

PL100206

**ONTARIO MUNICIPAL BOARD
COMMISSION DES AFFAIRES MUNICIPALES DE L'ONTARIO**

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

Subject: Proposed Official Plan Amendment No. OPA #76, Urban Boundary Phase 2a

OMB Case No.: PL100206

OMB File NO.: PL100206

WITNESS STATEMENT OF IAN CROSS

December 9, 2011

A. INTRODUCTION

I, IAN CROSS, of the City of Ottawa, state as follows:

Present Position

I am currently employed as the Program Manager, Research and Forecasting Unit in the Policy Development and Urban Design Division of the Planning and Growth Management Department of the City of Ottawa. I have held my present position with the City of Ottawa since September 2001.

Experience and Qualifications

I have over 30 years of planning experience and have been employed by former Regional Municipality of Ottawa-Carleton and the new City of Ottawa since 1987. In addition to forecasting and land use analysis, I have been extensively involved with planning policy, in particular issues related to the management of urban growth.

I am member of the Canadian Institute of Planners and am a Registered Professional Planner. My Curriculum Vitae is attached as Appendix A to this witness statement.

I have appeared before the Ontario Municipal Board on several occasions and have been qualified as a land use planner with a specialization in projections and planning research.

Scope of Witness Statement

This statement identifies the issues to be addressed (Part B), it provides background information on the methodology developed and applied by the City to evaluate urban land additions (Part C), it provides planning opinions on the issues (Part D), and the reasons for the opinions (Part E).

A list of documents which may be referred to in my evidence is included as Appendix B. Documents referred to in my witness statement are included in the Joint Document Book.

B. ISSUES TO BE ADDRESSED

I will be addressing issues 4 to 18 and issue 20 from the Procedural Order Issues List.

C. OVERVIEW OF METHODOLOGY FOR EVALUATION OF LANDS TO BE ADDED TO THE URBAN AREA

The urban land requirements analysis of the 2009 Official Plan (OP) review concluded an additional 850 gross residential hectares (ha) needed to be added to the Urban Area to provide sufficient land to 2031. The methodology for deciding the recommended locations of the expansion lands was based on a set of evaluation criteria, as initially referred to in the OP Preliminary Proposals report presented to the April 22, 2008 meeting of Planning and Environment Committee (Vol 2, Tab 11).

This section of the witness statement describes how the evaluation criteria were developed and applied.

The methodology for evaluating urban expansion parcels commenced with a review of evaluation criteria used in other studies. These were discussed with staff of the Ministry of Municipal Affairs and Housing, members of the Greater Ottawa Home Builders' Association (GOHBA) and representatives of the Greenspace Alliance at meetings through mid-2008. At the September 2, 2008 meeting with GOHBA a summary of previously used evaluation criteria was distributed, which included:

1. Natural Environment Criteria (RDS)*
2. Ecological Well-being (GRIDS)**
3. Economic Criteria (RDS)
4. Economic Well-being (GRIDS)
5. Kingston Criteria (Economic)
6. Indicators for Caring Healthy Communities (RDS)
7. Community Well-being (GRIDS)
8. Kingston Criteria (Community)
9. Dan Paquette's criteria for evaluating the Kanata-Stittsville boundary
10. Malone Given Parsons "Managing Growth" Criteria

* RDS refers to the Regional Development Strategy of the 1997 Regional OP

** GRIDS refers to City of Hamilton's Growth-Related Integrated Development Strategy

Additional material reviewed included the Canadian Home Builders Association's "Guidelines for the Development of Environmentally Responsible Communities" dated September 2007, and the "Alternative Site Review Study" dated May 30, 2005 prepared by

consultants on behalf of 443641 Ontario Limited and Brookfield Homes (Ontario) Limited, the appellants in the 2005 Del-Brookfield OMB hearing on the urban boundary.

It was concluded that the most useful, comprehensive criteria were those based on the PPS. Relevant sections of the PPS included the following:

1.1.1d) “Avoiding development and land use patterns that would prevent the efficient expansion of *settlement areas*.” Basis for the Connectivity to Community criterion. Also relates to 1.6.5.3, connectivity of transportation systems.

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;
3. minimize negative impacts on air quality and climate change, and promote energy efficiency in accordance with policy 1.8.”

Relates to Servicability and Transportation criteria, Accessibility to a Mainstreet or Mixed-Use Centre, Ability to Work in Community, Accessibility to a Major Recreational Facility, Emergency Services, and Existing Bus Service criteria. Policy 1.4.3c) is also supported by these criteria.

1.1.3.9b) “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”. Basis for Servicability, Accessibility to a Major Recreational Facility, and Emergency Services criteria. Additional *infrastructure* and *public service* policies contained in policy 1.6 also provide the basis for these criteria.

1.1.3.9c), 2.3.1 and 2.3.5.1. Prime agricultural areas. The basis for excluding *prime agricultural lands* designated as Agricultural Resource Area in the OP.

1.1.3.9d), 1.1.4.1e), 1.7.1g) and 2.3.5.2 “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” (wording of first policy quoted). Basis for Potential Conflicting Land Uses – Agricultural Resource Area criterion.

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*.” Relates to criteria for Servicability, Capacity – Roads, Accessibility – Transit, Accessibility to a Major Recreational Facility, Emergency Services, and Existing Bus Service. Policies 1.6.1 and 1.6.5 are also relevant.

