

ONTARIO MUNICIPAL BOARD

IN THE MATTER OF subsection 17 (36) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended

Appellants: Greater Ottawa Homebuilders Association,
Zbigniew Hauderowicz, Karson Holdings Inc., Ken McRae;
and others

Subject: Proposed Official Plan Amendment No. OPA
#76

Property Location: All lands within the City of Ottawa

Municipality: City of Ottawa

OMB Case No.: PL100206

OMB File NO.: PL100206

WITNESS STATEMENT OF BRUCE FINLAY

I, BRUCE FINLAY, of the City of Ottawa, state as follows:

1. I am a land use planner, employed by the City of Ottawa and work in the Policy Development & Urban Design Branch of the City’s Planning and Growth Management Department. I was involved in the review of the City of Ottawa Official Plan, the preparation of the Draft versions of Official Plan Amendment (OPA) #76 and their presentation and recommendation to the Planning and Environment Committee, the Agriculture and Rural Affairs Committee and the final version presented to Council.
2. I was also responsible for the preparation of the submission of OPA #76 to the Ministry of Municipal Affairs and Housing (MMAH), and the negotiation with respect to the modifications to OPA #76 proposed by MMAH. I prepared the subsequent report, recommending support of the resulting Ministry Modifications, to the joint Committees and Council.

Qualifications

3. A copy of my CV is attached. I am member of the Canadian Institute of Planners and the Planning Institute of Australia. I am a Registered Professional Planner.

Issues to be Addressed

4. I will be addressing Issues 1-11, and 16 from the Procedural Order Issues List and identified below:

Greenspace Alliance

- 1 Are the criteria and weighting employed by the City consistent with the Provincial Policy Statement policies regarding watershed planning and protection of linkages between natural areas?
- 2 Are the criteria and weighting employed by the City respectful of Official Plan policies regarding watershed planning and protection of linkages between natural areas?
- 3 Was appropriate consideration given to sub-watershed studies?
- 4 Does the methodology to determine gross developable hectares take in account appropriate constraints under the Official Plan and Greenspace Master Plan?

Mattamy

- 5 Should lands designated Agriculture Resource Area be considered as candidate areas for inclusion in the City's Urban Boundary?

City of Ottawa

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

James Maxwell

- 8 Where the stated methodology for evaluation criteria clearly states the basis for identifying lands having no residential potential due to i.e. "aircraft noise and proximity to the Trail Road disposal site, is it within the scope of the study to disqualify other lands for other not previously identified reasons?
- 9 Where one of the named criteria for evaluation is as #13, Potential Conflicting Land Uses, which assigns a weighted score, is it within the scope of the study to completely disqualify a parcel because one abutting owner claims a conflict?
- 10 Where there is an intention to summarily disqualify a particular property even before the scoring evaluation takes place is it in conformity with "fair hearing"

requirement under the Planning Act to do so without affording the owner the opportunity to address in a fulsome manner the basis for the disqualification?

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- 11 Does the City's methodology provide appropriate consideration of the planned function of Urban Areas and/or communities?
- 16 Is the description of Accessibility to existing or planned retail /commercial area applied by the City the appropriate description for this criterion?

Opinions on Issues

5. In 2009, City staff recommended the addition of 850 ha of new land to the Urban Area of the City of Ottawa to address the anticipated need for residential land to 2031. The addition of this much land was subsequently confirmed by the Ontario Municipal Board.
6. The Staff recommendations to City Council in 2009 also proposed a methodology to objectively evaluate individual parcels of land surrounding the urban area to make up this 850 ha. Throughout the consultation process Staff indicated that the selection of the additional urban land would be based upon a citywide analysis that would result in the *"Identification of the recommended locations for urban boundary rationalization based on a descriptive evaluation. Various criteria will be used such as impacts on Agricultural Resource Areas, ease of servicing with water and wastewater, opportunities to secure natural areas, road connectivity, proximity to proposed transit, support for mainstreets and mixed-use centres and the presence of various potential conflicts."* [Vol 2 Tab 14 Page 753](#)
7. This evidence will demonstrate that the City's methodology and the criteria used to evaluate potential candidate areas for urban expansion are: impartial in their identification and evaluate candidate parcels; chosen to identify parcels that have the greatest probability for integration with existing communities; designed to select parcels that utilize residual capacity in existing or proposed infrastructure; and give priority to parcels that contribute to achieving the Provincial and City planning objectives. The city's process for evaluating candidate lands was open to public

scrutiny, was based upon easily available information and was intended to be the precursor to more detailed local area planning.

