

**4. TOWNSHIP OF OSGOODE OFFICIAL PLAN AMENDMENT NO. 4 -
CRAIG, VILLAGE OF OSGOODE**

COMMITTEE RECOMMENDATION

That Council approve Amendment No. 4 to the Township of Osgoode Official Plan as per the Approval Page attached as Annex I.

DOCUMENTATION

1. Planning and Development Approvals Commissioner's report dated 14 June 2000 is immediately attached.
2. An Extract of Draft Minute, 11 July 2000, immediately follows the report and includes a record of the vote.

REGION OF OTTAWA-CARLETON
RÉGION D'OTTAWA-CARLETON

REPORT
RAPPORT

Our File/N/Réf. Your File/V/Réf.	14.98.0010
DATE	14 June 2000
TO/DEST.	Co-ordinator Planning and Environment Committee
FROM/EXP.	Commissioner Planning and Development Approvals Department
SUBJECT/OBJET	TOWNSHIP OF OSGOODE OFFICIAL PLAN AMENDMENT NO. 4 - CRAIG, VILLAGE OF OSGOODE

DEPARTMENTAL RECOMMENDATION

That the Planning and Environment Committee recommend that Council approve Amendment No. 4 to the Township of Osgoode Official Plan as per the Approval Page attached as Annex I.

INTRODUCTION

The Township of Osgoode has adopted an amendment to its Official Plan which would slightly expand the boundary of the Village of Osgoode to enable ten residential lots to be created on 3.7 hectares of land along the north side of Lombardy Drive which currently forms the boundary of the Village. Lombardy Drive is the spine road of the Fairfield Estates subdivision which apart from the lands in question was subdivided with residential lots on both sides of the road (see Map 1).

The Osgoode staff report does not provide a rationale for the Amendment and simply states:

“In 1998, the Township of Osgoode had an application for an Official Plan Amendment in part of Lot 27 Concession 1, north side of Lombardy Drive. At the public meeting concerns were raised by the residents in the area that there was an abundance of vacant lots and not a need to expand the subdivision.

Council did not pass the amendment at the time, however did agree that if Mr. Craig requests the file be reopened in the future, there would be no further application fee paid. This option being for one time only.

We have received a letter from David and Jennifer Craig requesting we reopen the file. I am recommending that we do so and proceed with a new public meeting.

RECOMMENDATION: That Committee of the Whole recommend to Council that the file for Official Plan Amendment No. 4 Craig be reopened and staff proceed to hold a public meeting.”

The lack of an explanation for the Amendment is not a factor that inhibits the Region in dealing with it but means that it has to be reviewed without the benefit of same. In the consultant’s submission it is stated that the proponent has paid his share of the cost of the road to the developer of the Fairfield Estates subdivision.

REGIONAL COMMENTS

Staff first reviewed the Amendment against Provincial policy. The Provincial Policy Statement Section 1.1 “Developing Strong Communities” contains a Policy 1.1.1 c) which states:

“Urban areas and rural settlement areas will be expanded only where existing designated areas in the municipality do not have sufficient land supply to accommodate the growth projected for the municipality. Land requirements will be determined in accordance with Policy 1.1.2.”

In the case of Osgoode Township, Regional Council as recently as 26 April 2000 deleted certain areas from the villages of Kenmore and Vernon at the request of Osgoode Council because there was far more land within these villages than would be needed for the next twenty years. In the case of the Village of Osgoode there are 82 hectares of undeveloped land designated “Residential” in the south part of the Village, and for the subdivision that this Amendment proposes to expand and which was registered in 1992, only about half of it has been laid out and of this half, less than half of the lots have been built on. In the last three years thirteen building permits have been issued for new residences in the Village. In summary the proposed Amendment does not satisfy the policy noted above with regard to justifying land need.

