

Submission of the Friends of Greenspace Alliance re the OMB appeal re Country Lots and Villages

Our argument will relate to the following Issues:

1. Is a five year moratorium on rural country lot developments, until further study is undertaken:
 - a. Consistent with the Provincial Policy Statement;
 - c. Appropriate or necessary
5. Are Country lot subdivisions contrary to the Provincial Policy Statement?

In terms of the OPA 76 Items, we will address Items 98 and 100.

First-a little history on Ottawa's treatment of Country lot estates. The staff in presenting the proposals for the 2003 Official Plan recommended against country lot estates. Councilors arguments included support for a moratorium and a motion which passed to allow them on the conditions which staff had provided on request. (See pages 116-7 of Tab 1 Volume 6). We appealed that decision. Leading up to Amendment 76 special rural workshops were held after the "Rural Summit". My understanding, as an attendee of the one about development outside villages, was that staff had promised that they would respect the results of these workshops and a subsequent forum, as long as the recommendation was allowed by the Provincial Policy Statement. Unfortunately the workshop re development outside villages had at least two and I believe three developers arguing for the inclusion of country lots. My sense of the wishes of the rural population was that they were more in favour of more severances particularly in farm areas than country lot subdivisions but there the PPS was more explicit in forbidding them. Thus the staff position was thus to include country lot subdivisions and also to include the conservation form of them as an alternative as recommended by the workshop but to exclude severances at least in agricultural areas. Council introduced the moratorium on country lots..

We will not argue against all use of the country lot estates form of development but we will attempt to show that the PPS has several indications in its directions re managing growth that would argue against **significant** use of this form of development. Before indicating the sections we feel are relevant we note that we are cautioned that the document is to "be read in its entirety and all relevant policies are to be applied to each situation" (section 4.3).

Part I, the Preamble, states that " The Provincial Policy Statement supports improved land use planning and management which contributes to a more effective and efficient land use planning system" (2nd paragraph). Part IV, the Vision for Ontario's Land Use Planning System, states that growth is to focused within settlement areas (3rd paragraph). This is in line with the emphasis on villages as the focus of growth in Ottawa's rural areas:

"The City will continue to support growth in Villages to enhance their vitality, with provision for Village expansion where it is economically feasible and environmentally sound." (Section 2.1 The Challenge Ahead second bullet under Managing Growth as modified by OPA 76).

The PPS Vision also talks about efficient development patterns that optimize the use of land, resources and public investment in infrastructure and public service facilities (4th paragraph). Unfortunately most country subdivisions could not be said to optimize the use of land as they normally have large lots and no development other than residential so have no public services or employment. In contrast the Vision emphasis is on strong, liveable and healthy communities.

Thus while country lot subdivisions are not prohibited they are certainly not encouraged by this Vision.

In Section 1.1, Managing and Directing land Use to Achieve Efficient Development and Land Use Patterns, Policy 1.1.1 states: "Healthy, liveable and safe communities are sustained by: ... b) accommodating an appropriate range and mix of residential, employment (...), recreational and open space uses to meet long term needs;" and "d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas that are adjacent or close to settlement areas."

Section 1.1.3- Settlement areas, states "Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted" (Policy 1.1.3.1). On the other hand land use patterns within settlement areas "minimize negative impacts to air quality and climate change and promote energy efficiency" which are goals hardly likely to be fulfilled by a strictly residential community. This raises the question if country subdivisions could be considered as equivalent and certainly similar to "settlements". We believe those with more than 10 houses are very similar if not equivalent to small villages or hamlets. It would seem contradictory to establish such requirements for settlements and not similar ones for country lot subdivisions. This includes requirements for new development to have compact form, mix of uses and densities that allow for efficient use of land, infrastructure and public service facilities, There is also a requirement in Section 1.1.3.9 which restricts establishment of new settlement areas to the time of a comprehensive review. This certainly suggests that there is planning authority for a moratorium to allow for a review which focuses more directly on country lot subdivisions.

From the emphasis in the PPS on complete and compact communities it appears that while very small country lot estates ("limited residential development" as noted in Policy 1.1.4.1.a) might be permitted by the PPS, the PPS as a whole did not consider larger forms of this type of development as appropriate. Given the need to do a further review of the situation before allowing larger subdivisions a moratorium seems eminently reasonable.

Ministerial Modification³⁸ (Item 98) points in the same direction: It is there to make sure that new Country Lot Subdivisions (CLSs) are "limited in scale, both in the context of the amount of development in the Rural Area as a whole and in the context of specific proposals for individual sites."

Reducing the Moratorium to two years would make a mockery of the remainder of Policy 10, which calls for a "critical review" of the policies on CLSs. A 2-year moratorium would in effect allow new subdivisions now, before these studies are completed. Nor would it seem consistent with good planning if CLSs were again allowed now and then later perhaps prohibited after that "critical review" or after the PPS is revised to remove the ambiguity. We would expect land owners to prefer certainty over uncertainty.

Where required, we will cross-examine witnesses to extract further evidence that supports our arguments.