



**GOLDBERG GROUP** LAND USE PLANNING AND DEVELOPMENT  
2171 AVENUE ROAD, SUITE 301, TORONTO, ONTARIO M5M 4B4

---

**Witness Statement of Michael S. Goldberg, MCIP, RPP**

---

**Official Plan Amendment 76, City of Ottawa**

*OMB Hearing: Urban Boundary Phase 2A*

**OMB File No.: PL100206**

*December 9, 2011*

## TABLE OF CONTENTS

	Page
<b>1.0 The Witness</b>	<b>1</b>
<b>2.0 Goldberg Group's Involvement in OPA 76</b>	<b>1</b>
<b>3.0 Purpose of this Witness Statement</b>	<b>2</b>
<b>4.0 Summary of My Planning Opinion</b>	<b>3</b>
<b>5.0 Background Document Context to the Adopted OPA 76</b>	<b>3</b>
<b>6.0 Policy Framework</b>	<b>7</b>
<b>6.1 The Provincial Policy Statement (PPS)</b>	<b>7</b>
<b>6.2 City of Ottawa Official Plan 2003 (City OP)</b>	<b>7</b>
<b>6.3 Transportation Master Plan</b>	<b>8</b>
<b>7.0 Planning Evaluation</b>	<b>8</b>
<b>7.1 The Staff Reports</b>	<b>8</b>
<b>7.2 The Provincial Policy Statement 2005</b>	<b>13</b>
<b>7.3 City of Ottawa Official Plan (City OP)</b>	<b>16</b>
<b>8.0 The Issues List</b>	<b>20</b>
<b>8.1 Issue 5 – Should land designated 'Agricultural Resource Area' be         Considered as candidate areas for inclusion in the City's         Urban Boundary?</b>	<b>20</b>
<b>8.2 Issue 6 – Were there reasonable alternatives, within the meaning of the         Provincial Policy Statement, such that further designation of         Prime agricultural lands for urban purposes was not appropriate?</b>	<b>20</b>
<b>8.3 Issue 7 – Was the exclusion of parcels of prime agricultural land as         Candidates for urban expansion consistent with the objectives         of the Provincial Policy Statement?</b>	<b>21</b>

## LIST OF APPENDICES

- Appendix 1: Curriculum Vitae of Michael S. Goldberg**
- Appendix 2: Summary of Provincial Policy Statement Policies**
- Appendix 3: Summary of City Official Plan Policies**
- Appendix 4: List of Documents That May Be Relied Upon**

## **1.0 The Witness**

- 1.1 I am the founding Principal of Goldberg Group, a land use planning consulting firm based in Toronto, engaged in a broad range of land use planning and development files on behalf of private and public sector clients across the Province of Ontario. I have appeared before the Ontario Municipal Board (OMB) on many prior occasions relating to a wide range of land use planning matters. A copy of my *curriculum vitae* is provided in **Appendix 1** of this Witness Statement.
- 1.2 I graduated with a Bachelors of Applied Arts in Urban and Regional Planning from Ryerson Polytechnical University in 1983; I became a Full Member of the Canadian Institute of Planners (CIP) in 1985; and I am a Registered Professional Planner (RPP). As such, I have continuously been practicing as a professional planner for approximately 28 years.

## **2.0 Goldberg Group's Involvement in OPA 76**

- 2.1 Goldberg Group was retained by Mattamy Homes (Mattamy) in March 2008 to assist Mattamy and its team of experts in providing land use planning input to the City of Ottawa (the City), concerning the City's Five Year Official Plan Review (the 5 Year OP Review) and in particular, relating to the potential for Urban Area expansion in South Orleans.
- 2.2 In July 2008, Mattamy filed a private Official Plan Amendment (OPA) application seeking City approval relating to specified lands of Mattamy and others to be redesignated in the City Official Plan (City OP) from General Rural Area and Agricultural Resource Area (ARA) to General Urban Area and Future Urban Area. In support of that private OPA, I prepared and submitted a Planning Report dated July 2008. This information was also intended as input to the City concerning its 5 Year OP Review.
- 2.3 As part of the City's 5 Year OP Review, the City issued the following additional information following July 2008:
- Update to the Transportation Master Plan

- The Residential Land Strategy for Ottawa 2006 - 20031 (Preliminary Draft), October 2008
- Maps released by City staff identifying 8 candidate areas in the City for potential Urban Area expansion
- An Information Package containing potential evaluation criteria

2.4 As a result of the considerable new information released after July 2008 and to provide further input that could be considered by City staff as part of its upcoming 5 Year OP Review report, and by Planning and Environment Committee at its November 24, 2008 meeting, I prepared and submitted, on behalf of Mattamy, a further planning report entitled, Supplementary Planning Report - Proposed Urban Area & Future Urban Area.

2.5 During the remainder of the City's 5 Year OP Review leading up to the City's adoption of OPA 76 and the Ministry of Municipal Affairs and Housing approval of it, I continued to actively participate in the planning process on behalf of Mattamy, by providing ongoing planning advice, appearing as a deputant before Planning and Environment Committee meetings, by submitting correspondence to the City, and by meeting with City staff.

### **3.0 Purpose of this Witness Statement**

3.1 The Issues that will be evaluated in this Witness Statement are those raised by Mattamy and the City of Ottawa, as follows:

Issue 5: Should lands designated "Agricultural Resource Area" be considered as candidate areas for inclusion in the City's Urban Boundary?

Issue 6: Were there reasonable alternatives, within the meaning of the Provincial Policy Statement, such that further designation of prime agricultural lands for urban purposes was not appropriate?

Issue 7: Was the exclusion of parcels of prime agricultural lands as candidates for urban expansion consistent with the objectives of the Provincial Policy Statement?

#### **4.0 Summary of My Planning Opinion**

4.1 In accordance with the OMB Procedural Order, this Witness Statement concentrates only on the methodological aspects of the OPA 76 planning process that are of concern. In this regard, it is my opinion that:

- The methodology utilized in the OPA 76 planning process to identify candidate areas for urban boundary expansion was, in part, inconsistent with the Provincial Policy Statement (PPS). In this regard, the City decided that, generally, Agricultural Resource Area (ARA) lands were automatically excluded from consideration as candidate Urban Area expansion area(s);
- Part III of the PPS and Policy 4.3 direct that the PPS is more than a set of individual policies and it is intended to be read in its entirety and all relevant policies are to be applied to each situation. In my opinion, this was not applied, or was not properly applied by the City, when excluding ARA lands (subject to two exceptions) as candidate areas to be considered for Urban Area expansion;
- Exclusions of the ARA lands did not permit the necessary and appropriate planning evaluation that balances all of the PPS policies. As a result the City did not undertake the necessary, appropriate and balanced evaluation of reasonable alternatives required by the PPS;
- In addition, the methodology employed by the City is also inconsistent with some of the key objectives of the City's 5 Year OP Review, with the City's Official Plan and with good land use planning.

#### **5.0 Background Document Context to the Adopted OPA 76**

5.1 A review of some of the background staff reports leading up to the adoption of OPA 76 and following the June 3, 2011 OMB Decision (Urban Boundary Phase 1) is provided below to establish the documentary background framing the Issues evaluated in this Witness Statement.

##### Report to the January 28, 2009 Joint Meeting of the Agriculture and Rural Affairs Committee and the Planning and Environment Committee

5.2 The first City staff report which addressed the review of candidate areas to be considered for Urban Area expansion was prepared for the January 28, 2009 Joint Meeting of the Agricultural and Rural Affairs Committee and the Planning and Environment Committee. Under the heading "Review of Candidate Areas for

Addition to the Urban Area", the following is indicated. The underlining is my emphasis:

"Background

The Residential Land Strategy for Ottawa, 2006 to 2031, identifies a need for some additional urban lands to the year 2031. The recommendation is for an additional 850 gross hectares of urban residential land through an urban boundary adjustment in the updated Official Plan. The intent of the expansion is to add small amounts of urban land to the boundary in a number of locations and thereby use residual capacity in existing infrastructure and provide the highest probability of integration with existing communities. The purpose of this summary is to present information for each candidate area and to recommend appropriate locations for changes to the urban boundary.

The recommended expansion areas are based on balancing various considerations:

- The availability of land in a non agricultural designation
- The expected absorption rate in various areas
- The relative merit of each parcel based on a number of evaluation criteria

...

Methodology

#### **Identification of Candidate Areas**

A number of assumptions guided the identification of candidate areas for analysis:

1. The parcels must be a logical extension of the existing urban areas;
2. No lands in an Agricultural Resource Area designation were considered (with the exception of 5a and 10f [10d, 10e & pond] discussed later). The Provincial Policy Statement and the Official Plan are very clear that expansion of urban uses into Agricultural Resource Areas may only be considered if there are no reasonable alternatives that avoid Prime Agricultural Areas. Since staff have identified more than 2,000 hectares of non-agricultural lands as candidate areas, there is no need to look elsewhere;
3. No land in a Natural Environment Area designation were considered;
4. Some Mineral Aggregate Resource lands were included in the candidate areas, on the assumption that the resource would be depleted within the planning period.
5. Virtually all lands in a General Rural Area designation abutting the existing Urban Area were included. The only exceptions were General Rural Area lands that had no residential potential due to aircraft noise or proximity to the Trail Road solid waste disposal site.

...

The lands selected as candidate areas were not influenced by ownership or by the submission of planning applications. However, three landowners submitted studies to indicate that the Agricultural Resource Area designation of their lands was inappropriate. Annex 2 is the staff response to these studies. Otherwise, the existing designations were taken at face value and not reviewed.

...

### Evaluation Criteria

As stated earlier, the overall objective is to select areas that make the best use of existing available infrastructure capacity and community resources. These parcels should be developable with a reasonable period of time such as in the next 5 to 10 years. The Official Plan is reviewed every five years and the condition of City infrastructure is monitored continuously. Lands that score lower today may well be good candidates later.

It is very clear that each of the candidate sites could be made to work. This is very much an exercise of relative merits of the various candidate areas.

...

### Distribution of 850 hectares to Urban Centres Outside the Greenbelt

...

1. Council could place it all in one location to facilitate comprehensive planning for the lands. This is not recommended because such a strategy will have the greatest impact on the demand for services. It is intended that this addition be more of a rationalization of the urban boundary and not the creation of a new community. This particular work is looking for the location that makes the most efficient use of existing infrastructure and services.

...

### Conclusions

...