However, before concluding whether the Provincial Policy Statement is, or is not, satisfied a review of Policy 1.1.2 noted above is also needed. The policy says that land requirements and land use patterns will be based on :

“a) the provision of sufficient land for industrial, commercial, residential, recreational, open space and institutional uses to promote employment opportunities, and for an appropriate range and mix of housing, to accommodate growth projected for a time horizon of up to 20 years. (However, where a longer time period has been established for specific areas of the Province as a result of a comprehensive provincial planning exercise, such as that coordinated by the Province in the greater Toronto area, that time frame may be used for upper and lower tier municipalities within the area);

- b) densities which:
1. efficiently use land, resources, infrastructure and public service facilities;
 2. avoid the need for unnecessary and/or uneconomical expansion or infrastructure;
 3. support the use of public transit, in areas where it exists or is to be developed;
 4. are appropriate to the type of sewage and water systems which are planned or available;
and
 5. take into account the applicable policies of Section 2: Resources, and Section 3: Public Health and Safety;
- c) the provision of a range of uses in areas which have existing or planned infrastructure to accommodate them;
- d) development standards which are cost effective and which will minimize land consumption and reduce servicing costs; and
- e) providing opportunities for redevelopment, intensification and revitalization in areas that have sufficient existing or planned infrastructure.”

In reviewing Policy 1.1.2 it becomes apparent that the requirement of Policy 1.1.1 c) that expansion areas be justified, relates, insofar as the Amendment is concerned, to ensuring efficient use of existing infrastructure and public service facilities, avoiding unnecessary expansion of same, ensuring appropriate sewage and water systems (in this case, private) are available, that natural resources are conserved and that public health and safety are not threatened.

In this regard the development that is proposed to follow the Official Plan Amendment will not require any new infrastructure or public service facilities. The issue in the Provincial Policy statement relating to public health and safety involves natural or human-made hazards, neither of which pertain to the lands in question. The issues relating to natural resources and private sewage and water services relate also to the Regional Official Plan and to avoid duplication are discussed below in that context.

The Regional Official Plan contains various factors that are to be considered in reviewing an official plan amendment that expands the boundaries of a village. These are:

- “ - justification for any expansion onto lands designated “Agricultural Resource Area” on Schedule A,
 - servicing requirements,
 - proposed land uses and related policies,
 - expected growth for a 10 to 20 year planning period, and
 - no expansion permitted into Provincially Significant Wetlands or Natural Environment Areas designated on Schedule A.”

With regard to Official Plan Amendment No. 4, the last three factors need only very brief consideration. The Amendment would accommodate ten residential lots and would not affect Provincially Significant Wetlands or Natural Environment Areas.

The first two factors - Agricultural Resource designation and servicing - do however require review.

Map 1 shows the location of the subject lands in relation to the rest of the Village of Osgoode. In reviewing the "Agricultural Resource" factor, although the lands appear as "Village" in the Regional Official Plan (which shows the village boundary to include all of Lot 27 Concession 1), the Osgoode Official Plan designates the land "Agricultural Resource" as Osgoode's Official Plan establishes the village boundary to include only the south half of Lot 27. The Regional Official Plan states that the precise boundaries of villages shall be determined in local official plans so the Osgoode Official Plan prevails. The Osgoode Official Plan, unlike the Regional Official Plan, does not contain policies relating to how an expansion of a village is to be examined.

In order to interpret how the Regional Official Plan policies apply to the proposed expansion it is necessary to determine how the affected lands would be treated if they had not been shown as "Village". Because they consist of a relatively narrow strip of land they would have been included in the Agricultural Resource Area stretching north of the village regardless of their site specific characteristics. However an examination of the parcel in question is warranted to see if it does in fact meet the criteria for an "Agricultural Resource" designation. Such an examination reveals that the land does not meet the criteria of the "Ottawa-Carleton Land Evaluation and Area Review" (LEAR) for an Agricultural Resource Area designation. The LEAR system looked at soil capability, land use, parcel size and the presence of conflicting uses, and assigned a score to each parcel. Parcels with a score of 130 or higher were designated "Agricultural Resource Area" but the score for the parcel in question was only 55 which means it is not a prime area for an Agricultural resource designation particularly as it is at the edge of and not in the middle of an Agricultural Resource Area.

