



Greenspace Alliance of Canada's Capital
Alliance pour les espaces verts dans la capitale du Canada

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Ottawa Planning Committee of 8 November 2013, Agenda Item 2

Official Plan Amendment: Comments

General

For fifteen years, the Greenspace Alliance has been a loyal participant in civic affairs in the Ottawa region, at all levels of government. Never has the state of public consultation been as dismal and totally inadequate as it has been in this review of the Official Plan and supporting policy plans. Consultation panels balkanized stakeholders and operated in a totally opaque fashion -- there was no broad-based learning process through these panels and, in the Community Panel at least, we understand there was never any feedback to the input provided.

Let's be clear. Staff has been quite responsive to specific comments the Alliance submitted in September. It was much appreciated that they did so in such trying circumstances. Our critique concerns the impossibility to meaningfully engage the broader public with such voluminous material in the time available. That staff was directed to accomplish this task anyway puts the blame for this ill-conceived process on their political masters.

The simple fact is that it is impossible to engage with the public about such a mass of documents, about such important subjects, within the course of ten months. Preliminary proposals were tabled in January, followed by various staff reports and related documents in March and April. June saw the tabling of a draft 236-page OPA plus 41 Schedules. Then, on 24 September, came the draft Infrastructure Master Plan and related documents, a total of nearly 900 pages. On 9 October followed the Transportation Master Plan and related documents, again nearly 900 pages; on that date 12 new or revised OPA Schedules were published on the web as well. Finally, for this meeting, last Friday a revised OPA became available, along with a large number of new or revised documents -- a total of nearly 600 pages, not counting the Schedules. The Infrastructure MP was also re-tabled -- "Refinements have been made," the transmittal report helpfully explains.

A visit to a few public libraries this week revealed that the June 25 OPA was available but other documents related to this review process were either not available at all, or else only a few of them were.

Is it any wonder that the four Open Houses in October were so sparsely attended? The Alliance was present at all four. The most common comment we heard was: "There is so much information here, I don't know where to begin." The best that staff can report to you today is that "several comment sheets were completed" -- telling vagueness.

The efforts by communications staff to break the proposals down by sets of Wards are commendable but even such summaries are way too dense and high-level for most people to absorb.

Regarding access to the current Official Plan, we repeat what we have said in several forums and will keep repeating until the City changes its ways. (1) Is the unavailability of a colour-printed and bound copy of the current Plan in conformity with Provincial access regulations? We suspect not. During our library visits we found that, even there, printed copies of the current Plan are not available. (2) On the web site, there is no PDF of the whole document, making searches extremely cumbersome. These defects reflect badly on the openness and professionalism of the City of Ottawa.

(We recently discovered that, on the web site, the innocently named "Preface" reveals the last amendment included in the web text. Web sites with legal texts normally put the "current as of" date up front, not hidden in a section.)

Country Lot Subdivisions

We strongly support the proposed ban on future country lot subdivisions, and we have no objection to an increase of lot severances by 1 (to a total of 3) provided a minimum of 10 ha remains agricultural land, as is proposed.

When Council finally puts an end to this unsustainable form of residential development, it will be in the good company of many other cities and regions in Ontario, including Waterloo, Halton, Essex, Peel, York, Durham and many others.

Meanwhile, according to Document 5 before you, country lot subdivisions comprising some 2800 lots are still in the queue. Some of these are approved, others are still in the application stage. If the intent of the words "Applications lodged prior to December 31st 2009 will be assessed by those policies in force on {insert date of adoption}" (page 3-45) is to refer to the current policies (which the amendment proposes to delete), then, to avoid any confusion, we suggest to say "...policies in force immediately prior to {insert date of adoption}."

Update to the Comparative Fiscal Analysis Report

This update of the Hemson report tabled in March regarding the comparative impact of four types of residential development changes the numbers but not the overall conclusion: Greenfield low-density urban development puts the combined tax and rate payer most strongly in the negative, closely followed by low-density rural (i.e., country lot subdivisions). Low density village development still costs us, while with high-density urban the City comes out in the black.

Similarly, looking at the extent to which development charges cover the cost of residential development, the least negative is high-density urban, the most negative is scattered low-density rural. Low-density urban and low-density village are in-between. The practical recommendation remains: Development charges must be set to the maximum allowable under the law.

This report deserves more attention than the one paragraph devoted to it in the staff report. We urge you to consider its implications for the policy on country lot subdivisions and the upcoming review of the Development Charges by-law.

Natural linkages

The work performed by the City, described in Document 11, is impressive. Still, it is not self-evident that the mere addition of a few spots, as opposed to minimum 1 km-wide corridors, meets the standards set out in MNR's Natural Heritage Reference Manual (sections 3 and 12 among others).

We strongly recommend that, in anticipation of imminent or future appeals of additional designations on Schedules L1/2/3, the methodology be subjected to an independent peer review. The review by other agencies or the Nature Conservancy is no substitute for this.

We look forward to seeing the GIS layers of the L1/2/3 schedules made available on geoOttawa. It is the only way one will be able to "recognize" and place many of the natural heritage features that are now just an opaque green blur on the Schedules. Another example of the opaqueness of the L Schedules is Schedule S59, amending Schedule L1. It is not clear at all what is being added and deleted here, and what remains.