Reasons for Opinions

Greenspace Alliance Issues 1-4

Issue 1 Are the criteria and weighting employed by the City consistent with the Provincial Policy Statement policies regarding watershed planning and protection of linkages between natural areas?

8. Section 2.2 Water of the Provincial Policy Statement promotes "...watersheds as the ecologically meaningful scale for planning". The Provincial Policy Statement points out that this scale of planning can identify cross jurisdictional and cross watershed impacts and identify *surface water features, ground water features; hydrologic functions and natural heritage features and areas*. Watershed plans can also identify linkages and related functions; promote efficient use of resources and best practices for water conservation, stormwater management and the protection or restoration of vegetative cover and pervious surfaces.

9. The City's Official Plan adopts a watershed basis for land use planning in the City. Section 2.4.3 of the Plan identifies the role that watershed and sub-watershed plans are to play and how they will integrate with other planning exercises undertaken by the City. As an ecosystem approach to land use planning watershed planning is intended to ensure the long term health of the watershed by striking a balance between environmental protection, conservation and restoration of natural systems and development and land use practices within the watershed. This is typically implemented through mechanisms such as regulating development, undertaking public works and through private stewardship of land.

10. Section 2.4.3 policy 4 provides that where the City approves a watershed plan it will implement the recommendations of the plan where it has the ability to do so though more detailed sub-watershed plans, environmental management plans, existing programs, development review and other mechanisms.

11. The City's methodology for reviewing the candidate sites removed the known natural heritage system components from the developable land within the candidate areas. These were lands designated as natural environment area and significant wetlands as well as areas that potentially contain significant woodlands and designated Rural Natural Features. As sites were evaluated further other lands which contribute to linkages such as flood plains along watercourses and which reduce the potential for residential development were also removed or discounted from developable land. In my opinion this high level screening is consistent with the provincial objective for watershed planning and for the protection of ecological linkages.

Issue 2 Are the criteria and weighting employed by the City respectful of Official Plan policies regarding watershed planning and protection of linkages between natural areas? and

Issue 3 Was appropriate consideration given to sub-watershed studies?

12. The City in consultation with Conservation Authorities sets priorities to undertake watershed and sub-watershed plans based upon the environmental condition of the natural systems and development pressure. Not all of the areas considered for urban expansion have watershed, sub-watershed plans or environmental management plans are an not all of the plans are up-to-date. Section 2.4.3 policy 7c the Official Plan provides that a sub-watershed study will be undertaken and will be the basis for more detailed planning such as "*...a community design plan or an application to amend the Official Plan which provides for new development areas or redevelopment areas, or applications to subdivide land in locations that are largely undeveloped*". In this regard the City's policies and practices are consistent with the Provincial objective of having an ecological basis for land use planning.
13. Not all of the lands considered by the City were subject to watershed plans or up-to-date plans. The City's methodology did not require the completion of new watershed plans or to update existing out-dated plans due to the magnitude of the work. The City's methodology did not require the detailed evaluation of each site to the same degree as a sub-watershed study for the same reasons. In my opinion, the

level of review undertake to screen candidate lands remains consistent with the Official Plan in the following ways:

