial uses or dwellings, on land outside a settlement area; ..."

The existing casino and proposed hotel are both considered a Type B land uses. The proposed Zoning By-law Amendment will not permit a more sensitive land use then the existing casino on the Subject Property. Based on the definition and implementation guidelines 10 and 34 in the Provincial MDS Document, the MDS Formulae does not apply to the proposed Zoning By-law Amendment.

The proposed Zoning By-law Amendment is consistent with the policies of the PPS, the Provincial MDS Document, and Official Plan policies with respect to the Minimum Distance Separation Formulae.

7.0 CONCLUSION

The Rideau Carleton Raceway and Slots is proposed to be expanded through three phases of development. Phase I includes internal renovations to the existing building. Phase II includes the construction of an addition to the casino. Phase III includes the construction of a hotel and parking garage. There are no Official Plan policies or zoning provisions that prevent the expansion of the casino on the Subject Property today.

This Planning Rationale has been prepared in support of a Zoning By-law Amendment application for the property at 4837 Albion Road to permit a hotel use, to increase the maximum building height to 151.79 metres above sea level, and to increase the permitted gaming tables associated with a casino use from 35 to 55. The intent of the Zoning By-law Amendment request is to facilitate the phased expansion of the existing casino including additional gaming tables and a hotel.

The proposed phased development of the Rideau Carleton Raceway and Slots represents a cumulative direct investment of 318.7 million dollars in construction costs over six years, with a total economic impact projected to be 742 million dollars. After Phase III of construction, the number of direct full time equivalent jobs on the Subject Property is projected to increase to 883, the total incremental annual tax revenue generated by the property is projected to be 206 million dollars, and the total annual economic impact of the property is projected to be 927.6 million dollars. The proposed phased development will promote and enhance existing economic and employment opportunities in the rural area of Ottawa.

The proposed zoning by-law amendment is consistent with the Provincial Policy Statement in that the proposed use is compatible with its surroundings, promotes economic development and employment opportunities, and does not interfere with any agricultural or mineral resources.

A site-specific policy in the City of Ottawa's Official Plan designates the Subject Property a "Major Urban Facility". Schedule 'A' of the City of Ottawa Official Plan designates the Subject Property as "General Rural Area". This Planning Rationale demonstrates that the proposed zoning by-law amendment conforms to the policies in the City of Ottawa Official Plan.

The proposed zoning by-law amendment is consistent with the land use policies contained in Transport Canada publication TP-1247E titled "*Aviation: Land Use in the Vicinity of Airports*". The expansion of the casino, including additional gaming tables and a hotel are compatible with the operations of the nearby Ottawa Macdonald-Cartier International Airport.

The proposed Zoning By-law Amendment revising the provisions of Rural Exception 528 is appropriate for the Subject Property and represents good land use planning.

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APPENDIX 'A'

BY-LAW 2017-XXX

A by-law of the City of Ottawa to amend By-law Numbered 2008-250 of the City of Ottawa to change the zoning for the property known municipally as 4837 Albion Road.

The Council of the City of Ottawa, pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, enacts as follows:

(a) The Zoning By-law Map of By-law 2008-250, entitled the “City of Ottawa Zoning By-law” is amended by rezoning the lands shown on Attachment No. 1 to this by-law as follows:

(a) Area A – rezoned from RC4 [528r] H(15) to RC4 [528r]

(b) Section 239 – Urban Exceptions of By-law No. 2008-250 entitled “City of Ottawa Zoning By-law” is amended by making the following modifications to rural exception 528:

Applicable Zones	Additional Land Uses Permitted	Land Uses Prohibited	Provisions
RC4 [528r] H(30)	<ul style="list-style-type: none"> – Casino – Place of Assembly – Fairground – Sports Arena limited to a Horse Racing Track – Hotel 	<p>All other uses other than those listed in Column III except:</p> <ul style="list-style-type: none"> – Amusement centre limited to a bingo hall – Restaurant – Retail store limited to a flea market – Casino limited to slot machines and 55 gaming tables 	<ul style="list-style-type: none"> – Maximum height limit - 151.79 metres above sea level

Area A Rezoned From RC4[528r] H(15) to RC4[528r]

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