1.6.3 “effective and efficient delivery of emergency management services”. Basis for Emergency Services criterion.

1.6.4.1a) Sewage and Water Services. Basis for Servicability criteria.

1.6.5.1, 1.6.5.2, 1.6.5.4 Transportation Systems. Basis for Capacity – Roads, Accessibility – Arterial and Collector Roads, and Accessibility – Transit criteria.

1.7.1b) “Enhancing vitality and viability of downtowns and mainstreets”. Basis for Accessibility to a Mainstreet or Mixed-Use Centre criterion.

1.8.1b) “promote use of public transit”. Basis for Accessibility – Transit criterion.

1.8.1d) “improve mix of employment and housing”. Basis for Ability to Work in Community criterion.

2.1.1 “Natural features and areas shall be protected for the long term”. Basis for identifying and excluding natural features from the calculation of gross developable hectares. Areas identified were those listed in policy 2.1.4.

2.5.2 Protection of Long-Term Resource Supply. Basis for excluding lands from residential potential within 500 m of a designated Limestone Resource Area. The evaluation assumed that most lands designated Sand and Gravel Resource Area would deplete the resource within the planning period and become available for development.

3.2 Human-made Hazards. Basis for Depth to Bedrock and Conflicting Land Uses – Landfill criteria and for excluding residential land within 500 m of a Limestone Resource Area.

The staff report on proposed changes to the Official Plan presented to the November 25, 2008 meeting of Planning and Environment Committee and November 27, 2008 meeting of Agriculture and Rural Affairs Committee made the following general reference to the evaluation methodology (Vol 2, Tab 14, p. 753):

“The proposed draft amendment that is tabled in January of 2009 will include some matters that are not in this report. It will include:

1. 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.”

The above examples of the types of criteria are directly connected to those subsequently used in the evaluation.

The methodology was elaborated through a series of three staff reports, dated January 28, March 20, and May 4, 2009, as part of a public process. These corresponded to preliminary (January), draft (March) and final (May) evaluations. The reports were tabled with the joint Planning and Environment and Agriculture and Rural Affairs committee meetings of February 2, March 31 and May 11 respectively. In addition to the opportunities that the public process provided interested parties and the general public to make comments on parcel screening, evaluation methodology and scoring, a total of 54 meetings were held with various landowners on potential urban expansion parcels through the OP review process.

January 28 Staff Report (Vol 3, Tab 20)

The preliminary evaluation in January was a draft for discussion. As noted on page 1208:

“Staff have done a comparative review of more than 2,000 ha of primarily General Rural Area and are recommending some additional work to investigate the cumulative impact on infrastructure and to consider economies of scale. Document 3 presents that analysis and identifies the recommended actions. At this time no specific lands are being recommended for inclusion and the relative ranking of parcels will likely change as additional work is completed.”

The report also noted on p. 1215:

“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 the existing community.”

A number of assumptions guided the selection of areas included in the analysis (p. 1216):

- “1. The parcels must be a logical extension of the existing urban area;
2. No lands in an Agricultural Resource Area designation were considered (with the exception of areas 5a and 10f 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 land as candidate areas, there is no need to look elsewhere.
3. No lands 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 resources 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.”

In point 2 above, the reference to 10f was a typographical error; it should have stated “10d”. In the March evaluation parcel 10d was split into parcels 10d and 10e.

Each parcel was also screened for constraints to development. The largest category of constraints was the presence of Natural Heritage System (NHS) components, such as forested areas, wet areas, escarpments and valleylands. Other constraints identified were Hydro rights-of-way, existing development and setbacks from mineral resource areas. Constraint areas were not included in the estimate of “gross developable” residential hectares required for the 850 hectares.

On p. 1217 the report noted:

“These parcels should be developable within 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 very 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 the *relative* merits of the various candidate areas.”

Conclusions and Recommendations in the January 28 report (p. 1220-1221) were:

“Conclusions

“1. This is the preliminary phase of analysis and has not yet concluded on the appropriate parcels for inclusion in the urban area. The analysis in this report examines over 2,000 hectares of land in 38 parcels.

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 the residual capacity in existing infrastructure and provide the highest probability of integration with the existing community. However, it is apparent that there is not a lot of residual capacity in the City’s infrastructure. Therefore, in most cases, improvements are required. Some of the higher scoring areas actually failed in their servicing score.

4. This analysis does not look clearly at the cumulative effect of adding adjacent parcels. In some cases, the addition of one parcel could be accommodated in the existing infrastructure. However, in other cases improvements are required. If that is the case, does it make sense to add only one parcel or should the city be looking at economies of scale and more strategic investments? Additional work is required in this regard.

5. The summary tables indicate where components of the Natural Heritage System exist. As the land is urbanized, it is the intention to preserve these areas as natural areas in the urban fabric. However, work is required to more accurately map these areas and this work requires access to the properties.

6. Figure 1 shows the areas achieving the highest points in the preliminary (score). These include:

- a. Areas 1a, 1b, 1c, 1d, 1h north of Kanata
- b. (Areas 5a and 5b – no additional analysis required)
- c. Areas 6a, 6b and 6c south of Stittsville
- d. Area 7a south of South Nepean
- e. Areas 8a, 9a, 9b, 9c adjacent to Leirtrim
- f. Areas 10a, 10b and 10d south of Orleans
- g. Areas 11a, 11b, 11c, 11e east of Orleans.