2. This is a relative evaluation that provides scores for infrastructure, transportation, community facilities, physical characteristics, and absorption trends. It is likely that any of these parcels could be engineered to work but some are less expensive than others.
3. The intent is to add small amounts of urban land to the boundary in a number of locations and thereby use residual capacity in existing infrastructure and provide the highest probability of integration with the existing community...."

(emphasis added)

- 5.3 In the same report prepared for the January 28, 2009 Joint Meeting, staff considered the two specific requests by Mattamy and Minto in Area 10, to have lands redesignated from ARA to Urban Area. Staff indicated the following, in part:

### **Annex 2 - Re-examination of the Designation of Some Agricultural Resource Areas as Potential Candidate Areas for Urban Expansion**

#### Summary

The selection of candidate areas for the comparative evaluation, very explicitly avoided Agricultural Resource Area designation as explained in the main report. However, two parties have proposed that some lands should not be designated Agricultural Resource Area and therefore should be considered along with other candidate areas. Based on a review of the material submitted, staff recommend that Part of Lot 4, Concession 10, Cumberland be included in Candidate Area 10 but that other areas not be included.

The City will revisit the LEAR process beginning in 2009 and apply any new system consistently throughout the rural area. This could very well affect other lands with these



submissions. The land that is recommended for inclusion in the analysis is based on its current LEAR score and not on any re-evaluation.

Background

Current Agricultural Resource Area designations are based on the Ottawa-Carleton Land Evaluation and Area Review (LEAR) evaluation system. This system assigns a score to each parcel between 0 and 180+. The score is calculated based on the soil capability for agriculture (70%), the existing land use (15%), the parcel size (10%) and the presence of conflicting land uses in the area (5%). The Ontario Ministry of Agriculture, Food and Rural Affairs is currently reviewing the LEAR process to respond to modern farming practices. The City is committed to redoing the LEAR for all of Ottawa, once the Province has finished their work; probably in 2009.

Generally lands with a score over 130 were designated Agricultural Resource Area. The purpose of identifying these lands is to protect the resource from loss to other uses and to minimize conflicting land uses in these area...."

(emphasis added)

Reports to the March 20, 2009 and May 11, 12 & 14, 2009 Joint Meetings of the Agriculture and Rural Affairs Committee and the Planning and Environment Committee

5.4 Two subsequent staff reports were prepared for, and presented to, the Joint Agriculture and Rural Affairs Committee and the Planning and Environment Committee on March 20, 2009 and May 11, 12 & 14, 2009. These iterative meetings were intended to continue the consultation process by giving the public the opportunity to comment and the staff to consider and respond to comments received.

5.5 In response to comments from the public, some revisions and refinements were made to some elements of the evaluation criteria. However, notwithstanding requests by parties such as Mattamy and others to consider some ARA lands as candidate areas for a range of PPS related reasons, the staff did not alter the recommended approach of generally excluding ARA lands as candidate areas for inclusion into the Urban Area boundary.

Report to the September 13, 2011 Planning Committee

5.6 Following the release of the Urban Boundary Phase 1 OMB decision on June 3, 2011, Staff consulted with landowners regarding any new information relevant to updating the evaluation of candidate parcels. Following this consultation, the staff report prepared for the September 13, 2011 meeting indicates, in part, the following:

"...There was no change to the criteria or method of analysis. Although requests were received to include other parcels, no new parcels were included in the detailed analysis. This is because the lands were designated Agricultural Resource Area in the Official Plan, and were therefore excluded, or because they were not close to scoring well enough to be recommended."

## **6.0 Policy Framework**

### **6.1 The Provincial Policy Statement (PPS)**

6.1.1 The PPS came into effect March 1, 2005 and outlines Provincial policy direction on a number of land use matters. All Municipal planning decisions shall "be consistent with" the policies of the PPS. The City's 5 Year OP Review was in part intended to ensure that the City's OP is consistent with the provisions of the PPS.

6.1.2 Part III and Section 4.3 of the PPS indicate that the PPS is more than a set of individual polices. According to Part III, "The PPS is to be read in its entirety and the relevant policies are to be applied to each situation. A decision maker should read all of the relevant policies as if they are specifically cross-referenced with each other."

6.1.3 Part V, Section 4.0 relating to Implementation indicates that the official plan is the most important vehicle for implementation of the PPS. "Municipal official plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas." In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with the PPS.

6.1.4 Sections of the PPS to which I may refer are summarized in **Appendix 2** of this Witness Statement.

### **6.2 City of Ottawa Official Plan 2003 (City OP)**

6.2.1 The current City of Ottawa Official Plan (City OP) was adopted by Council on May 14, 2003, approved as modified by the Minister of Municipal Affairs and

Housing on November 10, 2003 and various appeals were subsequently resolved through decisions of the OMB.

6.2.2 OPA 76 amended a number of sections of the City OP germane to the consideration contained in this Witness Statement. This Witness Statement will utilize that version of the City OP, amended by OPA 76, and as partially approved by the OMB.

6.2.3 **Appendix 3** of this Witness Statement is a summary of Sections of the City OP to which I may refer in my testimony.

### **6.3 Transportation Master Plan**

6.3.1 Mattamy's transportation consultant, Mr. Christopher Gordon, will review a number of details of the City's Transportation Master Plan (TMP). I may also refer to elements of the TMP to augment my testimony concerning the City OP.

## **7.0 Planning Evaluation**

### **7.1 The Staff Reports**

7.1.1 As expressed in the staff reports dealing with the City's urban boundary expansion and the identification of candidate areas, the intent of the City's 5 Year OP Review, relating to Urban Area expansion was:

- a) Add an additional 850 ha of land;
- b) Add small amounts of urban land to the boundary in a number of locations;
- c) Use residual capacity in existing infrastructure;
- d) Make the best and most efficient use of available infrastructure capacity and community resources;
- e) Provide for the highest probability of integration with existing communities;
- f) The parcels must be a logical extension of the existing urban area;
- g) The parcels selected should be developable within a reasonable period of time such as in the next 5 to 10 years; and

- h) Should be more of a rationalization of the urban boundary and not the creation of a new community.
- 7.1.2 The staff reports also indicated that with the exception of Areas 5a, 10d, 10e and the Area 10 pond, no ARA lands were considered. Also, virtually all the General Rural lands abutting and/or near to the existing Urban Area were included for consideration.
- 7.1.3 Staff indicated that since more than 2000 hectares of General Rural Area lands are available for consideration as candidate areas, there was no need to look elsewhere and the existing designations (ARA and General Rural) were considered at face value. On its face, this assumes that all ARA lands are good agricultural lands and the General Rural Area lands are "non-agricultural lands".
- 7.1.4 According to staff, each of the candidate areas could be made to work and the evaluation exercise was very much an exercise of relative merits of the various candidate areas.
- 7.1.5 In my opinion, not considering some of the edge locations abutting or near to the existing Urban Area boundary as candidate areas based solely on their land use designation, and taking the designations at face value, was an inappropriate methodology for the selection of candidate areas and the evaluation exercise. In my opinion, this decision oversimplified the selection process in a manner inconsistent with the PPS.
- 7.1.6 An examination of the existing use of ARA lands abutting or near to the existing Urban Area indicate that the use of part of these areas are heavily influenced by the presence of, and proximity to, the existing Urban Area condition. For example, in the South Orleans area, the edge ARA lands have been utilized by the City and landowners, with the permission of the City, for the following purposes:
- a) The snow disposal site west of Trim Road;
  - b) The Millenium park 'n' ride;
  - c) Millenium Park;

- d) A Secondary School;
  - e) The two construction management compounds on Tenth Line and east of the Summerside Phase 1 subdivision;
  - f) The emergency/construction access road for the Summerside subdivision;
  - g) The stock piling of fill;
  - h) The stormwater management ponds south of the Avalon subdivision and at the northwest corner of Brian Coburn Boulevard and Trim Road;
  - i) Storm drainage works associated with the adjacent subdivisions;
  - j) The construction the Brian Coburn Boulevard extension to Trim Road.
- 7.1.7 Conversely, some General Rural Area lands are maintained in active agricultural production and, according to Mattamy's agriculture consultants, may contain high quality soils constituting "prime agricultural lands".
- 7.1.8 According to the City's Official Plan, the City currently has approximately 120,000 hectares of ARA lands, comprised of approximately 1,300 farmsteads. The intent of this 5 Year OP Review is to add small amounts of additional Urban Area lands around the existing Urban Area boundary. The amount of ARA lands that would qualify for consideration as a candidate area is relatively small, particularly when compared to the overall ARA land base.
- 7.1.9. The intent of the 5 Year OP Review, as expressed by staff in my paragraph 7.1.1 above, cannot be demonstrated without the consideration of some ARA lands as candidates. The staff reports mirror some of the language of the PPS and the City OP by using such words as:
- Highest probability;
  - The best use;
  - Should be developable within 5 to 10 years; and
  - The most efficient use.

By excluding ARA lands as evaluation candidates, there is no way to determine if the ultimately selected sites achieve this intent. If some of the edge ARA lands

were included in the evaluation exercise of relative merits, and considered in relation to all of the evaluation criteria, these sites may well score higher than some of the sites recommended by the City for inclusion into the Urban Area.

7.1.10 Despite the City's general approach, not all ARA lands were excluded as candidate sites for inclusion. Two ARA areas that were included were: 1) Areas 10d, 10e and the Area 10 pond, and 2) Area 5a in the Fernbank Community. In fact all of these areas were/are recommended by the City for inclusion within the Urban Area. This demonstrates that there are reasons, from site to site, to include ARA lands in the evaluation and that the protection of ARA lands is not absolute. A proper methodology requires an examination of facts and circumstances and of the potential contribution such lands could potentially make to the achievement of the objectives of the 5 Year City OP Review, the policies of the PPS and the policies of the City OP. This evaluation should also weigh these factors against the alternative of maintaining such lands as ARA.

7.1.11 The stormwater management facility immediately south of the Avalon subdivision is between Area 10d and 10e. Area 10d is the location of the construction management compound east of Tenth Line and adjacent to the stormwater management facility. Both of these areas are designated ARA. Having constructed the stormwater management pond, with the approval of the City, and the construction compound, any agricultural use of these lands has been eliminated.