- a. The methodology screened out land where natural heritage system components were already designated in the Official Plan and discounted floodplains which remove the most obvious components of the natural heritage system from consideration.
 - b. The City's methodology also identifies stormwater serviceability as an evaluation criterion (Criteria 3) for each parcel and considers whether there are existing servicing constraints, flood hazard constraints and whether watershed planning has been undertaken. The criteria then favorably scores land where stormwater management systems are approved and ready to accommodate development and where an up-to-date environmental management plan/sub-watershed plan is available to guide the future development of the land. This criterion is also weighted to give prominence to up-to-date plans that take into consideration current environmental conditions and land use.
14. The methodology must also be considered in terms of the policies that OPA 76 added to the City's Plan and which will apply to the potential new urban areas. Sections 3.11 and 3.12 of the Official Plan require "... *an environmental management plan ... will be prepared where a sub-watershed study does not exist or does not provide sufficient guidance to identify the environmental features on the site or their functions, which together constitute the natural heritage system*". The environmental management plan will allow for the consideration current environmental conditions and land uses in more detail and form the basis of a land-use plan. Where appropriate updates of water shed plans may be required.
15. Once the natural heritage system is accurately defined the City's Official Plan also requires that the land, containing the natural heritage system, be transferred to City ownership and further an Official Plan amendment is required to designate the land general urban. In my opinion these steps permit the achievement of the watershed planning objectives in the Provincial Policy Statement and the City's Official Plan.

Issue 4 Does the methodology to determine gross developable hectares take into account appropriate constraints under the Official Plan and Greenspace Master Plan?

16. The Greenspace Master Plan in my opinions is of less relevance to this process of screening candidate lands than the Provincial Policy Statement and the Official Plan. The master plan inventoried and developed strategies for the protection of greenspaces, natural and recreational areas in the urban area. The changes to land use policy that were recommended by the Greenspace Master Plan, were included by amendment to the Official Plan in September 2006.

17. The Greenspace Master Plan focused on the identifiable components of the City's urban greenspace system and proposed a number of strategies that could be pursued by the City to preserve what remains of natural areas and to enhance public accessibility to greenspace that already exists. This contributed to development of targets to ensure adequate, accessible, connected, quality and sustainable greenspace systems in new communities as the urban area expands. Section 4.1 of the Greenspace Master Plan promotes protection through:

- a. Land use plans (community design plans) by identifying greenspace opportunities in new and developing neighbourhoods; allocating new parks; preserving natural areas and maintaining or creating connected greenspaces;
- b. development review by implementing community design plans and seeking opportunities to obtain parks and or preserve natural areas at the time of development;
- c. public works where the design and location of public buildings and infrastructure can be used to provide greenspace and to maintain linkages;
- d. partnering with others to acquire, preserve and manage greenspaces for environmental and recreational purposes;
- e. management of city-owned land in a manner that supports natural features and functions and broadens recreational opportunities where appropriate; and
- f. acquisition of land to achieve the City's greenspace objectives.

All of these options remain available to the City in respect to the candidate lands and begin to be refined and implemented as part of the development of the land use plans that will be required by the City before the expansion lands can be developed.

18. In conclusion it is my opinion that the City's methodology ensures that the watershed planning objectives of the Provincial Policy Statement as reflected in the City's Official Plan have or will be addressed by: excluding areas of the natural heritage system from consideration as developable land; by giving preference to candidate lands that have completed up-to-date watershed, sub-watershed and environmental management plans; and by providing for subsequent planning processes to update older plans and provide the protection for the city's natural heritage systems that includes environmental corridors.

Mattamy

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

19. "*Prime agricultural land*" is a defined term in the Provincial Policy Statement and refers to *specialty crop areas* and/or Canada land inventory classes 1, 2 and 3 soils which reflect the order of agricultural capability and for city protection. "*Prime agricultural areas*" are defined as areas where *prime agricultural land* predominates. These areas include *prime agricultural land* in association with other lower classes of soil (classes 4-7) and additional areas where local concentrations of operating farms exist. *Prime agricultural areas* may be defined by the Ontario Ministry of Agriculture and Food using their evaluation methods or by an alternative evaluation system approved by the Province. In Ottawa the *prime agricultural areas* were identified by the Land Evaluation and Area Review (LEAR) system developed by the former Regional Municipality of Ottawa - Carleton in 1995 and approved by the Province.
20. Based upon LEAR the Agricultural Resource Area was designated by the former Regional Municipality in 1997 and the same land was subsequently included in the City Official Plan in 2003. Some changes to the Agricultural designation were included in OPA 76 in 2009 but a complete review of the LEAR and the Agricultural Resource Area designation was not undertaken. There are no *specialty crop areas* in Ottawa and the Agricultural Resource Area designation describes the City's *prime agricultural areas*.