Significant woodlands and a site alteration by-law

In response to earlier comments, staff has asserted that "Most of the pieces that make up the Urban Greenspace Network are in public ownership for various reasons." We beg to differ. In addition to the three Urban Natural Areas that Planning Committee on October 8 agreed to recommend for purchase some time after 2014, there are quite a few others. Dr. Stow's own presentation pointed out a number of vulnerable areas that are likely to be developed if they are not acquired by the city, including the Jockvale Road Woods, the Highway 416 Woods and the Spratt Road Woods. Others at risk, even though "acquired in part," include the Poole Creek Corridor and the highly rated Navan Road at Page Road because a significant portion of these lands is in private ownership. In addition, the UNA Evaluation Study did not consider any natural area smaller than 0.8 ha. That leaves quite a few patches of land in the urban area that are very much valued by communities and that have no effective protection.

Staff chose not to recommend an amendment to the definition of Significant Woodland in section 2.4.2 of the Official Plan. That is unfortunate because we believe that the current definition is not supported by MNR's Natural Heritage Reference Manual (the second edition of which came out after the current Plan was approved). The City's policy should be biased toward protecting its trees, even more so now that the Emerald Ash Borer is wreaking havoc on a quarter of the City's trees. The City's own data (in *Characterization of Ottawa's Watersheds*, March 2011) shows that in 2009, i.e., even before the EAB took hold, five of Ottawa's 11 subwatersheds -- 43% of Ottawa's land area -- had less than the desired 30% forest cover. This deficit in forest cover needs to be rectified. In addition to protecting whatever tree stands we have left, natural reforestation should be allowed wherever possible. As well, a well-thought-out tree planting program would help. We would be happy to engage in a dialogue with the City on how the current four programs could be improved.

One of the as yet unused tools to provide more protection would be a strong site alteration by-law. Policy 10 of Section 2.4.5 in the Plan was adopted in 2009 and survived a challenge on appeal. It states: "The City will work with the Conservation Authorities and other interested stakeholders to develop a by-law under the *Municipal Act* to regulate the removal of top soil, grade alteration, and placement of fill." The essence of this directive was already in the 2003 Plan. The OMB explicitly took note of the expectation that such a by-law was imminent. That was in 2011. Where is it? Markham, London, Kitchener and Oakville are among several municipalities that have vegetation impact clauses in their site alteration by-laws.

Let's work with the tools we have at our disposal to do a better job protecting our trees.

Stormwater ponds in the flood plain

In our September comments to staff we expressed strong support of a new policy stating unequivocally that stormwater facilities should stay out of the flood plain. We note the letter from our three Conservation Authorities dated October 25 (referenced in Document 7 - pages 15/16 and attached to this submission) which also strongly supports including such a policy. Yet, in the newest version of the draft OPA, that policy is deleted (page 2-76, section 3.1). Document 7 confirms that keeping stormwater ponds out of the flood plain will remain the general practice. While confirmation in the Official Plan would be preferred (exceptions can always be accommodated through an OPA), we are satisfied with the commitment expressed in the Conservation Partners' letter. We note that only the Rideau Valley CA's policies explicitly forbid the practice. This means that, with this letter on the record, the other two are now bound by it as well. (A summary of ten conservation authorities' policies on this matter is available on request.)

We now wish the Official Plan would give staff clear guidance that stormwater ponds should stay inside the urban boundary too. It appears this is another way developers are trying to maximize the amount of land for houses.

New Schedule M (Airport)

The new Schedule M (and the related Schedules S32 and S33 to the OPA) does not deal very well with the fact that the Airport Authority's leased lands are located on both Schedule A (rural) and Schedule B (urban). Moreover, Schedule M is inconsistent in what designations it recognizes on the airport lands.

Document 5 (page 21) asserts that Schedule M shows "the full extent of the [Airport Authority's] leased land". It indeed includes a large blank section, labelled "See Schedule 'A'" that is in the rural area. But so are two blocks of land south of Earl Armstrong Road. If the intent is to transfer all leased lands to the new schedule, why not these two blocks as well? (These two blocks are not recognized on Schedule S33 either.)

We note that Schedule M identifies just two small areas as "Employment Area." In contrast, the Airport Authority's own 2008 Land Use Plan shows many more areas as "Commercial Aviation/Non Aviation Employment Area" at both the south- and north-end of the airport proper. Nor does it recognize what on the Airport's Land Use Plan are labelled "Government Employment Areas."

To be clear, we are pleased that the City's Schedule does not just copy what the Airport's Plan sees as "Commercial Aviation/Non Aviation Employment Area." In conformity with Policy 2 of Section 3.10.1 and an undertaking by the City in settlement of our OMB appeal, we expect there to be consultations with stakeholders, including the public, on both the Terms of Reference and any draft final concept plans for these lands.

It would be helpful to show on Schedule M the lands that are designated for what section 3.10.1 of the Official Plan calls "core aviation functions."

Complete Streets

We are pleased to see new text in section 2.3.1 (page 2-30) regarding Complete Streets and are fully supportive of this general direction.

Food production

Two new texts (page 1-6 in section 1.3 and page 2-6 in section 2.1) express support for community-based food production in urban areas and small- and medium-scale food production in urban and rural areas alike. These are good additions.

Green infrastructure

A new policy proposed in June is now proposed to be deleted (page 4-7, section 4.3). It concerns encouragement of green infrastructure at parking lots. We urge you to re-instate it.

Schedules S2, S10, S14, S20, S25, S26 and S27

We are pleased to see new land designated as Major Open Space and especially welcome the further upgrades, since the June 25 draft, to the status of Urban Natural Feature in Schedules S2 and S26.

Methodology for assessment of urban expansion potential

We look forward to seeing proposals to amend what is currently Annex 15 so as to better account for natural heritage features including linkages.

ATTACHMENT

Letter from the Conservation Partners, dated October 25, 2013.