7.1.12 Area 5a is a 132 ha (326 ac) parcel located in the Fernbank Community that was surrounded on three sides by the Urban Area boundary. The Fernbank Community was the subject of a prior application for Urban Area expansion which was resolved by the OMB in its August 11, 2005 Decision/Order (PL971478, PL030622, PL030649, PL040803). That amendment to the former Region of Ottawa-Carleton Official Plan and the 1997 PPS was in effect.

7.1.13 The 2005 OMB approval had the effect of redesignating land from ARA to Urban Area. Based on evidence from experts in planning, transportation, servicing and agriculture, including an evaluation of the 1997 PPS policies, the OMB approved the applications.

7.1.14 The 1997 PPS policies concerning prime agricultural areas are very similar to the current 2005 PPS policies. In both documents, an evaluation of reasonable alternatives is required for an expansion of an Urban Area boundary into such lands. A 'reason alternatives' analysis was undertaken by the applicant and considered by the OMB in support of its 2005 decision.

7.1.15 The 132 ha (326 ac) comprising Area 5a was not before the OMB in 2005. In its Decision/Order however, the OMB acknowledged the logic and merit of including Area 5a, if it was to approve the remainder of the Fernbank Community for Urban Area purposes.

7.1.16 The redesignation of Area 5a took place as part of the approval of the Fernbank Community Design Plan and Official Plan Amendment 77 in June 2009. In the May 24, 2009 Staff report, the following describes the planning basis supporting the redesignation of those ARA lands:

"The study area for the CDP encompasses approximately 674 hectares. Approximately 455 are designated 'Future Urban Area' (as per the OMB decision). The remaining lands include approximately 132 hectares designated 'Agriculture Resource Area' in the northeast portion of the study area that are now entirely surrounded by urban land, and approximately 60 hectares in the southwest portion of the study area that are designated as 'General Rural Area'. Inclusion of these rural lands in the study area for the community design plan allows for efficient planning of public services for the long term. The Fernbank CDP was prepared anticipating that these rural lands outside the 'Future Urban Area' designation will eventually be developed for urban purposes. The CDP and the infrastructure required to support the CDP provide for the eventual coordination and integration of these lands into the 'Urban Area'.

7.1.17 While the Provincial and Local policies require a process to be followed, based on a policy framework, in my opinion there may be a wide range of valid and compelling planning reasons to consider some ARA lands as candidate areas and potentially conclude that it is appropriate to include some of these lands into the Urban Area boundary. In my opinion, City staff and Council failed to undertake a full, proper, reasonable and balanced evaluation of alternate Urban Area boundaries by automatically excluding virtually all ARA lands as candidate areas. Without doing this more fulsome review of potential candidates, the City is unable to determine if the intent and objectives of the City's 5 Year OP Review, the PPS and the City OP are appropriately implemented.

## 7.2 The Provincial Policy Statement 2005

7.2.1 The PPS addresses a wide range of matters of Provincial interest, all of which need to be considered, evaluated and balanced to determine whether a planning application/amendment is consistent with the PPS. This important principle of reading the PPS in its entirety is directed by the PPS in Part III: How to Read the Provincial Policy Statement and in Policy 4.3. Further, the PPS does not assign priority to certain policies over others. Part III of the PPS acknowledges the complexity of inter-relationships among environmental, economic and social factors in land use planning by indicating:

“A policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The Provincial Policy Statement supports a comprehensive, integrated and long-term approach to planning, and recognizes the linkages among policy areas.”

7.2.2 In my opinion, by automatically excluding virtually all ARA sites as candidate areas, by taking the existing ARA and General Rural Area designations at face value, and by not critically evaluating and balancing the relative merits of some ARA lands in their methodology, the City failed to undertake a comprehensive, integrated and long-term approach and did not recognize the appropriate linkages among the many policy areas of the PPS.

7.2.3 Section 2 of the Planning Act and the PPS set out the wide range of matters of provincial interest addressed in Ontario’s land use planning system. In relation to the Issues of this hearing, these include the broad topic areas addressed in the PPS, as follows:

- a) Building Strong Communities;
- b) Managing and Directing Land Use to Achieve Efficient Development and Land Use Patterns;
- c) Settlement Areas;
- d) Housing;
- e) Public spaces, Parks and Open Space;
- f) Infrastructure and Public Service Facilities;
- g) Sewage and Water;



- h) Transportation Systems;
  - i) Transportation and Infrastructure Corridors;
  - j) Long-Term Economic Prosperity;
  - k) Wise-Use and Management of Resources;
  - l) Agriculture;
  - m) Removal of Land from Prime Agricultural Areas; and
  - n) Implementation.
- 7.2.4 In my opinion, the City's methodology failed to fully and properly consider the PPS policies when the ARA lands were automatically excluded as potential candidate areas. To assign pre-eminent priority to the ARA lands when agriculture is but one of the many PPS policy considerations, without any critical evaluation of how some ARA lands could potentially contribute to achieving a balanced consideration of the broad topic areas of the PPS, is, in my opinion, inconsistent with the PPS and can potentially lead to less than optimal community planning.
- 7.2.5 Part V, Policy 1.1.3.9(c) of the PPS set out the conditions where settlement area boundary expansion may be permitted in "prime agricultural areas". When a planning authority is considering a settlement area boundary expansion into a prime agricultural area, the following items are to be demonstrated:
- a) The lands do not comprise specialty crop areas;
  - b) There are no reasonable alternatives which avoid prime agricultural areas; and
  - c) There are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas.
- 7.2.6 No specialty crop areas have been identified through the City's 5 Year OP Review so this is not a consideration.
- 7.2.7 The City, through its staff reports, has taken the position that since there is so much General Rural Area lands, there is no need to look any further. In taking

- this position, it appears that staff are assuming that General Rural Area lands are either not prime agricultural areas or lower priority agricultural lands and that ARA lands are all prime agricultural areas of higher priority.
- 7.2.8 Through the evidence of Mattamy's agricultural witnesses, evidence will be provided to the OMB indicating that the ARA designation does not necessarily equate to "prime agricultural areas" according to the PPS and the General Rural Areas designation does not necessarily equate to non-prime agricultural areas. Therefore, simply applying the City OP land use designations (ARA and General Rural Area) does not ensure that the PPS's agricultural policies are being properly applied.
- 7.2.9 In my opinion, the PPS test of Policy 1.1.3.9(c) lies in the qualifying word "reasonable". The test is not "alternatives" but "reasonable alternatives". To accept the ARA and General Rural Area designations at face value, without any further critical evaluation relating to the land's long term agricultural potential and the wide range of policy areas that need to be addressed by the PPS, is a methodology that is incapable of determining reasonable alternatives under the meaning of the PPS. In such a methodology, there is no mechanism to enable a proper and balanced evaluation of relative merits.
- 7.2.10 The PPS seeks to address wise use of resources and the most appropriate land use pattern. It does not require the protection of ARA lands at any cost, particularly where the result may be potentially selecting inferior lands to include in the settlement area and potentially an inferior community land use pattern. In my opinion, such an approach to the PPS is not reasonable and is incapable of arriving at a comprehensive, integrated, and long term approach to city planning and ignores the linkages among policy areas.
- 7.2.11 Part V, Section 2.3 of the PPS relates to agriculture. Policy 2.3.1 states that prime agricultural areas shall be protected for long-term use for agriculture. However, Section 2.3.5 contains policies for the potential removal of land from prime agricultural areas. One such circumstance where this is permitted by the PPS is for expansions of, or identification of, settlement areas in accordance with

Policy 1.1.3.9, which is the policy discussed above relating to reasonable alternatives.

7.2.12 As already mentioned, the City's intent of this City 5 Year OP Review is to add a small amount of land to the Urban Area boundary in a number of locations and provide, among other things, the highest probability of integration with existing communities. The City also intended that the selected candidate areas should be developable within the 5 to 10 year timeframe. The intent was that this addition would be more of a rationalization of the urban boundary and not the creation of a new community.

7.2.13 The only potential ARA land that may be considered capable of achieving this intent is not a large amount of land since the land would need to be abutting and/or very close to the existing Urban Area boundary. Thus, the amount of ARA lands that could potentially be redesignated to Urban Area is relatively small, particularly when compared with the overall inventory of ARA lands of approximately 120,000 ha (296,400 ac).

### **7.3 City of Ottawa Official Plan (City OP)**

7.3.1 The City OP, like the PPS, addresses a broad range of topic areas aimed at managing land use and growth in the City. Also like the PPS, the City OP policies provide emphasis and direction by utilizing language aimed at achieving efficiency, the best use, the least impact on, the most cost-effective use of, and mitigated to the extent possible.

7.3.2 The protection of agricultural lands is one of the City OP considerations, amongst many others important considerations. Also like the PPS, Section 2.2.1.4 of the City OP speaks to the evaluation required when a need is established for additional Urban Area land. The evaluation criteria addresses a broad range of considerations, including:

- "a. The ability of existing or planned infrastructure to support the development of this expansion area. Infrastructure includes such matters as pipe, public utilities, roads, transit, community resources including schools and greenspace.
- b. The need to preserve the National Capital Greenbelt, agricultural areas, mineral resource areas, and the Natural Heritage System identified in this Plan. Where

an urban designation is considered for any of these areas, there must be sufficient evidence that there are no reasonable alternative locations that avoid these designations. For Agricultural Resource Areas, additional justification is required to demonstrate that there are no reasonable alternatives that make use of poorer soils in the designation;

- c. The need to provide new or upgrade existing roads, transit, water, stormwater and wastewater services, and other public utilities, municipal services and the cost of providing same;
- d. Another effect the designation would have on the City's ability to achieve the policies of this Plan."

7.3.3 There is no City OP policy which directs the City to exclude ARA lands, or to give pre-eminent priority to the protection of ARA lands, in the consideration of candidate areas for Urban Area expansion.

7.3.4. The City of Ottawa has devoted considerable planning and capital resources to the implementation of the Transportation Master Plan. According to Section 2.3 of the City OP:

"Land use and infrastructure issues are strongly inter-related and together form a cornerstone of the City's growth management program. Of key importance in this respect is the link between land-use patterns and transportation facilities. The provision of transportation infrastructure deeply affects land-use patterns because it brings a new range of destinations "closer" and encourages travel by them.

If the City is to grow in an efficient manner and achieve the vision set out in this Plan, it is essential that land use and infrastructure policies be "pulling" in the same direction.

A clear objective of this Plan is a substantial increase in the use of public transit and reduced dependence upon automobile use during peak hours. Increasing the percentage of trips by transit from today's level of 23 percent of total passenger trips using motorized modes (transit and automobile) to about 30 percent by 2031 is crucial to meet growing travel needs."