7. Figure 1 should not be read as a list of recommended areas, since the Phase 2 analysis may change the ranking significantly.” (underline added)

“Recommendations

1. The City will undertake some additional servicing analysis over the next month to examine the serviceability of the preferred parcels. In particular, the analysis will review all of the servicing studies submitted to date in addition to considering the cumulative effect of urban land additions and economies of scale. This will provide a basis for revisions to the decision rules, the scoring criteria and actual scores for the infrastructure component of the analysis if appropriate.
2. At least two weeks prior to the public meeting on March 31, staff will provide an Official Plan Schedule indicating the recommended locations for urban expansion based on the revisions made through the servicing analysis.
3. The recommendations made at that time will also indicate what servicing issues need to be addressed prior to development occurring on these parcels.
4. City staff will arrange to get more accurate mapping of Natural Heritage Features. The report prepared for March 31 public meeting will indicate how these lands are to be secured by the City.
5. Areas 5a and 5b were included in the analysis for the Fernbank community design plan and their servicing has been incorporated into the master servicing study for Fernbank. Therefore, no additional analysis is required for these two parcels.”

March 20, 2009 Staff Report (Vol 6, Tab 55A)

The committee meeting of March 31 was the start of the Public Meeting required under the Planning Act for what became Official Plan Amendment No. 76 (OPA 76).

The staff report noted that although a draft OPA had been circulated for comment in February it did not contain specific policies for the proposed urban expansion areas. Policies proposed in the March draft divided expansion areas into a “Future Urban Area” designation for lands within the Fernbank Community Design Plan (CDP) area and a “Developing Community (Expansion Area)” designation for all other lands. The latter proposal required expansion areas to complete studies of servicing, transportation, and the natural heritage system, including a financial plan for how natural features and other items would be secured at no cost to the City.

Based on comments made on the methodology set out in the preliminary (February) evaluation, the March report incorporated several methodological revisions, including:

- a) A new criterion to measure existing and planned road capacity was added;

- b) A double-weighting of the scores for Servicability (water, wastewater and stormwater), Transportation (road capacity, access to arterial and collector roads, and accessibility to rapid transit), and Land Absorption was applied to reflect the importance of these measures;
- c) An additional point was assigned to Rapid Transit accessibility (maximum 5 points, double-weighted, instead of 4) to reflect its importance;
- d) Minimum score for Ability to Work in Community (jobs-housing balance) was corrected from 1 point to 0;
- e) Scoring of Major Recreational Facility was revised for Leitrim by assigning half-points to reflect the limited facilities available at the Fred Barrett Arena;
- f) Criterion for Conflicting Land Uses – Aggregate Resources or Landfill within 500 m was revised by substituting Agricultural Resource Area lands within 500 m for aggregates or landfills. Conflicts with aggregates and landfills were addressed instead by removing land within 500 m of these uses from the residential potential of affected parcels;
- g) Land Absorption scores for Area 7 (Barrhaven) were revised to include only Barrhaven, not the entire South Urban Centre and Leitrim combined as had been done in the preliminary evaluation. A similar revision was made for Areas 8 and 9 (Leitrim) which resulted in no change to scores in those areas;
- h) Connectivity to Community criterion was removed;
- i) Depth to Bedrock maximum score was increased to 3 points from 2 to reflect a change in the number of gradations in depth;
- j) Distance measurements were revised to be taken from the parcel centroid, not the nearest edge of the parcel.

Other changes to the March analysis included:

- A more in-depth analysis of servicing requirements by consultants was applied;
- Some parcels were reconfigured, including splitting parcel 10d into parcels 10d and 10e (west and east of the existing stormwater pond respectively), splitting parcel 9c

into 9c.1 and 9c.2 due to an existing stormwater pond, and two new parcels were created in Area 11 to separate lands designated Rural Natural Feature from lands designated General Rural Area (parcels 11c and 11d were each split in two, creating new parcels 11f and 11g);

- A small area of General Rural Area land which had been omitted from the preliminary analysis was incorporated into parcel 11f; and
- Corrections to the preliminary evaluation, including the identification of shorter routes for some distance measures.

May 4, 2009 Staff Report (Vol 4, Tab 31)

The May report presented the final draft OP amendment and recommended to the joint committee lands to be added to the Urban Area based on the final parcel evaluation.

In the proposed amendment, expansion lands were placed in one of three designations:

1. “Future Urban Area” designation for lands within the Fernbank Community Design Plan (CDP) area;
2. “Urban Expansion Study Area” for larger areas to be added. The proposed amendment required studies of servicing, transportation, and the natural heritage system, including a Financial Plan and a commitment to transfer natural features to the City for \$1. A subsequent OP amendment would be required to implement the plans. New development was required to meet higher density targets; and
3. “Developing Community (Expansion Area)” for smaller, less complex areas. The proposed amendment required similar studies as those for Urban Expansion Study Areas but did not require an subsequent OP amendment. New development was required to meet higher density targets.