21. With two exceptions, addressed, below Agricultural land was not considered as candidate land for urban expansion based upon the prioritization found in Section 1.1.3.9 of the Provincial Policy Statement which establishes the criteria for the establishment of a new *settlement area* and or the expansion of an existing “*settlement area*” and identifies the circumstances when the use of land in *prime agricultural areas* may be considered.
22. The Provincial Policy Statement is clear that it does not permit municipalities to consider *specialty crop areas* for expansion of a settlement area. Land identified as part of a *prime agricultural area* can only be considered where there are no reasonable alternatives that avoid land in *prime agricultural areas* and only where there are no reasonable alternative lands of lower priority within *prime agricultural areas*. The Provincial Policy Statement does not specifically preclude or condition the consideration of any other type of land in the same manner when considering the expansion of a “*settlement area*.”
23. The City’ methodology excluded sites located in the Agricultural Resource Area designation with the exception of two areas identified in the staff report of January 28, 2009. The two exceptions were:
 - a. Area 5a, which is a parcel of land that was surrounded by land designated urban area and future urban area between Stittsville and Kanata. The surrounding land had been removed from the agricultural designation as a result of past urban land additions. The size of this parcel was far below the threshold size (250ha) used by the City’s LEAR to define *prime agricultural areas*. This land was already being considered within a comprehensive land use planning exercise for the Fernbank Community Design Plan. This land was subsequently re-designated as urban land in OPA 77; and
 - b. The City reviewed requests for other agricultural lands to be considered and included a strip of land in Lot 4 Con 10, identified as Areas 10d, Pond and 10e, at the south eastern boundary of Orleans. This land was included as part of the *prime agricultural area* following the development of LEAR in 1997 due to the quality and scoring of surrounding land. Today much of that surrounding land is no longer designated Agricultural Resource Area. These parcels score

below 130 points which is the LEAR threshold at which land is considered *prime agricultural land*. A similar request to consider land in Lot 4 Concession 9 was also reviewed but was rejected because the land exceeded the threshold score of 130 points.

24. The city did not re-evaluate the LEAR scoring for any parcels and staff indicated that a review of the City's LEAR model would be undertaken once the Province had completed the review of their guidelines for LEAR evaluations. The Provincial review is completed and the City is currently undertaking a LEAR review.
25. It is my opinion that the Provincial direction is clear and directs a municipality to exhaust other reasonable candidate lands before considering land within *prime agricultural areas*.

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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?

26. The policy uses the term 'reasonable alternatives'. I would suggest that a reasonable alternative must first of all be capable of development and should be capable of meeting the same tests under the Provincial Policy Statement as follows:
 - a. Section 1.1.1 - Land that can promote healthy, livable and safe communities,
 - b. Section 1.5.1 – Land that can provide healthy, active communities,
 - c. Section 1.6.1– Land to which infrastructure and public service facilities can be provided in a co-ordinated, efficient and cost effective manner,
 - d. Section 1.6.2 – Land that can permit infrastructure and public services to be optimized before considering the provision of new infrastructure.
 - e. Section 1.6.3 – Land that supports the effective and efficient delivery of emergency management services.
 - f. Section 1.6.4.1 – Land promotes the efficient use of municipal water and wastewater services
 - g. Section 1.6.5 – Land that can be served by safe, energy efficient transportations systems that utilize existing and planned infrastructure in a

manner that reduces vehicle trips and supports the development of public transit and other alternatives modes of transportation.

- h. Section 2.1.1 – Land that avoids or protects natural features and functions for the long term
- i. Section 2.2 - Land avoids sensitive surface and groundwater features and where the quantity and quality of water can be protected, improved or restored.
- j. Section 2.3 – land that protects *prime agricultural areas* for long-term use for agriculture by protecting Class 1, 2 and 3 soils and avoiding land uses that do not hinder or conflict with surrounding agricultural operations.
- k. Section 2.5 – Protect as much of the available mineral aggregate resources as possible for long-term use
- l. Section 3.0 - that protects public health and safety from natural and man-made hazards

27. The City employed these same criteria in the development of the methodology for the evaluation the candidate lands. With the exception of the two locations referred to at 18 above approximately 2000 ha of potential alternative land was identified in areas designated General Rural Area and Rural Natural Features in the City's Official Plan that surrounds the current urban boundary. This land base was subsequently evaluated using the City's methodology. As a result of that analysis the City has determined that there is sufficient land that meets the criteria without the need to consider land designated Agricultural Resource Area.