City Council has adopted a Transportation Master Plan (TMP) to implement the policies expressed in this Plan. The TMP identifies the transportation policies, facilities and services that the City intends to put into place over the next two decades.

It [the TMP] has several recurring themes consistent with Ottawa 20/20 growth management vision, including minimizing costs, minimizing unnecessary travel, minimizing automobile dependence, keeping neighbourhoods liveable, protecting public health and the environment, and making efficient use of current infrastructure and services.

In keeping with the TMP, the City will seek to achieve the following increases in the share of morning peak-hour travel by pedestrian, cycling and public transit modes by 2031.

The City will introduce rapid-transit quality service at an early stage in development of new communities. As these communities mature, they will ultimately be served by the extension of full rapid transit facilities."

- 7.3.5 The large sums of public dollars aimed at constructing and operating the transit routes in Ottawa are a reflection of the key strategic importance of increasing the modal split and reducing automobile dependence.
- 7.3.6 A cornerstone of the City OP and the TMP is to ensure that land use planning and the initiatives of the City OP and the TMP are “pulling” in the same direction. Framed differently, there should not be a disconnect between the existing and planned transit infrastructure investments and the growth patterns of the City. In my opinion, failing to consider the potential for urban development on lands adjacent to or in close proximity to the existing and planned rapid transit corridors and facilities, based solely on an existing land use designation may represent such a disconnect.
- 7.3.7 Excluding ARA lands also precludes the proper assessment of the most appropriate and efficient community growth pattern. Road extensions, infrastructure in the ground, locations of public investment in community facilities, parks and schools, the location of commercial facilities, etc. are all relevant considerations when determining the appropriate location for growth and efficient development patterns. The methodology utilized by the City creates the potential for inefficiency in some areas, whereas the inclusion of some ARA lands as candidate areas would allow a balanced consideration of whether or not greater efficiencies can be achieved.
- 7.3.8 In my opinion, by automatically excluding virtually all of the ARA lands as candidate areas for Urban Area expansion, the City is unable to properly determine if all the important topic areas, particularly the key areas addressed in the City’s OP, have been properly assessed and addressed in the manner directed by the City OP.
- 7.3.9 Notwithstanding the City’s methodology of excluding ARA lands as candidate areas for Urban Area expansion, the City OP policies permit a wide range of activities in the ARA land which are not agriculture related, and may have the effect of removing such land from agricultural production or diminishing its quality.

- 7.3.10 Examples of authorized uses in the ARA lands in South Orleans include the wide range of activities already described earlier in this Witness Statement in paragraph 7.1.6.
- 7.3.11 Section 3.1 of the City OP relating to Designations and Land Use, Generally Permitted Uses permits a wide range of public utilities and municipal services in the ARA land use designation. Of interest from a land use priority perspective is that these public utilities and municipal services are not permitted in Natural Environmental Areas, Significant Wetlands, Sand and Gravel and Limestone Resource Area, flood plains or unstable slope areas.
- 7.3.12 Section 3.9 of the City OP relating to snow disposal facilities also permits such facilities within the ARA lands, notwithstanding the potential adverse impact such a facility could have on the agricultural capability of the land.
- 7.3.13 The current City of Ottawa over the years has continued to grow by way of Urban Area boundary expansion amendments; first to the Region of Ottawa-Carleton Official Plan and then to the City OP. Many of these amendments involved the redesignation of ARA lands for Urban Area purposes. Some of the more recent examples of this include:
- a) Kanata West added through ROPA 9 to the 1997 Regional OP;
  - b) Del-Brookfield-Westpark added through the approval of the OMB;
  - c) Area 5a in Fernbank added through City OPA 77.
- 7.3.14 It is not my intent to examine in this Witness Statement all of the planning circumstances, facts and policies influencing the decisions made in these examples. All of these decisions involved the redesignation of ARA lands for expanded Urban Area purposes and all involve a range of planning considerations. The evaluation of reasonable alternatives was expressly included in the methodology in some, but not all, of these cases.
- 7.3.15 In my opinion, due to the complexity of the economic, social, environmental and infrastructure factors interacting and influencing land use planning and growth management, the candidate areas that have the greatest potential to achieve the

most appropriate expanded Urban Area boundary should be considered and assessed in relation to the broad range of topic areas identified in the PPS and the City OP. This is the appropriate way to consider and balance the policies and strategies of the Province and the City. This is the appropriate way to properly consider reasonable alternatives. In my opinion, by automatically excluding ARA lands from consideration as candidate areas, the methodology employed by the City is inappropriate and does not represent good planning.

## **8.0 The Issues List**

This section responds to the Issues of concern, by concluding, in brief summary form.

### **8.1 Issue 5 – Should lands designated “Agricultural Resource Area” be considered as candidate areas for inclusion in the City’s Urban Boundary?**

8.1.1 Yes. ARA lands that have the potential to positively contribute to the achievement of the expressed intent of the City’s 5 Year OP Review and the policy objectives of the PPS and the City’s OP should be included as candidates. In fact, some ARA lands were considered and recommended for inclusion in the Urban Area boundary by the City.

### **8.2 Issue 6 – Were there reasonable alternatives, within the meaning of the Provincial Policy Statement, such that further designation of prime agricultural lands for urban purposes was not appropriate?**

8.2.1 In my opinion, and as discussed in this Witness Statement, the methodology employed by the City did not permit the proper evaluation of reasonable alternatives within the meaning of the PPS. The proper evaluation of reasonable alternatives should consider candidate areas based on accurate and relevant agricultural information, and the potential to achieve the overall intent of the City’s 5 Year OP Review, the PPS and the City’s OP.

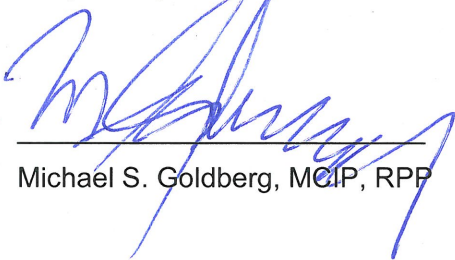
8.2.2 The methodology employed by the City generally treated the ARA lands as having pre-eminent priority for protection. The full range of topic areas first needs to be explored to determine the value and contribution each parcel can make to the overall range of topic areas addressed by the PPS. Failing to do this results in an over-simplified methodology to a more complex planning

assignment, with the outcome being that “alternatives” were examined but not necessarily “reasonable alternatives”.

**8.3 Issue 7 – Was the exclusion of parcels of prime agricultural land as candidates for urban expansion consistent with the objectives of the Provincial Policy Statement?**

8.3.1 For the same reasons provided above, the exclusion of some parcels of prime agricultural lands as candidates for urban expansion, based solely on the City's ARA designation, was not consistent with the objectives of the PPS. Such parcels, as referred to earlier, should be considered and not automatically excluded before consistency with all of the relevant objectives of the PPS can be determined.

Respectfully submitted,



---

Michael S. Goldberg, MCIP, RPP



**APPENDIX 1**  
**CURRICULUM VITAE OF MICHAEL S. GOLDBERG**

# CURRICULUM VITAE

## OF

### MICHAEL S. GOLDBERG, B.A.A., M.C.I.P., R.P.P.

#### **CURRENT EMPLOYMENT:**

- GOLDBERG GROUP  
LAND USE PLANNING AND DEVELOPMENT
  - 2006 TO PRESENT
  - PRINCIPAL

- Metropolitan Toronto Region  
Conservation Authority
  - 1983 to 1986
  - Planner
- City of Brampton
  - 1983
  - Research Planner

#### **EDUCATION:**

- Bachelor of Applied Arts, (Urban and Regional Planning)  
Ryerson Polytechnical University – 1983

#### **PROFESSIONAL AFFILIATIONS:**

- Member, Canadian Institute of Planners (1985)
- Registered Professional Planner
- Member, Ontario Professional Planners Institute
- Member, Lambda Alpha International
- Member, Building Industry and Land Development Association (BILD), formerly Urban Development Institute (UDI)

#### **PRIOR EMPLOYMENT:**

- ARMSTRONG ♦ GOLDBERG ♦ HUNTER  
Professionals in Planning and Development
  - 2001 to 2006  
Principal
- Walker, Nott, Dragicevic Associates Limited
  - 1991 to 2001
  - Principal 1999-2001
  - Associate Principal 1996-1999
  - Senior Associate 1992-1996
  - Senior Planner 1991-1992
- Price Waterhouse (formerly Laventhol and Horwath)
  - 1988 to 1991
  - Manager of Planning and Development
- Town of Richmond Hill
  - 1986 to 1988
  - Development Planner

#### **EXPERIENCE:**

Mr. Goldberg has project managed a range of expropriations, lease arbitrations, Municipal Amendments, and Subdivisions, and has provided expert planning testimony to the Ontario Municipal Board, the Mining and Lands Commission and the Ontario Court system. The following are representative assignments which he has been and continues to be involved in:

#### **RETAIL COMMERCIAL**

- “Mills” Format Shopping Centre Amendments and Draft Plan of Subdivision, Vaughan.
- Ongoing expansion Amendment and site plans, Vaughan Mills, Vaughan
- Lifestyle and Regional Retail Centre, former Molson Park site (Park Place), Barrie
- Lifestyle and Regional Retail Centre, Niagara on the Lake
- Supermarket anchored Retail Centre Amendments, Bathurst Street and Rutherford Road, Vaughan
- Wal Mart anchored shopping centre amendments, Stratford
- Wal Mart and Home Depot anchored shopping centre amendments, Lindsay
- Supermarket anchored amendments, Taunton Road and Thornton Road, Oshawa
- Retail commercial centre ZBA, Collingwood
- Retail and Service Commercial Site Plan and variances, Rimrock Plaza, Toronto
- Power Centre amendments, Cornwall
- Wal Mart amendment, Matheson Drive and Mavis Road, Mississauga

- Upper Canada Mall Expansion, Newmarket
- Large Format Shopping Centre, Guelph
- Large Format Shopping Centre, Brantford
- Shopping Centre Investigation, Hurontario Street in West Mayfield, Caledon
- Shopping Centre Amendments, Highway 50 & Healey Road in Bolton, Caledon
- Home Depot Amendments, Heartland, Mississauga
- Local Central Area Amendments for a Supermarket anchored Centre, Oshawa
- Retail Amendments adding to the Oakville Uptown Centre, Oakville
- Power Centre Amendments, Kingston Road and Audley Road, Ajax
- Retail Amendments, Terry Fox Way and Britannia Road West, Mississauga
- Metro East Trade Centre Amendments, Pickering
- Plaza, Including a Take-Out and Drive Through Restaurant Amendments, Hurontario and Conservation Drive, Brampton
- Power Centre Amendments, Derry Road/Highway 10, Mississauga
- Home Décor Centre Amendments, Burlington.
- Shopping Centre Amendments, Highway 2, Ajax.
- Car Dealership and Trucking Centre Amendments, Consents, Minor Variances, Newmarket and East Gwillimbury
- Car Dealership Amendments, Queensplate Drive, Etobicoke.
- Powercentre and Home Depot Amendments, Sudbury.
- Powercentre Amendments, Mavis/Britannia, Mississauga.
- Shopping Centre Amendments, Hurontario/Mayfield, Brampton.
- Regional Shopping Centre Amendments, Waterloo.
- Shopping Centre Amendments, Richmond Hill.
- Warehouse Membership Club Amendments, Barrie, Brampton, Markham, Etobicoke, Ancaster, and Kingston.