A related consideration is whether the proposed village expansion would adversely affect the agricultural operations on adjacent lands. The site is bounded on the south by the Village of Osgoode and more specifically, by the residential subdivision known as Fairfield Estates. To the east, across the Second Line Road, is woodland. To the north and west is a coniferous plantation, which also forms part of the land affected by this Amendment. This plantation extends north to abut an agricultural operation (arable land) and forms an 100 metre separation between the rear of the proposed lots and the arable land. Unlike for livestock operations, the Ontario Ministry of Agriculture, Food, and Rural Affairs do not have minimum separation distances between residential development and arable operations. Given the 100 metre separation because of the pine plantation, staff do not identify a land use compatibility issue.

The Regional Official Plan requires a private services study (wells and septic systems) if a village boundary is to be expanded. However in the case at hand the expansion will result in a relatively small addition (ten lots) to the approved 54 lot subdivision. (The subdivision was originally approved with 45 lots in 1992 but a revised assessment of the impact of the development on the groundwater was accepted by the Ministry of the Environment in 1993 which permitted the subdivision to be re-lotted to increase the number of lots to 54.) In addition, the lot sizes envisioned for the proposed new lots

(between 0.31 ha. and 0.46 ha.) fall within the minimum lot sizes (0.20 ha. to 0.61 ha.) recommended by the village wide private services study¹ for the type of terrain units (sand and silty clay) that predominate. Given this background, it is not seen necessary that further investigation in terms of hydrogeology or terrain analysis (for septic systems) be undertaken prior to the Official Plan Amendment being considered. However, Regional staff will expect that a hydrogeology/terrain analysis report be prepared and approved prior to the approval of any lots in the area affected by the Amendment. This will be ensured by Policy 6.4.8 of the Osgoode Official Plan which says that consents will only be granted where no more than three new lots will be created. As ten lots are proposed these will therefore proceed by plan of subdivision and a hydrogeology/terrain analyse report will be required up front. This report will need to address lot sizes and approval of the Amendment does not predetermine that ten lots, as proposed, will be the actual number approved.

Staff have identified the need for a few housekeeping modifications to more precisely define how the Amendment changes the existing Township of Osgoode Official Plan. These are detailed on the Approval Page attached as Annex I.

PUBLIC COMMENTS

The Amendment generated considerable public response to the Township of Osgoode including petitions both pro and con. The petition in favour of the Amendment lists the following points:

- Infrastructure already in place, i.e. Lombardy Drive, sidewalk along Lombardy Drive, drainage along Lombardy Drive, underground phone, cable TV and Power installed.
- Makes good planning sense to make use of existing street.
- Will only be used for single family residences rather than institutional or industrial.
- Will round out Fairfield estates subdivision.
- Will increase tax income for Township.
- Will reduce cost per household to maintain Lombardy Dr.
- Will enhance look of Lombardy Drive.
- Will increase park land levy so that park lands can be developed sooner.
- Will increase business opportunities with added population.”

The petition opposing the Amendment states:

“The development proposal resubmitted to the Township is vague and is to suitable to protect the property values of the area.

We feel there is no need, at this time, for the addition of any residential lots on the market in the immediate area, as there are approximately 45 lots still remaining in Fairfield Estates Phase 2 (which was opened in 1999), and Phase 3 (which has not yet been started) which are already zoned “R” Residential and border the lands in question. In addition priority should be given to develop Phase 3 of Fairfield Estates so that the residents on the north side of Main street will have access to the parkland that is planned when phase 3 is opened.”

¹ “Private Services Study, Village of Osgoode Township” Water and Earth Science Associates Ltd. July 1991.

The Region has received a request for notification of its decision on the Amendment and staff are therefore treating the Amendment as “disputed” and are bringing it to Planning and Environment Committee.

