

**Report to
Rapport au:**

**Planning Committee
Comité de l'urbanisme
11 July 2017 / 11 juillet 2017**

**and Council
et au Conseil
23 August 2017 / 23 août 2017**

**Submitted on June 30, 2017
Soumis le 30 juin 2017**

**Submitted by
Soumis par:
John Smit,
Director / Directeur**

**Economic Development and Long Range Planning / Développement économique
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Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE File Number: ACS2017-PIE-EDP-0025

**SUBJECT: Draft Minister's Decision and proposed Modifications – Official Plan
Amendment 180**

**OBJET: Décision préliminaire du ministre et modifications proposées –
Modification 180 au Plan officiel**

REPORT RECOMMENDATION

**That Planning Committee recommend that Council support the proposed
modifications 1-9 and 11 (attached as Document 1) but that Council not support**

modification 10 and request that the Minister reconsider this change before approving Official Plan Amendment 180.

RECOMMANDATION DU RAPPORT

Que le Comité de l'urbanisme recommande au Conseil d'appuyer les modifications proposées 1 à 9 et 11 (énoncées dans le document 1 ci-annexé), mais de ne pas appuyer la modification 10 et de demander au ministre de réexaminer ce changement avant d'approuver la modification 180 au Plan officiel.

BACKGROUND

Council adopted Official Plan Amendment (OPA) 180 on 25 January 2017 and the amendment was promptly forwarded to the Ministry of Municipal Affairs and Housing for approval. The purpose of OPA 180 is to implement changes resulting from the review of employment lands, the completion of the City's Land Evaluation and Area Review (LEAR) and the reconsideration of the City's Agricultural Resource Areas. OPA 180 also updated the Planning Horizon of the Official Plan from 2031 to 2036. This amendment also modifies and forms part of the Ontario Municipal Board's (OMB) consideration of OPAs 140, 141 and 150.

The Ministry has completed their review of OPA 180 and proposes approval with modifications to the adopted amendment. The proposed modifications are attached as Document 1.

The Ministry has discussed their proposed changes with City staff and the purpose of the Draft Decision is to seek Council support for the proposed modifications prior to the Ministry approval of OPA 180 in August 2017. Staff agree with all but one of the draft modifications. The basis of the staff position on each modification is identified in the following section.

DISCUSSION

The Ministry's modifications include 9 changes to Employment Area and Agricultural resource area policies and four modifications to schedules dealing with changes to the boundaries of the Agricultural Resource Area. The staff recommendation on each modification that is proposed in Document 1 is discussed in detail below.

Modification 1

Inserts additional text, recommended by Ministry of Transportation (MTO), into the preamble to the proposed new "Section 3.6.5 - Urban Employment Area" as follows:

“Urban Employment Areas should be developed so that the main gateway connecting to a nearby highway interchange is unencumbered by driveways or multiple interconnected roadways to reduce conflicts between transit, cycling, walking facilities and to maximize goods movement efficiency. Driveway entrances to large traffic generators within nodes should be from roads that are not directly connected to interchanges, leaving the main development frontages directly connected to transit, walking and cycling facilities.”

This change reiterates the importance of developing new employment lands at highway interchanges in a manner that supports the provincial objectives for goods movement and alternative modes of transport. Staff are supportive of this change to the preamble as it supports other new policies introduced by OPA 180.

Modification 2

The Ministry proposes that a new policy be introduced after the preamble to Section 3.7.3 – Agricultural Resource Area. The new policy quotes direction from the 2014 Provincial Policy Statement and clarifies that land will only be removed from an Agricultural Resource Area where it is required for the expansion of the Urban or Village Boundary as follows:

“2. The City will only consider the removal of land from an Agricultural Resource Area designation if it is demonstrated, through a comprehensive review undertaken by the City and addressing the matters required by the Provincial Policy Statement, that the land is required for the expansion of a settlement area.”

A similar policy was proposed in the draft amendment circulated by the City in October 2016 but was removed in the final amendment because of a possible conflict with existing OP policies requiring the designation of new Pits and Quarries under section 3.7.4. – Mineral Aggregate Resources. Modification 5, described later, to policies on aggregate extraction in the Agricultural Resource Area, removes this conflict.

The proposed new Policy 2 is consistent with the 2014 Provincial Policy Statement and its inclusion supported by staff along with the change made by Modification 5.

Modification 3

This modification makes a number of small changes also to Section 3.7.3 - Agricultural Resource Area to:

- a. Replace the second sentence of the policy which suggests that Agriculture should respect the “Provincial Guide to Agricultural land Use” and replacing it with the following text.

“This includes best management practices and activities related to the conservation or management of the natural environment. Agricultural uses should also respect the provincial Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas.”

This change is minor but uses the correct guideline title and encourages best management practice for all permitted uses. Staff agrees with the change.