- General Planning Review, Warehouse Membership Clubs, Various Municipalities.
- Retail Commercial Amendments, Appleview Square, Burlington.
- Retail Warehouse Amendments, Kanata.
- Power Centre Amendments, Kingston.
- Retail Commercial Rezoning, Kingston.
- Shopping Centre Amendments, Ajax.
- Supermarket Amendments, Mississauga.
- Retail Site Searches in various municipalities.

### **INDUSTRIAL/BUSINESS PARKS**

- Auto Auction Facility OPA and ZBA, Clarington
- Employment/Industrial subdivision, Ajax
- Headford Business Park Draft Plan and Amendments, Richmond Hill
- Rezoning for Office Uses in an Industrial Area, Collingwood
- Waste Recycling Facility Amendments, Newmarket
- Commercial Compost Facilities, City of Kawartha Lakes and Haldimand County
- Industrial Amendments, Orlando Corporation, Mississauga.
- Guthrie Employment Area Subdivision and Rezoning, Ajax.
- Waste Transfer Station Amendment, Etobicoke
- Business Park Amendments, Pickering.
- Secondary Plan for Industrial Development, Richmond Hill.
- Business and Office Park Secondary Plan, rezoning and subdivisions, Burlington.
- COA OMB Hearing for a Wood Chipping Operation, former City of North York

### **MIXED RESIDENTIAL/COMMERCIAL**

- Land assembly amendments, Dundas Street and Shorncliffe Road, Toronto
- Toronto Montessori School site amendments, Caledon (Bolton)
- High Density Mixed Use Amendments, 7-21 Balmuto Street, Toronto
- Phase I, City of York City Centre Zoning By-law Amendment, City of York.

- Mixed Use Amendments, Golden Mile Site, Scarborough.
- Residential Commercial Development, Alton Community, Burlington.
- Residential and Commercial Amendments, Weston Bakeries Site, Toronto.
- New Town Amendments, Queensville, East Gwillimbury.
- Mixed Residential/Commercial Amendments, Town of Richmond Hill.
- High Density Residential Amendments, Sheraton Parkway Centre, Richmond Hill.
- Mixed Use Residential/Commercial Amendments, 1 Balmoral, Toronto.

### **RESIDENTIAL**

- High Density Residential Infill, 50 Eastdale Ave and 2 Secord Ave, Toronto
- High Density Residential OPA and ZBA, King Street East, Streetcar Developments, Toronto
- Niagara on the Green Subdivision and ZBA, Niagara on the Lake
- Urban Area Expansion OPA, Ottawa
- Townhouse OPA and ZBA, Bayview Ave and York Mills Road, Toronto
- High Density Residential Amendments, Yonge Street and Sixteenth Avenue, Richmond Hill
- Medium Density Residential Amendments, Bayview Avenue and Weldrick Avenue, Richmond Hill
- High Density Residential OPA and ZBA, Wilson Ave and Tippet Road, Toronto
- Condominium Amendments, River Road, Niagara Falls
- Times Group condominium amendment, Markham Centre, Markham
- Infill low density amendment, Chapman and Scarlet Road, Toronto
- Apartment intensification amendments, Sylvan & Havelock, Toronto
- Gibson Square high density residential amendments, North York Centre, Toronto
- Cosmo III rezoning, high density residential, North York Centre, Toronto
- Milton Urban Area Expansion secondary Plan, Phase 2, Milton

- Mixed Density Residential Amendments, Kipling Avenue in Woodbridge, Vaughan
- Townhouse Redevelopment and Rezoning, Horner Road, former Etobicoke
- Residential Amendments and Common Area Condominium for 57 lots, Buckhorn Lake, Galway Cavendish & Harvey
- High Density Residential Amendments, Balmuto Street, Toronto
- Residential Subdivision and rezoning, Wismer Commons Area, Markham
- Residential Consent and Minor Variance, Springwater
- Residential Infill Subdivision and Amendments, Cummer Avenue, North York
- High Density Residential Amendments, Sheppard Avenue West, near Allen Road, Toronto (North York)
- Townhouse Amendments, 45 York Mills Road, east of Yonge Street, Toronto (North York)
- Rural Residential Evaluation, Region of Durham
- Urban Area Boundary Expansion for Residential Use, Bradford West Gwillimbury
- High Density Residential Amendments, Campus 2000, Beaver Creek Business Park, Richmond Hill
- High Density Residential Amendments, Sheridan Parkway Site, Richmond Hill
- Townhouse Amendments, Berry Road, Etobicoke
- Residential Amendments and Subdivision, Palmero Area, Oakville
- Senior's Residence Amendments, Centre Street, Vaughan
- Residential Amendments and Subdivision, Halton Ceramics Site, Burlington.
- High Density OPA and Rezoning, North York.
- Rural Residential Severance Opinion, Burlington.
- Eagle Heights (formerly Grindstone) Amendments and Subdivision, Burlington.
- Medium Density, Highway No. 2 and Chapman, Ajax.

- Urban Expansion and Secondary Plan, Multi Area Developments, Hamilton.
- Bronte Creek Meadows: Conversion of Burlock Office Park to a Residential Community, Burlington.
- Residential Subdivision in Berczy Village, Markham.
- High Density Residential Amendments, Tweedsmuir Avenue, City of York.
- Estate Residential Amendments, King City.
- Mixed Density Residential Amendment, London.
- Residential Subdivision and Zoning Amendment, Mississauga.
- Townhouse Amendments, Ajax.
- Lakeside Community Subdivision and Amendments, Ajax.
- Planning Status Reports for Non-Profit Housing Projects, North York and Toronto.
- High Density Residential Amendments, North York.
- Residential Subdivision and Zoning Amendment in OPA 129 Area, Richmond Hill.
- Townhouse Amendment, Richmond Hill.
- Secondary Plan of residential development within the Parkway Belt West, Burlington.

#### **VEHICLE SERVICE STATION**

- Gas Bar/Convenience Store/Car Wash Amendments, Committee of Adjustments, Site Plans, permits and Evaluations for Imperial Oil Limited, Shell Canada Products and Canadian Tire, Richmond Hill, Toronto, North York, Burlington, Oakville, Guelph, Markham, Etobicoke, Welland, Hamilton, Stoney Creek, Milton, Mississauga, Brampton, Halton Hills, Kitchener, Scarborough, Vaughan, Ajax, Whitby, St. Catherines, London, Aurora, Newmarket, Timmins, Sudbury, Bracebridge, Perth, Gananoque, Lindsay,

#### **EXPROPRIATION/LEASE ARBITRATION**

- Region of York Expropriation for the Donald Cousens Parkway, Markham

- MTO Expropriation, Highway 400 and Major Mackenzie Drive, Vaughan
- MTO Expropriation, York Road and Highway 6, Burlington
- Rodick Road Extension over Highway 407 Expropriation, Markham
- MTO Expropriation for Interchange Expansion, 4078 Ellesmere Road, Scarborough
- Lease Arbitration for the Colonnade and Britannia House properties on Bloor Street, Toronto.
- Secondary School Expropriation, Hamilton.
- Lease Arbitration, Canadian Tire Site, Toronto.
- Toronto Refiners and Smelters Expropriation, Toronto.
- Expropriation site in Ataritari, Toronto.
- Expropriation by MTO, Highway 400 and Rutherford Road, Vaughan.
- Expropriation for Vaughan Works Yard, Vaughan.

#### **INSTITUTIONAL**

- Beth Torah Synagogue expansion Site Plan and Minor Variances, Toronto
- Forest Hill Jewish Centre new synagogue, Toronto
- Holy Blossom Synagogue and Leo Baeck Day School expansion, Site Plan and ZBA, Toronto
- Multi-use, Joint Secondary School Amendments and Site Plan in a Business Park Area, Ajax.
- East York Board of Education School Planning for Kosmor Amendment and Subdivision Application, East York.

#### **OTHER PLANNING ASSIGNMENTS**

- Litigation support, removal of an easement, Whitchurch Stouffville
- Litigation Support, Markham
- Ecological Gift Planning Analysis for Environment Canada, Kingsville Ontario
- Planning Analysis for Land Claim, Orillia
- Ajax Official Plan Review, Private Clients, Ajax.
- Private Crematorium Amendments, Flamborough.

- Niagara Escarpment Commission and Urban Area Expansion Amendments, Milton.
- Supreme Court of Ontario Severance Litigation, Brampton.
- Private Funeral Home Amendments, Hamilton.
- Various Site Plan and Committee of Adjustment Applications, Richmond Hill, York, Toronto, Etobicoke, North York, Markham, Oakville, Burlington, Newmarket
- Bowling Centre Amendments and Committee of Adjustment, Richmond Hill.
- Sign By-law Litigation, Hamilton.
- Ontario Court (General) Division Affidavit Evidence Relating to Mandamus Applications.

#### **ENVIRONMENTAL PLANNING**

- Harmony Creek Subwatershed Planning, Oshawa.
- Subwatershed 19 Planning Study, Credit River, Various Municipalities.
- Advisor to the Urban Development Institute (UDI) on the Rouge River Basin Management Strategy.
- While employed with the MTRCA, was responsible for all Planning Act and Conservation Authorities Act applications in Vaughan, Richmond Hill and King.