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?

28. As stated in 23 above it is my opinion that the Provincial direction clearly directs a municipality to exhaust other reasonable candidate lands before considering land within *prime agricultural areas*.

Issue 8 Where the stated methodology for evaluation criteria clearly states the basis for identifying lands having no residential potential due to i.e. “aircraft noise and proximity to the Trail Road disposal site, is it within the scope of the study to disqualify other lands for other not previously identified reasons?

29. The City identified the need for an additional 850 ha of residential land to meet the housing needs of the population predicted for 2031. The Staff report of January 28th, 2009 identified that the candidate areas being considered by the City are intended for residential purposes. As a consequence urban land with potential for other purposes was not being considered as part of the City review.

30. The Staff report also identified how screening for residential potential would be undertaken. Land was excluded if it was designated Agricultural Resource Area or Natural Environment Area; if the parcels did not provide logical extensions of the existing urban area; if the land was identified as limestone or sand and gravel areas (although some were considered where rehabilitation was anticipated within the planning period); if the land was subject to aircraft noise; and if land was within 500m of the Trail Road Landfill site where a number of risks to human health need to be considered.

31. As individual parcels were reviewed, assessments of their suitability for residential purposes were considered and lands were rated or removed accordingly. As the assessment of parcels progressed land that was already developed or that was considered unlikely to redevelop was also excluded. In addition land that is constrained by flood plains was excluded. These exclusions were documented in the evaluations for each area. The evaluation of sites became more refined through consultation with land owners and the public as the methodology evolved from February to May 2009.

32. Sections 17(15)-(21) of the Planning Act requires municipalities to provide opportunities for public review of a proposed Official Plan or amendment to a Plan and establishes mechanisms to make information available to the public and to provide an opportunity to submit comments . The reason that this input is sought is

to ascertain if there are additional factors that have been overlooked or need to be considered differently before the Council makes a decision.

33. The City presented the methodology with the release of the Draft OP in February 2009 and continued to solicit and consider public and agency input into the criteria and the weighting of the criteria in each phase of the public consideration of OPA 76 from February 2nd, to May 11, 2011. Where additional information and improvements to the methodology were suggested they were reviewed by staff before being applied.
34. In my opinion it is reasonable to expect that such consultation would produce changes to the information pertinent to the understanding of individual sites and to the methodology.

Issue 9 Where one of the named criteria for evaluation is as #13, Potential Conflicting Land Uses, which assigns a weighted score, is it within the scope of the study to completely disqualify a parcel because one abutting owner claims a conflict?

35. The conflicting land use criterion #13 applied a score of 2 points for land that was not within 500m of agricultural land and criterion #14 applied a weighted score, to land not adjacent to a country lot subdivision and/or not adjacent to the constraint land around land fill sites where residential development is not permitted. These factors are intended to show a preference to sites where residential development is unlikely to experience conflicts from or to cause conflicts with the identified uses.
36. The City's basic criterion, established at the beginning of the process, is that the candidate land must be suitable for residential uses. Lands considered unsuitable for residential purposes were screened out for the following reasons:
 - a. Presence of Natural Heritage System components forested lands, wet areas, escarpments, wetlands, floodplains and valley lands
 - b. Setbacks from landfill sites
 - c. Setbacks from Limestone Resource areas
 - d. land licensed for extraction
 - e. Hydro corridors

- f. Developed land unlikely to be redeveloped (i.e. church /cemetery)
- g. Major road rights-of-way
- h. Land adjacent to the DND explosives range.

37. Any one of these features and adjacent uses can impact a property's potential. Any one of these adjacent land uses can impact some, or even all of a candidate parcel's ability to support residential development. Many of these conflicts result from the existing use of individual properties. Some conflicts are recognized in the Official plan by policy and separation criteria. Other potential conflicts arise through more detailed review of development and through consultation. Any conflicts identified through the consultation process by landowners were followed up and considered by staff before being included in the criteria.