FINANCIAL IMPACT

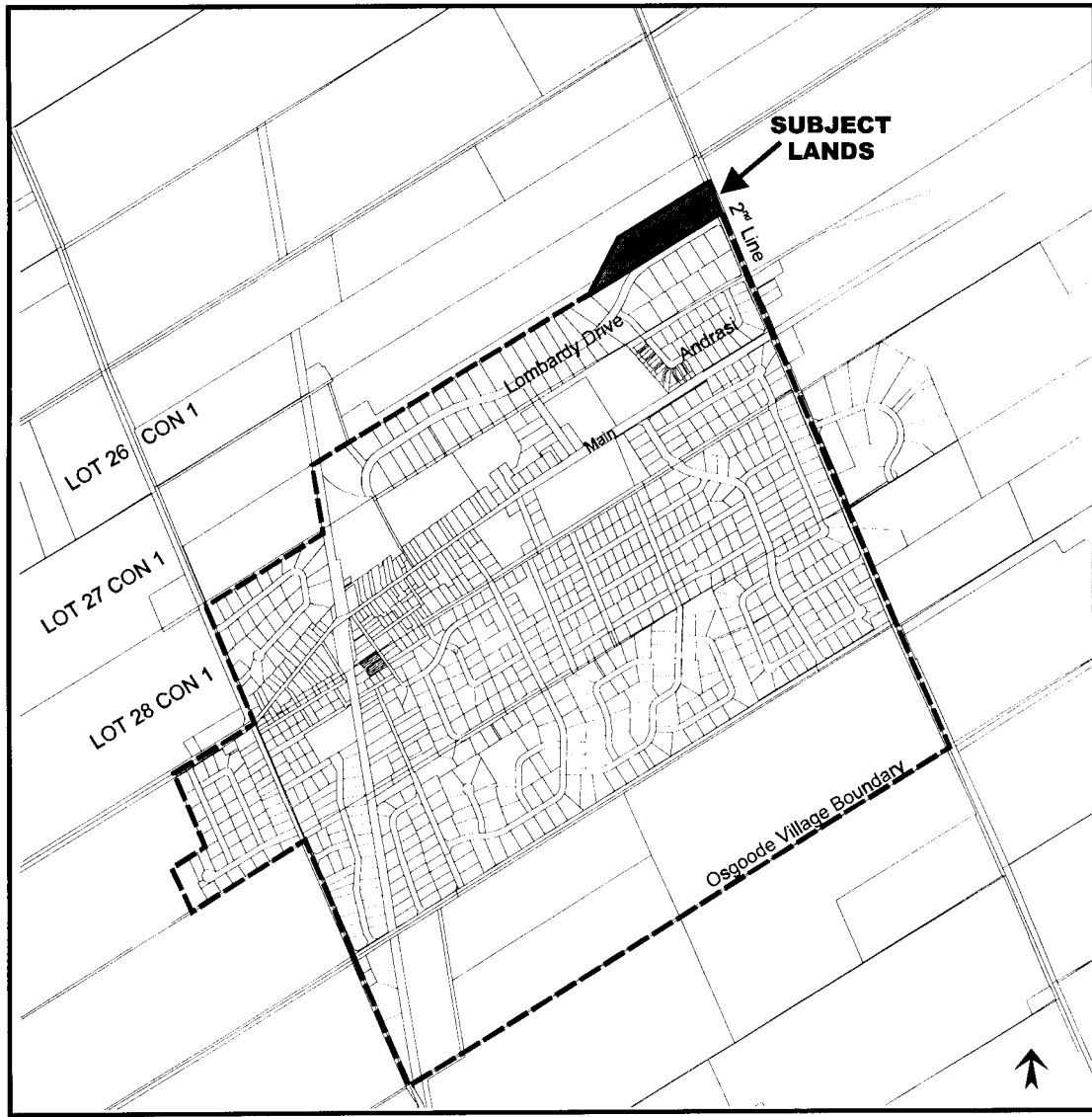
None.

CONCLUSION

There is no strong rationale for this Amendment but, on the other hand, it does not violate any overall planning policies. Although it does not meet the test of “need” in the Provincial Policy Statement, when all the pertinent aspects of the Policy Statement are considered the Amendment is in keeping with the aims of ensuring efficient use of infrastructure, avoiding unnecessary expansions of same and protecting resources.