**APPENDIX 2**  
**SUMMARY OF PROVINCIAL POLICY STATEMENT POLICIES**

## A2.1 PPS Definitions

**Infrastructure:** means physical structures (facilities and corridors) that form the foundation for development. *Infrastructure* includes: sewage and water systems, septage treatment systems, waste management systems, electric power generation and transmission, communication/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

**Prime agricultural area:** means areas where *prime agricultural lands* predominate. This includes: areas of *prime agricultural lands* and associated Canada Land Inventory Class 4 - 7 soils; and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. *Prime agricultural areas* may be identified by the Ontario Ministry of Agriculture and Food using evaluation procedures established by the Province as amended from time to time, or may also be identified through an alternative agriculture land evaluation system approved by the Province.

**Prime agricultural lands:** means land that includes *specialty crop areas* and/or Canada Land Inventory Classes 1, 2 and 3 soils, in this order of priority of protection.

**Public service facilities:** means land, buildings and structure for the provision of programs and services provided or subsidized by a government or other body, such as social assistance recreation, police and fire protection, health and educational programs, and cultural services. *Public service facilities* do not include infrastructure.

**Transportation systems:** means a system consisting of corridors and rights-of-way for the movement of people and goods and associated transportation facilities including transit stops and stations, cycle lanes, bus lanes, high occupancy vehicle lanes, rail facilities, park'n'ride lots, service centres, rest stops, vehicle inspection stations, intermodal terminals, harbours, and associated facilities such as storage and maintenance.

## A2.2 **Section 1.1 - Managing and Directing Land Use to Achieve Efficient Development and Land Use Patterns**

Part V, Section 1.1.1:

“Healthy, livable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;



- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;
- e) promoting cost-effective development standards to minimize land consumption and servicing costs;
- f) improving accessibility for persons with disabilities and the elderly by removing and/or preventing land use barriers which restrict their full participation in society; and,
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs.”

A2.3 Part V, Section 1.1.3.2:

“Land use patterns within *settlement areas* shall be based on:

- a) densities and a mix of land uses which:
  1. Efficiently use land and resources;
  2. Are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and
  3. Minimize negative impacts to air quality and climate change, and promote energy efficiency in accordance with policy 1.8; and

A2.4 Part V, Section 1.1.3.7:

“New development taking place in *designated growth areas* should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, *infrastructure* and *public service facilities*.”

A2.5 Part V, Section 1.1.3.8:

“Planning authorities shall establish and implement phasing policies to ensure that orderly progression of development within *designated growth areas* and the timely provision of *infrastructure* and *public service facilities* required to meet current and projected needs.”

A2.6 Part V, Policy 1.1.3.9:

“A planning authority may identify a *settlement area* or allow the expansion of a *settlement area* boundary only at the time of a *comprehensive review* and only where it has been demonstrated that:

- a) sufficient opportunities for growth are not available through *intensification*, *redevelopment* and *designated growth areas* to accommodate the projected needs over the identified planning horizon;

- b) the *infrastructure* and *public service facilities* which are planned or available are suitable for the development over the long term and protect public health and safety;
- c) in *prime agricultural areas*:
  1. the lands do not comprise *specialty crop areas*;
  2. there are no reasonable alternatives which avoid *prime agricultural areas*;
  3. there are no reasonable alternatives on lower priority agricultural lands *in prime agricultural area*; and
- d) impacts from new or expanding *settlement areas* on agricultural operations which are adjacent or close to the *settlement area* are mitigated to the extent feasible.

In determining the most appropriate direction for expansions to the boundaries of *settlement areas* or the identification of a *settlement area* by a planning authority, a planning authority shall apply the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public health and Safety.”

#### A2.7 **Section 1.4 – Housing**

Part V, Section 1.4:

“To provide for an appropriate range of housing types and densities required to meet projected requirements of current and future residents of the *regional market area* identified in policy 1.4.3, planning authorities shall:

- a) maintain at all times the ability to accommodate residential growth for a minimum of 10 years through *residential intensification* and *redevelopment* and, if necessary, lands which are designated and available for residential development; and
- b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a 3 year supply of residential units available through land suitably zoned to facilitate *residential intensification* and *redevelopment*, and land in draft approved and registered plans.”

#### A2.8 **Section 1.6 – Infrastructure and Public Service Facilities**

Part V, Section 1.6.1:

“*Infrastructure* and *public service facilities* shall be provided in a coordinated, efficient and cost-effective manner to accommodate project needs.

Planning for *infrastructure* and *public service facilities* shall be integrated with planning for growth so that these are available to meet current and project needs.”

A2.9 Part V, Section 1.6.2

“The use of existing *infrastructure* and *public service facilities* should be optimized, wherever feasible, before consideration is given to developing new *infrastructure* and *public service facilities*.”

A2.10 Part V, Section 1.6.4.1 – Sewage and Water

“Planning for *sewage and water services* shall:

- a) direct and accommodate expected growth in a manner that promotes the efficient use of existing:
  - 1. *municipal sewage services and municipal water services...*”
- e) integrate servicing and land use considerations at all stages of the planning process.”

A2.11 Part V, Section 1.6.5.4 – Transportation Systems:

“A land use pattern, density and mix of uses should be promoted that minimizes the length and number of vehicle trips and support the development of viable choices and plans for public transit and other alternative transportation modes, including commuter rail and bus.”

A2.12 Part V, Section 1.6.5.5:

“Transportation and land use considerations shall be integrated at all stages of the planning process.”

A2.13 Part V, Section 1.8.1:

“Planning authorities shall support energy efficiency and improved air quality through land use and development patterns which:

- a) promote compact form and a structure of nodes and corridors;
- b) promote the use of public transit and other alternative transportation modes in and between residential, employment (including commercial, industrial and institutional uses) and other areas where these exist or are to be developed;
- c) focus major employment, commercial and other travel-intensive land use on sites which are well served by public transit where this exists or is to be developed, or designing these to facilitate the establishment of public transit in the future;

- d) improve the mix of employment and house uses to shorten commute journeys and decrease transportation congestion;....”

A2.14 Part V, Section 1.8.3

“*Alternative energy systems and renewable energy systems shall be permitted in settlement areas, rural areas and prime agricultural areas, in accordance with provincial and federal requirements. In rural areas and prime agricultural areas, these systems should be designed and constructed to minimize impacts on agricultural operations.*”

A2.15 Part V, Section 2.3.1 Agriculture:

“*Prime agricultural areas shall be protected for long-term use for agriculture.*

*Prime agricultural areas are area where prime agricultural lands predominate. Specialty crop areas shall be given the highest priority for protection, followed by Classes 1, 2 and 3 soils, in this order of priority.*”

A2.16 Part V, Section 2.3.5.1, Removal of Land from *Prime Agricultural Areas*

“Planning authorities may only exclude land from *prime agricultural areas* for:

- a) expansions of or identification of *settlement areas* in accordance with policy 1.1.3.9;
- c) limited non-residential uses, provided that:
  1. the land does not comprise a *specialty crop area*;
  2. there is a demonstrated need within the planning horizon provided for in policy 1.1.2 for additional land to be designated to accommodate the proposed use;
  3. there are no reasonable alternative locations which avoid *prime agricultural areas*; and
  4. there are no reasonable alternative location in *prime agricultural areas* with lower priority agricultural lands.”

A2.17 Part V, Section 2.3.5.2

“Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands should be mitigated to the extent feasible.”

**APPENDIX 3**  
**SUMMARY OF CITY OFFICIAL PLAN POLICIES**

A3.1 Section 1.1 relates to the Role of the Official Plan, in part as follows:

“The City of Ottawa and the Committee of Adjustment, in carrying out their responsibilities under the Ontario Planning Act shall have regard to among other matters, matters of provincial interest such as:

- a) the protection of ecological systems, including natural areas, features and functions;
- b) the protection of agricultural resources of the Province;
- c) the conservation and management of natural resources and the mineral resources base;
- d) the conservation of features of significant architecture, culture, historical, archaeological or scientific interest;
- e) the supply, efficient use and conservation of energy and water;
- f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- g) the minimization of waste;
- h) the orderly development of safe and healthy communities;
- i) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- j) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- k) The adequate provision of a full range of housing;
- l) The adequate provision of employment opportunities;
- m) The protection of the financial well being and economic well being of the Province and its municipalities;
- n) The co-ordination of planning activities of public bodies;
- o) The resolution of planning conflicts involving public and private interests;
- p) The protection of public health and safety;
- q) The appropriate location of growth and development;
- r) The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians.

But beyond this legal purpose, the Plan serves as a basis, or provides guidance on, for a wide range of municipal activities. These include:

- The planning and approval of public works to be carried out by the City in support of future growth, including sewage and water treatment infrastructure, roads and transit facilities, and public parks;....”

A3.2 Section 1.5 relating to Supporting Plans in part indicates the following:

“The Official Plan provides direction to several supporting plans that provide a greater level of detail on important issues than is practical in the Official Plan itself. These plans contain infrastructure program elements and strategies supportive of the policy directions contained in the Official Plan. For example, the Official Plan sets direction for the Transportation Master Plan by expressing Council’s strategic policies on transportation, such as its targets for the share of trips by transit and other modes of travel. The Transportation Master Plan enhances the Official Plan’s policy framework and describes the infrastructure and transportation networks needed to meet Council’s objectives, based on more detailed analysis and network modeling. The Official Plan includes the transportation networks developed through the Transportation Master Plan, but not at the same level of detail. In all cases, the supporting plans are building on the substantial base of policy and direction that was in place in former municipalities. The Official Plan clearly indicates where it links to specific supporting plans.

The main supporting plans that have been or are being developed are:

**Transportation Master Plan** – A comprehensive plan that sets out the City’s approach to managing and meeting the demand for transportation facilities, including walking, cycling, transit and roads;

**Infrastructure Master Plan** – An integrated planning and system management document which coordinates the City’s efforts in meeting the demand for public water, wastewater, and stormwater services;...”

A3.3 Section 1.6 relating to How the Guiding Principles are Addressed in the Official Plan indicates, in part, the following:

“...The Official Plan addresses the principles from a land-use and community design perspective. The following points indicate some of the ways the Official Plan responds to each principle. The details and scope of each are found in Sections 2, 3, 4 and 5 of the Official Plan.

#### **A Caring and Inclusive City**

- A better-balanced transportation system, which puts more emphasis on transit, cycling and pedestrian facilities, and improves mobility and access for all citizens, including those who do not own a car.