Issue 10 Where there is an intention to summarily disqualify a particular property even before the scoring evaluation takes place is it in conformity with “fair hearing” requirement under the Planning Act to do so without affording the owner the opportunity to address in a fulsome manner the basis for the disqualification?

38. Section 61 of the Planning Act provides that a municipality is required to afford an opportunity to make representation in respect to land use matters and Section 61 of the Act refers to this as providing a “Fair hearing” as follows:

61. Where, in passing a by-law under this Act, a council is required by this Act, by the provisions of an official plan or otherwise by law, to afford any person an opportunity to make representation in respect of the subject-matter of the by-law, the council shall afford such person a fair opportunity to make representation but throughout the course of passing the by-law the council shall be deemed to be performing a legislative and not a judicial function. R.S.O. 1990, c. P.13, s. 61.

39. Sections 18 and 34 of the Planning Act and the Regulations to the Act provide for a minimum of public consultation in order to provide the ‘Fair hearing’, referred to in Section 61 before Council makes a final decision on land use matters. The Act provides the right of appeal to persons and organizations. Appeal affords a second opportunity to bring forward evidence in support of a contrary opinion to a position taken by the Council. The Act also anticipates that new information may be identified during an appeal and provides the opportunity for Council to reconsider its

original decision based upon that information before the matter is determined by the OMB.

40. It is my opinion that when developing a methodology the objective must be clear and broad categories of exclusions to achieve that objective should be identified but that the evaluation must be able to address additional information, such as site specific circumstances, identified as a consequence of public consultation. All landowners had opportunities to make submissions to staff and Council throughout the public hearings for OPA 76. On July 4th 2011 Planning Committee supported a staff recommendation that was ratified by Council on July 13th, 2011, to provide an additional opportunity for landowners to present new information to Council in relation to the candidate lands. Staff notified all impacted land owners of the opportunity they had to provide new information prior to Staff reporting back to Committee on September 27th 2011 and Council October 12th 2011. New information resulting from submissions received in this period was identified in the staff report dated September 1, 2011. Land owners were also provided an opportunity to make submissions at the Committee meeting. In my opinion the City provided adequate opportunity for landowners to address their interests in a fulsome manner.

4840 Bank Street

Issue 11 Does the City’s methodology provide appropriate consideration of the planned function of Urban Areas and/or communities?

41. At the outset the objective was to select areas that made the best use of available infrastructure capacity and existing or planned community resources in the context of the structure of the urban area as a whole. It was understood that each parcel could be made to work but that the purpose of the exercise was to evaluate the relative merits of a large number of candidate sites across the city against common criteria. (Vol. 3 Tab 20 page 1217) and (Vol. 4 Tab 31 p2240)
42. “Relative merit” recognizes that some areas will integrate better into the urban area than others. While the staff report in 28 January 2009 indicated that the incremental addition of land to each of the communities outside the greenbelt (South, East and

West) was possible there was no intention expressed in the report to deliberately add land to each community. Therefore the criteria used in the methodology always had the potential to add more land in one area than in others and possibly result in no land being added to a particular community.

43. The February 2009 report also indicated that the criteria were drawn primarily from the objectives identified in the Provincial Policy Statement;

Criteria	Consideration
1-3 Serviceability <ul style="list-style-type: none"> • Water • Waste water • Stormwater 	The Provincial Policy Statement calls for municipalities to consider the cost effective provision or extension of water and wastewater services and the ability to address storm water efficiently and in an environmentally sustainable manner. Over all serviceability is an appropriate consideration. PPS 1.6.1 and 1.6.2
4-5 Road Capacity and access to Arterial and Collector Roads	The Provincial Policy Statement requires municipalities to ensure that the existing/ planned capacity in road infrastructure can accommodate the anticipated demand. Avoiding future traffic congestion and cost to the city to provide upgrades to road infrastructure is an appropriate consideration. Sites that already provide access to one or more collector or arterial roads reduce the potential of impact from new traffic on local streets and integrate better with existing communities. Capacity in road infrastructure is an appropriate consideration. PPS 1.6.5 .1, 1.6.5.2 and1.6.5.4
6 Accessibility – Transit	The Provincial Policy Statement and the Official Plan encourage the use of alternative transportation. The proximity of new urban land to existing or planned rapid transit station or to park and ride identified in the OP is an important consideration. Parcels that are closer to transit and particularly rapid transit facilities have a greater likelihood of increasing the overall community use of alternative transportation modes. The distance measures for these criteria are compared to the average distances of all candidate parcels. PPS 1.6.5.4