The May report introduced the following revisions to the methodology:

- a) Score for “Conflicting Land Uses – Country Lot or Village Adjacent” was double-weighted to reflect the extent of concerns, providing a maximum score of 4 points. The criterion was also amended to include being within 500 m of the required

setback from a landfill to recognize the concern for odours up to one km away from the Trail Road site;

- b) Further revision was made to the methodology for calculating distance to Major Recreational Facility in Leitrim (a weighted average of two facilities was applied);
- c) A new criterion for Existing Bus Service at the parcel was introduced;
- d) The Connectivity to Community criterion was restored based on concerns by many, and a score of 3 points was introduced for a partial obstruction in one direction;
- e) Depth to Bedrock score was reduced to a maximum of 2 points in response to comments by the development community that depths beyond 5 m did not warrant differentiation;
- f) Soil Constraints was removed due to the unreliable nature of the data sources at this scale of review and in response to comments that engineering solutions were available to address concerns.

Other changes in the May evaluation included:

- Further refinements to the servicing analysis were incorporated;
- A more detailed road capacity analysis was applied;
- Parcels 1b and 1c were split into east and west parts, based on wastewater servicing and urban form considerations;
- Parcels 1f and 1g were considered not to have any residential development potential due to their proximity to the adjacent DND weapons testing facility;
- Parcel 7a was considered not to have any residential development potential due to the presence of a deep pit in the centre of the parcel which was judged unlikely to be rehabilitated before 2031;
- Lands within 500 m of the Trail Road landfill were removed from residential potential in all Area 7 parcels;
- The wastewater score for parcel 11e was revised to take account of the exclusion of low-lying areas from lands to be serviced;

- Parcel 11f was considered not to have any residential development potential due to the economic impracticality of extending services to its small area of developable land;
- Correction of clerical errors in the draft evaluation.

June 24 and September 1, 2011 Staff Reports

Following the Board's decision on Phase 1 of the urban boundary hearing, staff prepared two reports related to establishing Council's position for the Phase 2 hearing on the location of urban expansion lands beyond the 230 ha adopted by Council in 2009.

The first report, dated June 24, 2011, recommended a process that included a review of any new information that was not known when staff did their final analysis in May 2009. That process was adopted at the July 13, 2011 meeting of Council.

As part of the review, all persons who made submissions in 2009 were contacted and invited to submit by August 12 any new or updated information that could affect the parcel evaluation. In addition to emails, phone calls and reports received, eight meetings took place with landowners.

The September 1, 2011 report, presenting staff's review of information and recommending specific lands, was debated over two meetings of Planning Committee on September 13 and 27, 2011, and the staff recommendation was carried by Council on October 12, 2011.

Submissions were received from approximately 32 individuals, businesses and organisations. Several submissions related to lands that were not included in the 2009 evaluation, either due to their location, because the land was designated Agricultural Resource Area in the OP, or other factors that made them unsuitable candidates. As the report noted, "in general, little relevant new information was provided by the submissions".

The September report did not change the criteria used in May 2009, but made a number of revisions to the evaluation. Revisions were of four types: Servicability scores were updated with new information; some distance measures were revised; Land Absorption scores were updated from a basis in 2007 data to 2009 data, and; a few errors were corrected. Specific revisions are listed below:

1. Water Servicability: Recent extensions have improved reliability in Area 9 adjacent to Leitrim and all parcel scores were increased accordingly.
2. Wastewater Servicability: Scores for parcels 1bW and 1cW in north Kanata were reduced by 2 points to reflect a change in planned flow direction, giving the west parcels the same scores as parcels 1bE and 1cE. It was therefore determined that 1bW-E and 1cW-E should not be split into east and west halves and they were reconfigured into a single 1b parcel and single 1c parcel. This resulted in changes to the parcel scores such that parcel 1b was recommended for inclusion but 1c was not.
3. Stormwater Servicability: An engineers' report submitted supported increased scores for all parcels in Areas 8 and 9 adjacent to Leitrim.
4. Road Capacity: The 2009 analysis had identified a small amount of surplus capacity in the Kanata-Stittsville area. With the approval of Area 5 parcels as part of the Urban Area this capacity is now gone. The only effect was a loss of 3 points for Area 4, which had not been recommended for inclusion in 2009.
5. Accessibility – Arterial and Collector Roads: Correction of a typographical error in parcel 8f added 2 points.
6. Accessibility to Mainstreet or Mixed-Use Centre: Minor distance revisions revised scores for some parcels.
7. Accessibility - Rapid Transit: Minor revisions to distances, no change to scores.
8. Ability to Work in Community (jobs-housing balance): Minor revisions based on updated housing supply data, no changes to scores.
9. Accessibility to Major Recreational Facility: Other than minor revisions to distances, an error in calculating distances for parcels in Areas 8 and 9 (Leitrim) was corrected. This reduced scores by one point for several parcels.
10. Availability of Emergency Services: Minor distance revisions changed a few scores.
11. Connectivity to Community: Minor revisions made to ensure scoring consistency.
12. Agricultural land conflict: A typographical error was corrected in parcel 10a, reducing its score by 2 points.

13. Land Absorption: Data was updated to 2009. No changes resulted to parcel scores.

No changes were made to other criteria. Although scores changed slightly for a number of parcels, the only change to lands staff recommended in 2009 for inclusion in the Urban Area was to include parcel 1bE (the east part of parcel 1b) and exclude 1cW (the west part of 1c).

The total of the 21 parcels recommended by the City of Ottawa for inclusion in the urban boundary, including the area of lands previously added in Fernbank by OPA 77, is 851.9 gross ha.