*Approved by
N. Tunnacliffe, MCIP, RPP*

OSGOODE VILLAGE



PART B - THE AMENDMENT

All of this part of the document entitled PART B - THE AMENDMENT, consisting of Schedule 1 and the following text, constitutes Amendment No.4 to the Official Plan of the Township of Osgoode Planning Area.

Details of the Amendment

Section 1: Schedule A, Map 4, Village of Osgoode is hereby amended by expanding the village boundary for the subject lands and designating them R - Residential []

MODIFICATION
NO 1
UNDER SECTION 17 (34) OF
THE PLANNING ACT

Extract of Draft Minute
Planning and Environment Committee
11 July 2000

TOWNSHIP OF OSGOODE OFFICIAL PLAN
AMENDMENT NO. 4 - CRAIG, VILLAGE OF OSGOODE
- Planning and Development Approvals Commissioner's report
dated 14 June 2000

Councillor Legendre stated he was disappointed to see that staff were recommending approval of this amendment and noted there was no rationale for doing so provided in the report. He said although the report states staff do not identify a land use compatibility issue, it also states it does not satisfy the Provincial Policy Statement. He said in view of this information and the fact there are petitions against this amendment, he wondered why staff were recommending approval of it.

With regard to the Provincial Policy Statement, Nigel Brereton, Senior Project Manager, Development Approvals Division, advised the Statement leads off by saying that expansions of settlements, either urban or rural, shall only occur where needed. He said if this were taken at face value, then staff would recommend that the amendment be turned down because there are 82 hectares of residential land for development in the Village of Osgoode. However, another section of the Provincial Policy Statement also states that any expansion should ensure such things as efficient use of existing infrastructure, avoid unnecessary expansion of new infrastructure and costs, ensure natural resources are protected and ensure there can be appropriate sewage and water systems. Mr. Brereton stated when staff looked at those points individually (as set out in the staff report on pages 32 and 33 of the Agenda), they concluded there was not a problem. On that basis, they felt the intent of the Provincial Policy Statement could in fact be met by this amendment. Mr. Brereton stated staff feel comfortable with the conclusion they reached in this instance.

Councillor Legendre then had questions with respect to the LEAR evaluation of the land. He noted it had received a score of 55 and sought confirmation that this meant it was not very good agricultural land. Mr. Brereton advised the LEAR score was as a result of a combination of land and soil capability. He noted the subject property was basically a forestry plantation with Class 4 soil.

Councillor Legendre referring to the petition opposing the subdivision, noted it stated there was no need at this time for the addition of any residential lots in the market as there are approximately 45 lots still remaining in the Fairfield Estates. The Councillor asked, in terms of the lots that are to be developed in this area if there was any concern with respect to servicing capacity. Mr. Brereton advised the development is on private services and these lots will have to be the subject of a hydrogeology and terrain analysis study before they can proceed. This

Extract of Draft Minute
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will ensure there will be no negative impacts on the existing lots in the registered subdivision to the south. He confirmed all houses would have their own well, which is normal in the rural area.

Councillor Legendre asked for staff comment with respect to the last portion of the letter that he read regarding priority being given to develop Phase 3 of Fairfield Estates so that residents on north street of Main Street will have access to parkland that is planned. Mr. Brereton advised the entire Fairfield Subdivision including Phase 3 is registered. The letter is referring to when the houses are constructed, the park will be put in place. Mr. Brereton advised there were different landowners for the subdivisions.

Councillor Legendre asked, in view of the rationale staff is putting forward, that these are all private services, what prevents landowners all around the village from seeking an amendment to add land for residential development. Mr. Brereton advised each application would be put through the same series of tests and if it met the requirements (e.g. poor agricultural land, etc.), then it would be approved.

The Committee then approved the staff recommendation.

That the Planning and Environment Committee recommend that Council approve Amendment No. 4 to the Township of Osgoode Official Plan as per the Approval Page attached as Annex I.

CARRIED