<p>7 Accessibility to existing or planned retail/commercial focus</p>	<p>While the criteria name is generic the measurement is intended to assess the relationship of the land to the contribution they will make to the viability of major community services and facilities that have been or are to be provided in the Mixed-use Centres and along traditional and arterial mainstreets.</p> <p>The Mixed use Centres include Town Centres in the eastern, western and southern urban communities and are the primary focus for each of these communities. Mainstreets are intended to serve one or more neighbourhoods and provide more specialised functions and be more transit focused. Over time these Mainstreets are intended to become more urban. Providing support to these centres areas helps to achieve the City’s intensification and transit objectives.</p> <p>The distance measures for these criteria are compared to the average distances of all candidate parcels.</p> <p>OP 3.6.2 and 3.6.3</p>
<p>8 Ability to work in community</p>	<p>Jobs/Housing Balance. This assessment is based upon the relative relationship between potential households and jobs within the community starting at the parcel nearest the urban boundary. This seeks to support the development of employment lands and promote live work communities.</p> <p>OP Policy 2.2.2 (19)</p>
<p>9 Accessibility to community facilities</p>	<p>Similarly to the support of services and facilities in Mixed-use Centres and Main Streets above, the distance to city-owned recreational complexes was used as a measure of the support for the city’s existing or proposed investment in major city recreational and social facilities in the communities outside the Greenbelt. These complexes include a range of recreational social and cultural opportunities including indoor and outdoor rinks, pools, fitness centres and community meeting spaces. Smaller city facilities do not provide for the same range of opportunities as the larger complexes. The distance measures for these criteria are compared to the average distances of all candidate parcels.</p> <p>PPS 1.1.3.2 and 1.6.2 and 1.6.3</p>
<p>10 Availability of existing or planned emergency services</p>	<p>Distance to emergency services – Assesses the distance to existing and proposed fire, ambulance and police (total /3) services. This assesses whether the inclusion of the land can be serviced or not by existing and planned emergency services. If not there is an additional cost to the city to provide these services. The distance measures for these criteria are compared to the average distances of all candidate parcels.</p> <p>PPS 16.2 and 1.6.3</p>

11 Connectivity to the Community	This is an assessment of the ability of the developed lands to be integrated with existing and planned residential areas. This considers street pattern and the opportunity for further expansion beyond the planning period. This was measured based upon the number of sides that abut urban land that is or will be developed for residential purposes.
12 Existing Bus Service	These assess the ability of the land to support existing or proposed transit services in the area.
13 Potential Conflicting Land Uses	<p>This assesses the potential of the development on the site to impact existing agricultural operations or to be impacted by noise dust and smell from those operations. The standard measure used for to assess these criteria is if there was any land within an Agricultural Resource Area designation within 500 metres of the site. This criterion reduces the risk of annoyance and potential complaint in reaction to normal farm operations.</p> <p>PPS 1.1.3.9(d)</p>
14 Potential Conflicting Land Uses	<p>Assesses the likelihood of the impacts from construction and urban development on ground water resources for adjacent rural residential development serviced by wells and in-ground wastewater systems. It also establishes a preference for sites that are unlikely to experience impacts from noise, dust and smell beyond the 500m influence area around operating landfill sites. Avoiding these impacts reduces the likelihood of complaint and reduces the need for mitigation.</p> <p>PPS 1.6.8 and 3.2 and OP Section 3.7.4 policy 10</p>
15 Depth to Bedrock	While primarily related to the cost of construction of infrastructure there are also potential noise, dust and vibration impacts for adjacent existing development during site development due to significant and shallow bedrock formations. This awards points to parcels that are easier and less costly to develop.
16 Land Absorption	<p>This measure attempts to assess the amount of land supply being added to a community based upon historical land consumption for residential purposes in 2009. This awards points to parcels in areas of high demand characterised by low residential land supply and high historical building trends. This allows the relative demand for new land in each community to influence the distribution of the candidate lands more broadly and respond to historical demand.</p> <p>PPS 1.4.1</p>

Issue 16 Is the description of Accessibility to existing or planned retail / commercial area applied by the City the appropriate description for this criterion?