#### **A Creative City Rich in Heritage, Unique in Identity**

- Community design plans help create complete communities.

- Rural development is focused on Villages, and agricultural lands and environmental features are preserved.

#### **A Green and Environmentally-Sensitive City**

- Natural resources (e.g., agricultural land, minerals, and natural environment areas) are designated and protected.
- Focusing on alternative modes of transportation and reducing the reliance on the automobile improve air quality.

#### **A City of Distinct, Livable Communities**

- A mix of land uses, housing types, compact and inclusive development, clustering of neighbourhood facilities and services and excellent pedestrian connections make communities more complete as well as walkable. Their attractiveness and pedestrian functions are increased by proactive urban design that improves the relationship between public and private land uses, built forms and surrounding landscape.
- Livability is addressed by accommodating new growth and development in a more sustainable manner utilizing compact, mixed-use built form principles, including a moderate increase in density.

#### **An Innovative City Where Prosperity is Shared Among All**

- The transportation system is keyed to land use, such as high-quality transit to employment nodes.
- Partnerships and innovative approaches are explored to work with the business and development community to achieve a compact, mixed-use pattern of development.

#### **A Responsible and Responsive City**

- The existing infrastructure is used more effectively. More compact and infill development reduces the need to extend infrastructure to new areas.
- Urban growth is contained within a firm boundary that maintains good quality agricultural lands and rural countryside, and minimizes impacts on the natural environment.
- The link between development and public transit is strengthened.
- Growth and development is accommodated in a more sustainable manner, utilizing compact, mixed-use urban form in appropriate locations.



## **A Healthy and Active City**

- Human and ecosystem health are addressed through such means as reducing the reliance on the private automobile to lessen the impact on air quality.
- The provision of parklands, recreational pathways and facilities, community gardens, walking and cycling provides opportunities for a healthy lifestyle.
- Policies that foster the development of more compact, mixed-use development and design policies provide opportunities for walking in a pedestrian oriented environment.”

A3.4 Section 2.1, Strategic Directions, the Challenge Ahead indicates in part, the following:

“This Plan meets the challenges of growth over the next 20 years by pursuing directions in four key areas:

### **Managing Growth**

- The City will manage growth by directing it to the urban area where services already exist or where they can be provided efficiently.
- Growth in the urban area will be directed to areas where it can be accommodated in compact and mixed-use development, and served with quality transit, walking and cycling facilities.

### **Providing Infrastructure**

- A transportation system that emphasizes transit, walking and cycling will be built.
- Public water and sanitary wastewater facilities will be provided to reinforce the City’s commitment to a compact urban area and safe and healthy communities.

### **Maintaining Environmental Integrity**

- Air quality will be supported by a transportation system that emphasizes transit, walking and cycling and by policies that protect forests, wetlands and other natural environment areas.

### **Creating Livable Communities**

- Growth will be managed in ways that create complete communities with a good balance of facilities and services to meet people’s everyday needs, including schools, community facilities, parks, a variety of housing, and places to work and shop.
- The City will provide for a wide range of rural and urban economic activities in suitable locations.

- Agricultural lands will be preserved for future generations and mineral resources will be protected for extraction.”

A3.5 Section 2.2 relating to Managing Growth, indicates in part, the following:

“About 90 percent of the growth in population, jobs and housing will be accommodated with areas designated with the urban boundary of this Plan. These are areas where services are already available or can be readily provided through the logical extension of existing services. This approach makes the best use of existing facilities and services and ensures that new development can be provided with urban facilities and services in the most efficient manner possible. Concentrating growth within the designated urban area also allows for a pattern and density of development that supports transit, cycling and walking as viable and attractive alternatives to the private automobile. Altogether, this strategy has the least impact on agricultural land, mineral resources and protected environmental areas, and supports a cleaner, healthier city. This is the most cost-effective pattern for the provision of municipal services and infrastructure. Within the designated urban area, growth will be directed to locations with significant development potential.”

A3.6 Section 2.2.1 relating to Urban Area and Village Boundaries, indicates in part, the following:

- “4. If the assessment indicates a need for additional urban land, the merit of designating land in different locations and amounts will be compared and evaluated in consultation with the community, landowners and other interested parties. The evaluation will assess:
  - a. The ability of existing or planned infrastructure to support the development of this expansion area. Infrastructure includes such matters as pipes, public utilities, roads, transit, community resources including schools and parks;
  - b. The need to preserve the National Capital Greenbelt, agricultural areas, mineral resources areas, and the Natural Heritage System identified in this Plan. Where an urban designation is considered for any of these areas, there must be sufficient evidence that there are no reasonable alternative locations that avoid these designations. For Agricultural Resource Areas, additional justification is required to demonstrate that there are no reasonable alternatives that make use of poorer soils in the designation;
  - c. The need to provide new or upgrade existing roads, transit, water, stormwater and wastewater services, and other public utilities, municipal services and the cost of providing same;
  - d. Any other effect the designation would have on the City’s ability to achieve the policies in this Plan.
6. If, as a result of its land supply assessment, City council amends this Plan to designate additional urban land, such an addition will be sufficiently

large enough to create a complete community or to complete an existing community....

11. ...Impacts from new or expanding settlement areas (both the Urban Area and the Village Area boundaries) on agricultural operations which are adjacent to or close to the settlement area shall be mitigated to the extent feasible.”

A3.7 Section 2.3 relating to Providing Infrastructure indicates in part, the following:

“Land use and infrastructure issues are strongly inter-related and together form a cornerstone of the City’s growth management program. Of key importance in this respect is the link between land-use patterns and transportation facilities. The provision of transportation infrastructure deeply affects land-use patterns because it brings a new range of destination “closer” and encourages travel to them. This influences residents’ decisions about where to live and work, and may change where businesses choose to locate within the city. Land-use patterns affect the performance of transportation systems and the travel options realistically available to residents. For instance, low-density, single-use areas cannot support a frequent transit service and thereby encourage private automobile use, while higher-density mixed-use centres provide concentrated destinations that are more easily served by good-quality transit.

Likewise, the provision of urban infrastructure – such as drinking water, wastewater disposal and drainage – shapes development patterns by making more intense use of the land base possible. Thus policies governing the extension and upgrade of infrastructure can provide key levers for managing urban growth.

If the city is to grow in an efficient manner and achieve the vision set out in this Plan, it is essential that land use and infrastructure policies be “pulling” in the same direction. This part of the Plan sets out the City’s policies governing the planning and provision of urban infrastructure and these policies are further reflected in subsequent sections of the Plan on designations and the review of development proposals. More detailed information on infrastructure priorities, programs and investment will be contained in the Transportation Master Plan and Infrastructure Master Plan. Because of the close link between this Plan and those supporting plans, any decision to review this Plan will lead to a review of the supporting, and vice-versa.”

A3.8 Section 2.3.1 relating to Transportation indicates in part the following:

“A clear objective of this Plan is a substantial increase in the use of public transit and reduced dependence upon automobile use during peak hours. Increasing the percentage of trips by transit from today’s level of 23 percent of total passenger trips using motorized modes (transit or automobile) to about 30 percent by 2031 is crucial to meet growing travel needs. This increase in the share of travel by transit is very ambitious, in that it far exceeds current usage levels for all of the larger urban areas in Canada and the United States. In fact, it is comparable to the levels realized by many European cities.

The rapid-transit network will also be expanded to directly serve much more of the urban area. Complementary measures will also be needed to enhance the relative attractiveness of transit over private automobile use. These measures include controlling parking supply and pricing parking appropriately.

City Council has adopted a Transportation Mater Plan (TMP) to implement the policies expressed in this Plan. The TMP identifies the transportation policies, facilities and services that the City intends to put in place over the next two decades in order to meet the travel needs of residents and businesses in Ottawa and to support the development pattern identified in the Official Plan. The TMP policies guide the operation of the City’s day-to-day transportation programs and provide a basis for developing annual and five-year capital and operating budgets. While the TMP does not establish design or operating details, it identifies the need for separate guidelines that will give detailed support to policy objectives. It has several recurring themes consistent with the Ottawa 20/20 growth management vision, including minimizing costs, minimizing unnecessary travel, minimizing automobile dependence, keeping neighbourhoods liveable, protecting public health and the environment, and making efficient use of current infrastructure and services.

In keeping with the Transportation Master Plan, the City will seek to achieve the following increases in the share of morning peak-hour travel by pedestrian, cycling and public transit modes by 2031.

- Walking modal share of all person trips – from 9.6 percent in 2005 to 10 percent in 2031;
- Cycling modal share of all persons trips – from 1.7 percent in 2005 to 3 percent in 2031;
- Public transit – from 23 percent of total motorized trips in 2005 to 30 percent in 2031.

**Figure 2.5 – Projected Transit Modal Splits – Screenlines**

<u>Screenline</u>	<u>Transit Modal Split</u>	
	<u>2005</u>	<u>2031</u>
Bilberry Creek (1996)	35%	40%”

A3.9 Section 2.3.1.20 relating to Transit indicates the following:

20. “The City will introduce rapid-transit quality service at an early stage in the development of new urban communities. As these communities mature, they will ultimately be served by the extension of full rapid-transit facilities.”

A3.10 Section 3.1 Relating to Designations and Land Use, Generally Permitted Uses indicates in part, the following:

**“Public Utilities**

9. A public utility is a public body or private corporation, together with its associated physical infrastructure, that provides services to the public such as hydro, natural gas, communications/telecommunications and cable, but does not include the provision of municipal services. Municipal services are services provided by the City of Ottawa including roads, transit, water, wastewater, drainage, and stormwater management. Wireless Communication Facilities are addressed in policy 11 below.
10. Public utility facilities that are authorized under the requirements of the Environmental Assessment Act may be permitted in all land-use designations of this Plan. Other public utilities and municipal services and facilities are permitted in all land-use designations on Schedule A and B, except in Natural Environmental Areas, Significant Wetlands, Sand and Gravel and Limestone Resource Areas, or in Flood Plains and Unstable Slopes shown on Schedule K, provided that:
  - a. Such use is necessary in the area and adequate measures are taken to ensure the use and its design are compatible with the surroundings;
  - b. Adequate off-street parking and loading are provided;
  - c. The construction of permanent buildings is discouraged where an area, not in one of the identified designations is found to be environmentally sensitive;
  - d. The design of the utility or facility meets the intent of the policies expressed elsewhere in this Plan;
  - e. Where proposed in Agricultural Resource Areas and areas designated Urban Natural Features or Rural Natural Features, the location must be essential for the provision of the utility, service or facility or constitutes a necessary expansion of an existing facility. A study may be required to assess alternative locations outside the designated areas and the environmental impacts on these areas will be mitigated if alternative locations are not feasible.