D. OPINIONS ON ISSUES

GREENSPACE ALLIANCE ISSUES

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

Opinion: The methodology provided a reasonable estimate of gross developable land taking into account policies of 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?

Opinion: Lands designated Agricultural Resource Area should only be considered as candidate areas for expansion if the underlying basis for the agricultural designation had changed such that the designation was no longer warranted.

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?

Opinion: There were ample reasonable alternatives within the meaning of policy 1.1.3.9 of the PPS to using prime agricultural land for the required urban expansion.

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

Opinion: The exclusion of prime agricultural land as expansion candidates was fully consistent with the objectives of the PPS.

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?

Opinion: The methodology evolved during the public consultation process, and as a result the scope and basis for excluding lands from residential consideration also evolved from what was originally stated in the January 2009 staff report quoted in Issue 8.

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?

Opinion: Staff excluded some parcels altogether or excluded residential potential on parts or all of some parcels depending on their analysis of the conflict identified. Whether the conflict was identified by a single abutting owner or not was not relevant to that process.

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?

Opinion: The public process that was followed for OPA 76 conformed with the requirements of Section 61, Fair hearing, of the Planning Act by providing opportunities for landowners and others to address the joint committee.

4840 BANK STREET LIMITED

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

Opinion: The City's methodology sought to determine the best locations for urban expansion lands on a city-wide basis, and appropriately treated all urban areas and/or communities on an equal basis.

12. Does the City's methodology provide appropriate consideration of applicable Community Design Plans?

Opinion: The City's methodology provided appropriate consideration of applicable Community Design Plans (CDPs) for those matters that are determined by CDPs.

13. Should there be criteria and weighting assigned to lands that can be developed in the next 5 years? (Also raised by Jim Maxwell)

Opinion: Criteria or weighting for land that can be developed in the next five years would not be useful to the parcel evaluation and should not be assigned.

14. Should there have been a criteria and weighting for the question of adjacency to the existing Urban Area?

Opinion: Adjacency to the existing Urban Area was addressed by multiple criteria which measured distances to services and facilities, and there is therefore no need for additional criteria and weighting to assess adjacency.

15. Is the description of Accessibility – Transit applied by the City the appropriate description for this criterion?

Opinion: The description for Accessibility – Transit, being proximity to the existing and planned rapid transit system, is appropriate for meeting the goals of the City's Official Plan and the PPS and is therefore appropriately described.

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

Opinion: The description for this criterion is appropriate for meeting the goals of the City's Official Plan.

17. Is the description of Accessibility – Arterial and Collector Roads appropriate or should the test be one of sufficient access?

Opinion: The description for this criterion, being direct access to arterial and collector roads, is appropriate. It is doubtful that “sufficient access” can be objectively measured and it would not be helpful to assessing the relative merits of candidate parcels.

18. Is the definition of Major Recreational Facility appropriate as it has been applied by the City?

Opinion: The definition of Major Recreational Facility (MRF) applied by the City is appropriate for the parcel evaluation. If an urban community did not possess an existing or planned MRF an average of two or more facilities was applied.

20. Was the City’s application of historical land absorption rate an appropriate means for applying this criterion?

Opinion: The City’s use of a land absorption rate based on the previous 10 years was an appropriate means of applying the criterion.

E. REASONS FOR OPINIONS

GREENSPACE ALLIANCE ISSUES

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

Development constraints were identified for each parcel evaluated based on the best information available at the time. The area in hectares by type of constraint was listed in the parcel evaluations in each of the January, March and May, 2009 staff reports. The total area with constraints was subtracted from the gross land area of each parcel to produce an estimated gross developable land area.

Constraints included the following:

- Wetlands, woodlands, and valleylands
- Floodplains
- Stormwater ponds
- Land within 500 m of a Limestone Resource Area

- Existing churches and cemeteries
- The DND Explosives Range
- Hydro rights-of-way
- Land within 500 m of a landfill
- Active pits
- Existing village development
- Rights-of-way of major roads

The methodology outlined above provided a reasonable estimate of gross developable land for purposes of the parcel evaluation. Proposed policies 3.12 and 3.13 in OPA 76 require studies to identify the natural heritage system in expansion areas and the preparation of an environmental management plan. The 50% gross-to-net ratio applied to estimate gross residential land requirements allows for some additional environmental constraints to be accounted for on expansion parcels if identified in subsequent studies..

The methodology for estimating gross developable land took sufficient account of constraints under the OP and the Greenspace Master Plan.

MATTAMY

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

Lands designated Agricultural Resource Area (ARA) in the OP were based on the Land Evaluation and Area Review (LEAR) process completed in 1995 and used as the basis for designating ARA lands in the 1997 Regional OP. Under LEAR, which was approved by the Ontario Ministry of Agriculture and Food, lands scoring 130 or more points were designated ARA. Because the intent of the OP is to designate large blocks of contiguous prime agricultural areas for agriculture, small pockets of land scoring less than 130 points were included in the ARA designation if they were surrounded by areas scoring more than 130 points and therefore constituted *prime agricultural areas*.

As part of the analysis of urban additions, all LEAR scores for ARA lands in proximity to the existing urban boundary were reviewed. If a landowner requested, where an ARA area had a LEAR score of under 130 points and through a change in the designation of adjacent

lands it no longer formed part of a larger area of prime agricultural land, then it was considered for inclusion.