44. While one of the measures of accessibility was described as the distance to a planned retail /commercial area the measurement is intended to assess the contribution the land will make to the viability of major community services and facilities that have or are to be provided in the Mixed-use Centres and along Traditional and Arterial Mainstreets. The Mixed-use Centres include the Town Centres for the eastern, western and southern urban communities. These centres are the primary focus for each of these communities and are planned to:
- be strategic locations on the rapid transit system
 - be focal points for activity both within their community and city-wide
 - be areas with high potential to achieve considerable growth
 - contain elements that are locally and regionally oriented.
 - Achieve minimum targets for employment and a wide variety of employment retail land other community services and facilities.
45. In other locations Mainstreets are intended to provide a less intense concentration of services and facilities than Mixed-use Centres. Mainstreets are older service corridors that are also targets areas in the Official Plan for considerable growth and to encourage a mix of uses that provide services to a number of communities or neighbourhoods and even the regional market. The criteria assess the contribution the candidate lands make to encouraging these objectives for use of Mixed-use Centres and Mainstreets to be achieved.
46. The descriptor for this measure could have been better described as accessibility to and support for Mixed-use Centres and Mainstreets. The location of candidate sites adjacent to existing residential areas assumes that they already would support local retail or commercial centres. In my opinion the ability to support the higher order centres is a more objective and universal measure to assess the relative merits of the candidate parcels.

Conclusions

47. The Methodology adopted by the City to evaluate the candidate lands was developed from criteria contained in the Provincial Policy Statement and the policies and objectives contained in the City's Official Plan. The criteria are intended to be applied objectively and are not intended to favor any parcel or location for any reason other than they are suitable for residential purposes and they "...make the best use of existing available infrastructure capacity and community resources". Importantly each parcel or group of parcels can be integrated into existing development plans or existing communities. The criteria and the weighting of scores were evaluated in a public process that permitted external critical review and the input of new information. It is possibly the first time that the expansion of the urban area has undergone such an objective evaluation.
48. The methodology is also high level evaluation that must also be considered in the context of the planning processes that have been put into place through OPA 76. Each of the recommended areas are subject to further analysis and the majority require the preparation of a detailed land use plan and an Official Plan amendment prior to development proceeding. These mechanisms allow specific matters, such as the protection of the natural heritage system, to be addressed in more detail.
49. For these reasons it is my opinion that the City's methodology and criteria to select and evaluate candidate land for urban expansion are consistent with the Provincial Policy Statement, the City's Official Plan and constitute good land use planning.

BRUCE FINLAY

List of reports or Documents to be relied upon at the Hearing (prepared by City or Appellants)

Document	Date	Ref
Provincial Policy Statement	1 Mar 2005	Vol. 1 Tab 1
City Official Plan – consolidated policies		
Ottawa-Carleton Land Evaluation and Area Review for Agriculture (LEAR)	Jul 1997	
Planning and Environment Committee and Agriculture and Rural Affairs Committee Report ACS2008-ICS-PLA-0231	17 Nov 2008	Vol. 2 Tab 14
Joint Agriculture and Rural Affaires and Planning and Environment Committee Report ACS2009-ICS-PLA-0029	28 Jan 2009	Vol. 3 Tab 20
Greenspace Master Plan – Strategies for Ottawa’s Urban Greenspaces.	August 2006	
Planning Committee Report ACS2011-ICS-PGM-0153	24 June 2011	
Planning Committee Report ACS2011-ICS-PGM-0187	01 Sept 2011	

Other documents contained in the City’s evidence books may also be referenced. Should other material be relied upon to formulate my reply to other witness statements those documents will be identified in my reply statement.