11. **Wireless Communication Facilities**

Wireless telecommunications towers are permitted in all land-use designations on Schedules A and B, except in Agricultural Resource Areas, .....

A3.11 Section 3.7.2 relating to the General Rural Area indicates in part the following:

“The General Rural Area contains a variety of land uses, such as farms, rural housing, wood lots and forests, small industries, golf courses, and in many places, small clusters of residential and commercial development. The intent of this designation is to accommodate a variety of land uses that are appropriate for a rural location and a limited amount of residential development where such development will not preclude agricultural and non-residential uses.

## Purpose

General Rural Areas are designated on Schedule A with the intent to provide:

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

## Permitted Uses

3. The following uses will be permitted with the General Rural Area with requiring a zoning by-law amendment:
  - a. Agricultural uses, forestry and conservation, and natural resource management activities;
  - b. Residential uses on existing lots of record and new lot created by severance as provided for by this Plan;
  - c. Animal boarding, breeding, and training facilities, including stables;
  - d. Bed and breakfast establishments;
  - e. Open Space;
  - f. Cemeteries.
4. A zoning by-law amendment will be required where any of the following uses are proposed in General Rural Areas or by country lot subdivision as provided for in policy 5 below...”

A3.12 Section 3.7.3 relating to Agricultural Resources indicates in part the following:

“Farmland is an important use in Ottawa, occupying about 40 percent of the municipality’s lands. Located on these extensive areas of good soil – totaling more than 120,000 hectares – is a mixture of cash crop and livestock farms producing agricultural products with a value in 2001 of over \$150 million. The approximately 1300 farmsteads in Ottawa create economic activity for related businesses, such as agricultural supplies, equipment stores and processing plants.

In order to protect this resource for future generations, the City will protect prime agricultural areas from loss to lands to other uses. This protection entails policies that strictly limit permitted land uses and lot creation on all lands identified as Agricultural Resource Areas. These lands are shown on Schedule A and B. Their identification is based on the Ottawa-Carlton Land Evaluation Review (LEAR) evaluation system. The LEAR system uses four factors to determine the agricultural potential of land:

- Soil Capability for agriculture (large areas predominantly of soils 1, 2, and 3);
- Land use (existing use of individual properties);
- Parcel size (flexibility of parcel size to accommodate different farm activities)
- The presence of conflicting land uses in the area (e.g., adjacent to Villages or residential uses).

### **Purpose**

1. Lands designated Agricultural Resource are shown on Schedules A and B with the intent of:
  - a. Protecting major areas of agriculture and other lands suitable for agriculture from loss to other uses;
  - b. Ensuring that uses, which would result in conflicts with agriculture operations, are not established in productive farming areas.”

A3.13 Section 3.9 relating to Snow Disposal Facilities, indicates in part the following:

- “1. Snow disposal facilities are not designated on the schedules of this Plan.
2. Existing snow disposal facilities will be recognized in the zoning by-law. A new snow disposal facility will require an amendment to the zoning by-law. New Snow Disposal Facilities will only be permitted in areas where it can be demonstrated that the impacts of trucking and any other negative impact can be minimized and subject to a zoning by-law amendment.

Snow disposal facilities will not be permitted in Natural Environment Areas, Significant Wetlands, flood plains, unstable slopes, Rural Natural Features and Urban Natural Features.”

**APPENDIX 4**

**LIST OF DOCUMENTS THAT MAY BE RELIED UPON**



### **Documents That May Be Relied Upon**

1. OMB Procedural Order for Urban Boundary Phase 2A, Issued on November 21, 2011

#### **Policy and Guideline Documents**

2. Provincial Policy Statement 1997
3. Provincial Policy Statement 2005
4. City of Ottawa Official Plan 2003
5. City of Ottawa Official Plan Amendment 76
6. City of Ottawa Official Plan Amendment 77
7. City of Ottawa Transportation Master Plan, 2008
8. City of Ottawa Infrastructure Master Plan, January 2009
9. City of Ottawa, Ottawa 20/20, A Window on Ottawa 20/20, Ottawa's Growth Management Strategy, 2003
10. Food Land Guidelines. A Policy Statement of the Government of Ontario on Planning for Agriculture, 1978.
11. Ottawa-Carleton, Land Evaluation and Area Review for Agriculture (LEAR), undated

#### **City of Ottawa Five Year Official Plan Review Related Documents/Reports**

12. City of Ottawa, Rural Discussion Paper, Development Outside of Villages, October 2007
13. City of Ottawa, Rural Discussion Paper, Vision for Agriculture in Ottawa, January 2008
14. City of Ottawa, Information Package provided to GOHBA, September 2, 2008
15. City of Ottawa Report to the Agriculture and Rural Affairs Committee, Review of the Official Plan and Infrastructure Master Plan, November 17, 2008
16. City of Ottawa Minutes 44, Special Meeting of Planning and Environment Committee, November 24, 2008
17. City of Ottawa Minutes 33, Special Meeting of Agriculture and Rural Affairs Committee, November 27, 2008

18. City of Ottawa, Rural Settlement Strategy, 2008 Official Plan Review, January 2009
19. City of Ottawa Report to Joint Agricultural and Rural Affairs & Planning and Environment Committee, January 28, 2009
20. City of Ottawa, Residential Land Strategy for Ottawa 2006 - 2031, February 2009
21. City of Ottawa, Document 15, Response to Submission, February 2009
22. City of Ottawa Minutes 1, Agriculture and Rural Affairs & Planning and Environment Committee, February 2, 2009
23. City of Ottawa, Report to Joint Agriculture and Rural Affairs & Planning and Environment Committee, March 20, 2009
24. Letter from Ministry of Municipal Affairs and Housing, Official Plan Five Year Review, One-Window Comments, March 26, 2009
25. City of Ottawa Minutes 2 - Joint Meeting of Agriculture and Rural Affairs & Planning and Environment Committee , March 31 and April 1, 2009
26. City of Ottawa, Agenda 3, Joint Meeting of Agriculture and Rural Affairs & Planning and Environment Committee, May 11, 12, and 14, 2009)
27. City of Ottawa Minutes 3, Joint Meeting of Agriculture and Rural Affairs & Planning and Environment Committee, May 11, 12, 14, and 26, 2009
28. Report to Planning Committee, Recommended Council Position for Urban Boundary, Phase 2 Ontario Municipal Board, September 1, 2011

### **Correspondence**

29. Letter from Michael Goldberg to the City of Ottawa (Lesley Paterson) concerning March 31<sup>st</sup> Staff Report, Comprehensive Official Plan Review, April 13, 2009
30. Letter from Mattamy Homes on status of OPA application, April 24, 2009
31. Letter from City of Ottawa (John Moser) to Mattamy Homes (Sue Murphy) concerning Mattamy Homes - Expansion Area, May 11, 2009
32. Letter from Michael Goldberg to the City of Ottawa (John Moser) concerning Mattamy's Proposed Official Plan Amendment, June 3, 2009

33. Letters from Davies Howe Partners to City (Tim Marc) dated November 18, 2011 and November 25, 2011

#### **Reports Filed With the City By Mattamy**

34. Planning Report – Proposed Urban Area & Future Urban Area; Private Official Plan Amendment Application and Input into the City of Ottawa Official Plan Review. Prepared by Goldberg Group, July 2008.
35. Transportation and Transit Report – Orleans Transportation Overview, Official Plan Amendment. Prepared by Genivar, July 7, 2008.
36. Agriculture Report – Agriculture Impact Assessment, Orleans, City of Ottawa. Prepared by Enviro Plan Consulting Services, June 30, 2008.
37. Natural Environment Report – Orleans Properties, Ecological Constraints Overview, Final Report. Prepared by Kilgour & Associates, June 30, 2008.
38. Supplementary Planning Report, prepared by Goldberg Group dated November 2008.
39. Orleans Urban Expansion, Transportation Perspective, prepared by Genivar, dated October 28, 2008.
40. Agricultural Impact Assessment, prepared by EnviroPlan Consulting Services dated October 31, 2008.
41. Orleans OPA Expansion (Natural Environment), prepared by Kilgour & Associated, dated October 30, 2009
42. Submission to City of Ottawa Planning & Environment Committee/Agriculture and Rural Affairs Committee, May 14, 2009

#### **Del/Brookfield and Fernbank Reports and Documents**

43. Agricultural Impact Assessment for the Del/Brookfield Lands City of Ottawa. Prepared for 443641 Ontario Limited & Brookfield Homes (Ontario) Limited. Prepared by Enviro Plan Consulting Services & Colville Consulting Inc, 2005
44. Alternative Site Review Study, Ontario Municipal Board Hearing In the Matter of 443641 Ontario Limited and Brookfield Homes (Ontario) Limited, OMB Case Numbers PL 971478, PL 030649, PL 030622. Prepared by Walker, Nott, Dragicevic Associates Limited, Enviro Plan Consulting Services, Colville Consulting Inc., May 30, 2005
45. OMB Decision and Order, Del Corporation and Brookfield Homes Limited, issued August 11, 2005

46. Report to Planning and Environment Committee, Fernbank Community Design Plan: Official Plan Amendment; Transportation Master Plan; Master Servicing Plan and Environmental Management Plan, May 24, 2009

#### **Regional Official Plan Amendment 9 Documents**

47. Corel Centre Lands: Justification of Need, Final Report, the Corporate Research Group Ltd., May 2000
48. Region of Ottawa-Carleton Report to Planning and Environment Committee, Public Meeting to consider Draft Regional Official Plan Amendment 9 ~ Kanata West Business Park, August 30, 2000
49. Corel Centre Lands Agricultural Resource Assessment, prepared for Ottawa-Carleton Department of Planning and Development Approvals, by CH2M Gore & Storrie Limited in association with DBH Soil Services Inc., August 2000
50. Amendment 9 to the Official Plan (1997) of the Regional Municipality of Ottawa-Carleton, October 11, 2000

#### **Other Documents**

51. Avalon South Residential, Development Infrastructure Master Servicing Study Update, Minto Developments Inc., Final Report, January 19, 2004
52. Submission and approval documents related to the Summerside Subdivision, 2010 and 2011