To be consistent with policy 1.1.3.9 of the PPS, lands designated ARA should only be considered for inclusion in the urban boundary under the conditions described in the preceding paragraph.

It was the City's stated intention that the LEAR analysis would be updated following completion of the 2009 OP review, as available time and resources did not permit that work to be undertaken as part of the review and the province was in the process of updating the LEAR methodology. The City's review of the LEAR evaluation is currently underway.

CITY OF OTTAWA

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?

The Provincial Policy Statement, policy 1.1.3.9, states that a municipality may allow the expansion of a settlement area boundary only where it has been demonstrated:

“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*; and
3. There are no reasonable alternatives on lower priority agricultural lands in *prime agricultural areas*”

The PPS definition of *prime agricultural areas* means:

“areas where *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 agricultural land evaluation system approved by the Province.”

The reference in the last sentence above to an alternative evaluation system includes the Land Evaluation and Area Review (LEAR) process described in the response to Issue 5.

The final parcel evaluation for urban additions included a total of close to almost 2,000 gross hectares of land, of which 1,409 gross hectares were estimated to be developable for residential purposes. The screening criteria for including this land in the evaluation and the removal of constraint land as outlined in the response to Issue 4 established that all of these lands constituted reasonable alternatives to the addition of *prime agricultural lands* as defined in the PPS. It is also noted that there were other General Rural lands not included in the evaluation that would have been reasonable alternatives to expanding onto prime agricultural land. These other lands were not included in the evaluation because they were more distant from many services than the parcels included in the evaluation and their inclusion was not required to identify the required 850 ha.

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?

One of the fundamental principles of the PPS is the protection of the Province's agricultural lands, as stated in Part IV and reiterated in section 2.3.

Prime agricultural areas, as defined in the PPS, were identified through the Land Evaluation and Area Review (LEAR) process, an alternative agricultural land evaluation system that was approved by the Province. Lands scoring more than 130 points in LEAR were designated Agriculture Resource Area in the 1997 Regional OP. Those designations were carried over to the 2003 City of Ottawa OP and were not changed in OPA 76.

As noted in the response to Issue 5, some parcels which scored below 130 points in LEAR were designated Agriculture Resource Area if they formed part of a larger *prime agricultural area*. Where circumstances changed such that their inclusion in a *prime agricultural area* was no longer warranted these non-prime agricultural lands were considered for urban expansion in cases where the owner requested they be included.

The exclusion of parcels of prime agricultural land from the evaluation was therefore consistent with the objectives of the PPS.

JAMES MAXWELL

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?

The reference to “aircraft noise and proximity to the Trail Road disposal site” is contained in the January 28, 2009 staff report. On p. 27, point 5 in its entirety reads:

“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 January report made it clear that the initial results were preliminary and that “the relative ranking of parcels will likely change as additional work is completed.” Hence the March and May staff reports were never intended to be restricted to dealing solely with “previously identified reasons” for excluding residential potential, and it was clearly within the scope of the study to apply relevant new information affecting the residential potential of parcels that was identified during subsequent stages of the evaluation process. The May 2009 evaluation, for example, removed all residential potential on several parcels due to factors that had not been identified in previous reports.

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?

There were two criteria for potential conflicting land uses. Criterion #13 dealt with the presence of Agricultural Resource Area land within 500 m of a parcel, and scored 0 or 2 points. Criterion #14 dealt with adjacency to country lot or village development or adjacency to a landfill (adjacent to the required 500 m setback), and scored 0 or 2 points double-weighted, for a total of 0 to 4 points.

However, as part of the initial screening of candidate parcels, there were 12 categories of constraints under which no residential development was assumed. These constraints could affect portions of a parcel or the entire parcel. They included:

- Wetlands, woodlands, and valleylands
- Land within 500 m of a Limestone Resource Area

- Floodplains
- Existing churches and cemeteries
- The DND Explosives Range
- Hydro rights-of-way
- Land within 500 m of a landfill
- Active sand and gravel pits
- Stormwater ponds
- Existing village development
- Rights-of-way of major roads
- Servicing

If the constraint was identified by an abutting owner, the merits of the claim were evaluated by staff.

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?

Properties were only disqualified entirely if they were entirely designated Agricultural Resource Area, Natural Environment Area or Provincially Significant Wetland. Other properties with one or more of the constraints listed in my response to Issue 9 could have had some or all of the parcel’s area removed from the amount of gross developable residential land or have residential potential limited or removed without disqualifying the parcel for a potential non-residential use.

The candidate parcels went through a three phase process of evaluation. At each stage the opportunity was afforded every landowner to meet with staff and to make their views known to the joint committee. Additional opportunity was provided in 2011 through the process to seek new information which could affect the evaluation.

That process was in conformity with S. 61, Fair hearing, of the Planning Act, which states:

“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.”

4840 BANK STREET LIMITED

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

As stated in the January 28, 2009 staff report, the City methodology seeks “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.” Candidate parcels were located in all urban areas outside the Greenbelt except Riverside South, where the presence of agricultural land eliminated virtually all potential locations. The planned function of urban areas and/or communities did not enter into the process of identifying the optimal lands for urban expansion.

Issue 12. Does the City’s methodology provide appropriate consideration of applicable Community Design Plans?

