

12 May 2015

Dear Members of Council,

Re: LEAR Review Update

Agriculture and Rural Affairs Committee (ARAC) on May 7, 2015, approved without change the recommendations by staff regarding the terms of reference for a revived Advisory Committee for the Land Evaluation and Area Review (LEAR).

On process, once again the audio record of this meeting is not available. Mr. Bruce Finlay made a power-point presentation (which the Coordinator sent to me) but I understand that Mr. Finlay made oral comments beyond messages contained in the slides.

Previous Council's abolition, in April 2011, of synopsis minutes of committee meetings continues to hurt the democratic process.

On substance, without the benefit of the discussion but informed by information received from staff, I have the following questions:

1.

What is the purpose of this LEAR update? An assessment of the quality of agricultural land in Ottawa was performed in 1997 and accepted by Regional Council. In March 2013 staff reported:

"... Agriculture areas now in the Official Plan were identified through a LEAR developed in 1997. Since then, Provincial guidelines for LEAR have changed and new soils and land use information has become available. Revisions to Ottawa's LEAR began in 2010 and continued through 2012, with the expectation that the new system and soils data would lead to additions and deletions to the Agricultural Resource Areas now protected in the Plan."

On a page on the City's web site, the study objectives are similarly vague:

"Study Objectives

- Determine land capability for agricultural uses
- Distinguish between classes of land of differing capability to enable the identification and mapping of prime agricultural areas
- Be consistent and not subject to changes in crop yields, farming methods, prices or interest rates
- Address changes that have occurred since the first LEAR was completed:
 - OMAFRA's (Draft) LEAR Guidelines
 - LEARs created by other Ontario municipalities using unique factors
 - Updated land use data (2005)
 - Rural Summit identification of issues and a community desire to review the LEAR
 - Revisions to Canada Land Inventory (CLI) mapping
 - Pressure to expand the urban boundary"

Especially intriguing are "community desire to review" and "Pressure to expand the urban boundary." A staff report to the Joint Planning Committee/ARAC meeting in June 2009 that led to the authorization to proceed with a LEAR review stated:

Many landowners with Agricultural Resource Areas have asked for urban expansions and have been excluded from the analysis for that reason. As staff have stated, the City will undertake a comprehensive review of the LEAR process for identifying agricultural land.

Are the specifics of these complaints and pressures on the public record?

(I note that the exclusion of Agricultural Resource Areas as candidates for potential expansion of the urban boundary was explicitly debated before the Ontario Municipal Board in 2012 and that the Board decided that such exclusion was appropriate. Owners of agricultural land who desire to see it urbanized therefore need to see it declassified first.)

More broadly and specifically, what are the Terms of Reference of this LEAR update?

2.

What was the protocol for collecting soil samples in two 9-km² parcels west of the Rideau River and what will be the protocol for proposed further sampling east of the River? I note that under "data collection" for both the LE and AR portion of the process the Ministry Guidelines make no mention of sampled data and refer only to maps. What is the basis for believing that limited sampling will resolve the alleged issue with the Ministry's digital maps?

An e-mail from staff to me does not diminish the sense that the sampling protocol is far from rigorous or, at best, is a work in progress:

The soil sampling protocols were and continue to be developed by OMAFRA from their office in Guelph. Lab testing of the soils collected to date has been undertaken by OMAFRA. The sampling will continue to utilize the City's LiDar Mapping which provides a more accurate predictive tool to aid the choice of locations to sample. Physical samples are compared to the current digital soils mapping and data. A protocol for the description of any previously unidentified or incorrectly identified soils is being developed by OMAFRA.

Statistically valid sampling of 94,000 ha of agricultural land appears to be a dicey undertaking unless the sampling locations are directed, which then raises the potential for bias. A rigorous and transparent protocol is therefore essential.

What is the timeline for completion of the "Ottawa Soil Mapping Update" referenced on page 8 of the staff report to ARAC?

3.

On the composition of an advisory committee the Ministry's Guidelines say:

Potential committee members or technical advisors to the committee may include: County, Region, Town, City and Township representatives; municipal planners; conservation authority representatives; other local government officials; agricultural leaders; farmers; representatives of farm organizations; representatives from local public-interest groups; and others with interest and knowledge of Provincial or local planning needs and goals; and staff from the OMAF Agricultural Land Use Unit.

What then is the rationale for having four representatives of the development industry on this Advisory Committee? Does their role and voting power not inherently bias whatever recommendation the Committee will provide? Specifically, is a landowner with known intent to urbanize certain agricultural lands disqualified from serving on the Committee?

Information from staff indicates that the mandate of the *Rural Review Steering Committee* created in June 2011 includes the LEAR update and that this Committee received and approved applications from representatives of Taggart and Richcraft to serve on the Advisory Committee.

This *Steering Committee's* Project Charter (March 2011, approved by Council the following month) states that a Working Group will

verify the current Land Evaluation and Area Review factors. They will confirm the weighting and ratio of the factors, analyze LEAR score maps and air photos, and conduct site inspections in order to provide an opinion on the sufficiency of the LEAR factors and weighting. They will also consider whether the updated LEAR mapping accurately reflects the best agricultural land in the City.

Is this Working Group in fact identical to the Advisory Committee? What are the criteria for appointment to the Working Group/Advisory Committee and do these appointments go before ARAC or Planning Committee and Council?

(Confusingly, I am also informed that, when the Committee for this review was originally established in 2010, representatives for Taggart and Richcraft were added at the request of Council.)

4.

Two major land developers (Taggart and Walton) are now in an adversarial relation with the City before the Ontario Municipal Board regarding the City's failure to complete the LEAR review in time for the 2013 Comprehensive Official Plan review. Does that disqualify them from being members of the Advisory Committee?

5.

The Committee would also have four "active farmers." To avoid bias in the Committee's recommendations, does being keen to sell one's land to a land developer disqualify one from serving on the Committee?

6.

Why would the Advisory Committee not seek input from a representative of the conservation authorities, land conservation stakeholders or other "local public-interest groups"?

In the interest of transparency in civic affairs I look forward to your responses.

Erwin Dreessen

Cc: ARAC and Council Coordinators, John Moser, John Smit, Bruce Finlay