

From: [Finlay, Bruce](#)
To: "[Erwin Dreessen](#)"; [Hubley, Allan](#); [Monette, Bob](#); [McKenney, Catherine](#); [Chernushenko, David](#); [Deans, Diane](#); [El-Chantiry, Eli](#); [Darouze, George](#); [Harder, Jan](#); [Cloutier, Jean](#); [Leiper, Jeff](#); [Mitic, Jody](#); [Ward 9](#); [Wilkinson, Marianne](#); [Taylor, Mark](#); [Fleury, Mathieu](#); [Qaqish, Michael](#); [Chiarelli, Rick](#); [Brockington, Riley](#); [Moffatt, Scott](#); [Qadri, Shad](#); [Blais, Stephen](#); [Tierney, Timothy](#); [Nussbaum, Tobi](#); [Watson, Jim \(Mayor/Maire\)](#)
Cc: [Desjardins, Marc \(CCS\)](#); [Whelan, Dawn](#); [Moser, John](#); [Smit, John](#)
Subject: RE: LEAR Review Update
Date: Thursday, May 14, 2015 3:48:55 PM

Erwin

I was asked by Councillor Harder to respond to your Questions. My responses are inserted in the text of your message below.

Bruce Finlay *C.I.P, P.I.A, R.P.P*

Planner / Urbaniste

Policy Development and Urban Design/

Élaboration des politiques et Design urbain



City of Ottawa | Ville d'Ottawa

613.580.2424 ext./poste 21850

ottawa.ca/planning / ottawa.ca/urbanisme

From: Erwin Dreessen [mailto:erwin_dreessen@ncf.ca]

Sent: Tuesday, May 12, 2015 10:01 AM

To: Hubley, Allan; Monette, Bob; McKenney, Catherine; Chernushenko, David; Deans, Diane; El-Chantiry, Eli; Darouze, George; Harder, Jan; Cloutier, Jean; Leiper, Jeff; Mitic, Jody; Ward 9; Wilkinson, Marianne; Taylor, Mark; Fleury, Mathieu; Qaqish, Michael; Chiarelli, Rick; Brockington, Riley; Moffatt, Scott; Qadri, Shad; Blais, Stephen; Tierney, Timothy; Nussbaum, Tobi; Watson, Jim (Mayor/Maire)

Cc: Desjardins, Marc (CCS); Whelan, Dawn; Moser, John; Smit, John; Finlay, Bruce

Subject: LEAR Review Update

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?

Response 1.

The methodology developed by staff for the review of urban lands in the 2009 Update of the City's Official Plan did not consider rural land to be a candidate for urban expansion if was designated Agricultural Resource Area. This screening criteria was the subject of a number of submissions to Council on the draft Plan. In response to the arguments that the Agricultural and Mineral Aggregate mapping was outdated Council added a policy to OPA 76 that instructed Staff to complete a review of LEAR and Mineral Aggregate mapping prior to the comprehensive review proposed for 2014.

The staff methodology that screened out Agricultural was also challenged by appellants to OAP 76 as you know. In appeals the Ontario Municipal Board (OMB) confirmed that screening of Agricultural land in this manner was consistent with the Provincial Policy Statement. However, the Board was convinced that there was merit in reviewing some of the land since the 1997 LEAR predated the 2002 draft LEAR Guidelines issued by the Province. Staff had also advised that the City intended to undertake the LEAR, as directed by Council, as soon as the updated digital soils mapping, promised by the Province, was released.

Staff began the LEAR review in 2010. Staff and the Committee began the review by going back to the basic requirements laid out in the draft 2002 Guidelines issued by OMAFRA.

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?

Response 2

The Ottawa Soils Mapping Update Phase 1 was undertaken in 2014 by a pedologist and

field assistant hired by the City and who were recommended by Soils Scientists from OMAFRA in Guelph. The Soil Scientists selected the two sample areas and established the criteria for sampling locations in each field they had access to. The purpose of the sampling was to determine firstly if the former mapping accurately reflected the soils indicated on the maps. The results demonstrated that there were a number of basic problems with soils identification. The city was also able to provide up to date and more accurate terrain information for the soils analysis than was available for the original soil mapping. This allowed the pedologist to more accurately predict changes in soil character. Based upon this work in 2014 the survey staff have tools to predict similar errors in other areas where the original mapping shows similar soils.

The results of that work are still being finalized by the same OMAFRA personnel. The process is being documented to provide a rigorous and transparent sampling and interpretation protocol for the next phases of the project.

The number of years that it will require to confirm and or correct the soil data for the whole City is not yet known but staff are discussing a work program with OMAFRA that may see the most contentious areas, adjacent to the Urban Area, sampled within the next 2- 2¹/₂ years. The frequency of sampling may be reduced and the land area covered may increase as more sampling is undertaken and systematic patterns of soil characteristics are discerned.

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.)

Response 3

The composition of the Advisory Committee is not mandated by the Province. It is the responsibility of the municipality to consult and get advice as it sees fit. More than half of the committee is made up of farmers, OMAFRA staff and representatives from the Ontario Federation of Agriculture. Council through the consultation process for the Rural Review invited development industry representation knowing that they have interests in future urban land. Councillors Moffatt and Blais also participated.

The purpose of the committee is to provide a balanced view of the interests in agricultural land and to provide local knowledge of specific rural areas. The Committee is to work with City staff who will ultimately be responsible to make a recommendation to ARAC and 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?

Response 4

Walton does not have a representative on the Committee to my knowledge. Taggart has appealed OPA 150 in its entirety partly due to LEAR and other matters. The terms of reference do not include criteria for disqualification. Staff worked with the Industry representatives in 2011- 2012 without conflict.

Staff are the ones responsible make the final recommendation to Council. An OMAFRA representative observes this process and must approve the resulting LEAR. I believe that this reduces any conflicts members may have with the results due to land ownership.

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?

Response 5.

How would this type of information be discerned? If this question was to be asked in order to screen candidates who would answer yes?

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"?

Response 6.

There was a desire to keep the committee small and primarily comprised of farmers and people who own and work the land.

The results of the LEAR Review and the reasons why LEAR criteria were recommended will be circulated as a Draft document for comment. The agencies and interest groups will have an opportunity to review those results. Once the Soils data is confirmed the LEAR map with the results of the application of the new LEAR will also be made public. The ultimate changes if any to the Agricultural Resource Area will require an Official Plan Amendment which carries with it the technical circulation to Ministries, agencies, public interest groups, community associations and Rural land owners.

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

Erwin Dreessen

Cc: ARAC and Council Coordinators

John Moser, John Smith, Bruce Finlay

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