Community Design Plans (CDPs) are intended to guide the development of specific areas in order to meet defined City objectives. To the extent that each CDP provides information relevant to the evaluation criteria, for example by establishing the locations of emergency services or major recreational facilities, they were considered in the City’s methodology. Section 2.5.6 of the OP states that “the purpose of the Community Design Plan is to translate the principles and policies of the OP to the community scale. Therefore the Community Design Plan will conform to the Official Plan.”

CDPs do not address or designate urban expansion lands. The City methodology provided appropriate consideration of applicable CDPs.

Issue 13. Should there be criteria and weighting assigned to lands that can be developed in the next 5 years? (Also raised by Jim Maxwell)

In general, candidate parcels were selected on the basis that they can be developed within the next 5 to 10 years, but in reality some expansion lands will likely develop beyond the 10 year timeframe because not all existing and new vacant urban land is needed that quickly. Additions are being made to the urban area in the context of extending the supply of urban residential land from the current approximately 17 years supply to 20 years. It is

uncertain how quickly individual parcels might develop, and therefore criteria or weighting for land that can be developed in the next 5 years should not be assigned.

Issue 14. Should there have been a criteria and weighting for the question of adjacency to the existing Urban Area?

One of the screening criteria for the selection of candidate parcels to be evaluated was that they were adjacent to the existing Urban Area, or that they were adjacent to other parcels that were adjacent to the Urban Area. That some parcels may be directly adjacent does not in my opinion warrant an additional criterion or weighting since the merits of their geographic proximity are already addressed by the five criteria that measure proximity to various services, facilities and areas. These criteria are distance to rapid transit, emergency services, major recreational facilities, and Mixed-Use Centres and Mainstreets, and adjacency to arterial and collector roads. These criteria are supported by a several policies of the PPS, referenced on pages 4 and 5 of this witness statement.

Therefore there is no need for an additional criterion for adjacency to the existing Urban Area.

Issue 15. Is the description of Accessibility - Transit applied by the City the appropriate description for this criterion?

Criterion #6 measures the distance to the existing or planned rapid transit network or to a park and ride facility. This is the single highest-scoring criterion in the evaluation system, with a weighted total of 10 points. The high number of points reflects the importance placed on the degree to which candidate parcels provide support for the City's rapid transit system. Parcels which are closer to an existing or planned rapid transit station normally generate a higher level of ridership for the service than parcels more distant. As with all distance measures, points are awarded based on the proximity of the parcel to the service relative to the proximity of all other candidate parcels. All distances are measured from the parcel centroid to the destination location via the existing and/or planned transportation system.

The rapid transit accessibility measure is therefore defined appropriately.

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

Criterion #7 measures the distance of a parcel to a Mainstreet or Mixed-Use Centre (MUC) as defined on Schedule B of the OP. Mainstreets and MUCs are designated in the Official Plan as strategic focal points of activity with a high potential to achieve compact and mixed-use development supportive of transit, cycling and walking. These areas are important to achieving some of the key goals of the OP and it is therefore appropriate that parcels that support these designations be assigned points in the evaluation.

The description applied by the City for this criterion was therefore appropriate.

Issue 17. Is the description of Accessibility-Arterial and Collector Roads appropriate or should the test be one of sufficient access?

Criterion #5 measures whether parcels directly access existing or planned arterial and collector roads. Parcels that have direct access to existing roads are awarded points based on the consideration that they can take advantage of transportation infrastructure that already exists.

It is not clear how “sufficient access” would be objectively scored. Parcels can be objectively evaluated for direct access to arterial and collector roads, and those accessing a greater number are preferable to those that access fewer. The description applied by the City for this criterion was therefore appropriate.

Issue 18. Is the definition of Major Recreational Facility appropriate as it has been applied by the City?

A Major Recreational Facility (MRF) refers to a City-owned multipurpose sports facility, which typically incorporates one or more swimming pools, one or more ice rinks, exercise rooms, and other facilities. The City’s Parks and Recreation Department uses the term “Recreation Complex” for such facilities. There are at least two MRFs existing and/or planned in each of the major urban areas (Kanata-Stittsville, South Nepean and Orleans) in the evaluation. In a situation where there was not a MRF existing or planned, as in the case of Leitrim, a weighted average of the distance to the nearest arena and nearest pool was used as a proxy for a MRF. Given the wide range of facilities offered by MRFs and the high cost of construction of new facilities the measure is appropriate.

Issue 20. Was the City's application of historical land absorption rate an appropriate means for applying this criterion?

Criterion #16 assesses the supply of vacant residential land in each urban area in the evaluation (Kanata-Stittsville, South Nepean, Leitrim, and Orleans) compared to the average annual demand over the previous decade. Areas that had a relatively short supply received up to 4 points, double-weighted for a maximum of 8 points. For an area that had less than a 10 year history of development, demand was based on the annual average for the development period.

Due to the uncertainty and potential subjectivity of using projected future demand, the most objective measure is to base demand on the record of the preceding decade. Using a 10 year period allows annual fluctuations to be taken account of.

The use of an historical land absorption rate therefore provides the most appropriate means to measure the criterion.

CONCLUSIONS

1. The methodology used by the City of Ottawa to evaluate urban expansion lands was extensively based on the Provincial Policy Statement and supports key policy objectives of the Official Plan.
2. The methodology used by the City to evaluate urban expansion lands was developed as part of an extended public process which provided continuing opportunities for interested parties to make their views known to staff and councillors.
3. The methodology used by the City to evaluate urban expansion lands was sound and represents good planning.



Ian Cross, MCIP, RPP
Program Manager, Research and Forecasting
Planning and Growth Management
City of Ottawa

December 9, 2011

Appendix A

Curriculum Vitae of Ian Cross, MCIP, RPP

IAN CROSS, MCIP, RPP

EDUCATION

Master of Urban Planning, McGill University 1980
Bachelor of Arts (Geography), Trent University 1974

PROFESSIONAL MEMBERSHIPS

Member, Canadian Institute of Planners (MCIP)
Ontario Professional Planners Institute (OPPI), Registered Professional Planner (RPP)

WORK EXPERIENCE

Program Manager, Research and Forecasting Unit 2001-present
Policy Development and Urban Design Branch, Planning and Growth Management
Department, City of Ottawa

- Manager of a team of planners and technical staff responsible for analysis, projections and monitoring of population, housing, employment and land use.
- Coordination of research, analysis and projections for the 2003 Official Plan and 2009 OP review (Amendment 76).

Economic Planning Analyst 1997-2001
Business Development Branch, Development Services Department, Regional Municipality
of Ottawa-Carleton (RMOC)

- Analysis and projection of jobs, labour force, employment land and other variables.
- Project manager on a range of economic studies.

Manager, Regional Development Strategy (acting) 1995-96
Planning and Property Department, RMOC

- Regional Development Strategy (RDS) for Regional Official Plan review; principal author of reports on the RDS and Chapter 2 of 1997 Regional Plan.
- Demographic, employment and land use modelling for the 1997 Regional Official Plan and integration with Transportation, Water and Wastewater Master Plans.

Manager, Planning Policy (acting) 1994-95
Planning Department, RMOC

- Projections of population, housing, jobs and urban land to 2021, which formed the basis of 1997 Regional Official Plan.
- Manager of Regional housing policy and programs.

Regional Planner 1990-94
Planning Department, RMOC

- Co-ordinated Orleans Expansion (OPA 1) planning and approval process (1989-93); plan for 15,000 dwellings and 18,000 jobs.
- Author of 1992 Monitoring Report on the Regional Plan and other research reports.

Manager, Planning Policy (acting) 1989-90
Planning Department, RMOC

- Revised growth projections for 1986-2011 (population, jobs and housing), incorporated into 1988 Regional Plan by ROPA 22.
- Planner for “at no cost” policy discussions and subsequent ROPA 23.

Intermediate Planner 1987-89
Planning Department, RMOC

- Demographic and employment projections for a variety of projects.
- Amendments to Regional Official Plan; various planning studies.

Planning and research work with: 1980-87
City of Ottawa, City of Vanier, RMOC, National Capital Commission (NCC), and
Canada Mortgage and Housing Corporation (CMHC).

Appendix B

List of Documents

a) City of Ottawa reports:

Annual Development Report, 2010, September 2011 report

City of Ottawa Population, Employment, Household and Dwelling Projections 2006 to 2031, November 2007 report

Community Design Plans for Barrhaven South, East Urban Community, Fernbank, Leitrim, Mer Bleue and Mer Bleue Mixed Use Centre, Riverside South, and South Nepean Town Centre

Comparative Analysis of Residential Development Ratios in the City of Ottawa, November 2010 report

Inventory of Vacant Industrial and Business Park Lands, 2008-09 Update

Ottawa City Council, October 12, 2011 minutes

Residential Land Strategy for Ottawa 2006-2031, February 2009 report

Rural Residential Land Survey, 2007-2008 Update

Staff report dated April 10, 2008 to Planning and Environment Committee meeting of April 22, 2008, and meeting minutes

Staff report dated November 17, 2008 to Planning and Environment Committee meeting of November 24, 2008 and Agricultural and Rural Affairs Committee meeting of November 27, 2008, and meeting minutes

Staff report dated January 28, 2009 to Joint Agricultural and Rural Affairs Committee and Planning and Environment Committee meeting of February 2, 2009, and meeting minutes

Staff report dated March 20, 2009 to Joint Agricultural and Rural Affairs Committee and Planning and Environment Committee meeting of March 31, 2009, and meeting minutes

Staff report dated May 4, 2009 to Joint Agricultural and Rural Affairs Committee and Planning and Environment Committee meeting of May 11, 2009, and meeting minutes

Staff report dated June 24, 2011 to Planning Committee meeting of July 4, 2011, and meeting minutes

Staff report dated September 1, 2011 to Planning Committee meeting of September 13, 2011, and meeting minutes

Vacant Urban Residential Land Survey, 2010 Update

b) Other reports:

Alternative Site Review Study, Walker, Nott, Dragicevic Associates Ltd. et al, 30 May 2005

Growth Plan for the Greater Golden Horseshoe, 2006

Growth-Related Integrated Development Strategy, City of Hamilton, 2005

Guidelines for the Development of Environmentally Responsible Communities, Canadian Home Builders Association, Sept. 2007

Kanata-Stittsville Urban Boundary Rationale Study, Paquette Planning Associates, April 2006

Managing Growth City of Ottawa, Malone Given Parsons Ltd. et al, June 2007

Regional Development Strategy Criteria, RMOC Planning Dept., 1997

Urban Growth Strategy: Evaluating the Alternatives, City of Kingston, April 2004