- b. Delete and reword the first sentence of the new policy 3a added by OPA 180 which identifies permitted uses related to agriculture and replaces it with the following:

“On-farm diversified uses and agriculture-related uses that are compatible with, and do not hinder surrounding agricultural operations may be permitted subject to the criteria below and the Provincial Guidelines.”

Staff support the modification of this policy to ensure compatibility with existing agricultural uses.

- c. Delete Policy 4 which permits “forestry and those activities related to conservation or management of the natural environment” which is made redundant by the new introductory policy in a. above and because Agro- forestry is included in the definition of agriculture. The removal of this policy does not mean that good farm practice and the stewardship and protection of the natural environment in Agricultural areas is not encouraged. Staff support this deletion as part of the rewording proposed by this modification.

Modification 4

This modification deletes and replaces the second and third sentence dealing with farm-help accommodation proposed by OPA 180 to ensure that such accommodation can be justified by the size and nature of the farm operation. While this is modified as a replacement in effect the change adds the qualification in bold text below.

“Accommodation for full-time farm labour is permitted **when the size and nature of the operation requires additional employment.** It may be located on the same lot as the farmhouse and should preferably take the form of a mobile home, as defined in the zoning by-law, so that it can be removed once the farm help is no longer required.”

This modification clarifies the basis upon which this accommodation is permitted and it clarifies the need for additional accommodation has to be justified by the nature and scale of the agricultural operation. Staff support this modification.

Modification 5

Replaces the heading and policy 6 dealing with “wayside pits and quarries” in Agricultural Resource areas with a new heading and policy as follows:

“Pits and Quarries

“6. New mineral aggregate extraction operations may be permitted as an interim use in the Agricultural Resource Area designation subject to a site specific exemption in this plan and only where the provisions of Section 2.5.4.1 of the Provincial Policy Statement and Section 3.7.4 of this Plan have been addressed. Wayside pits and quarries, portable asphalt plants and portable concrete plants are permitted subject to Section 3.1 of this plan.”

As mentioned in Modification 2 above this permits the city to consider new aggregate operations in agricultural resource areas provided the matters identified in the Provincial Policy Statement are addressed. An Official Plan amendment would still be required to permit a new pit or quarry as a special exception but the lands would remain in the Agricultural Resource Area designation. There are specific criteria established in the Provincial Policy Statement that need to be addressed in any such application, including where and when restoration of the agricultural potential is required. Wayside Pits and Quarries are already permitted, in a manner consistent with the Provincial Policy Statement, by Section 3.1 of the Plan. This revised policy is consistent with Provincial Policy Statement and is supported by staff.

Modification 6

This modification makes changes to the fully revised Section 3.7.5 – Rural Employment Area policy by adding:

- a. The following new paragraph to the preamble.

“Rural Employment Areas reflect long established rural industrial clusters and apply predominantly in existing strategic locations in rural areas of the City.”

- b. The following new policy requested by the Ministry of Transportation and which is similar to the text added to the preamble for Section 3.6.5 - Urban Employment Area policies.

“4. All new development proposed within the Ministry of Transportation’s permit control area must address driveway access proximity to the interchange that is in keeping with the Ministry’s Access Management Guideline.”

Staff support these minor modifications addressing the identification of Rural Employment Areas and the direction to ensure the efficiency of new road access in proximity to major road interchanges.

Land use designation changes

The Ministry of Agriculture Food and Rural Affairs also reviewed the changes to the Agricultural Resource Area designation proposed by OPA 180 and requested the following changes;

Modifications 7 and 9

These modifications to the text of OPA 180 and Schedule R6 add two new parcels of land to the Agricultural Resource Area located south of Fallowfield Road between Conley and Huntley Roads. The eastern most addition proposed by the Ministry is the northern part of a parcel already designated Agricultural Resource Area and scores highly in the City’s updated LEAR. The second is a stand-alone parcel that abuts the Agricultural Resource Area and where recent investment in agricultural infrastructure has been made. The property also scores highly in the updated LEAR. Both parcels were considered as part of a larger area to be added to the Agriculture Resource Area in the Draft amendment, circulated in October 2016, but was removed because only these two parcels warranted designation. While the Ministry agrees with the City’s removal of the other parcels these two should be protected by the Agricultural Resource Area designation. Staff agree with the proposed modification to Schedule R6 (see Document 1).

Modifications 8 and 10

These modifications to the text of OPA 180 and Schedule R9 add additional land to the Agricultural Resource Area designation east of the Village of Osgoode. The land added by the Ministry fronts the east and west side of Stagecoach Road. While two of the western parcels scored highly the City’s revised LEAR threshold the scores for the two others including the land east of Stagecoach Road, did not. Staff had originally included a similar area of land in the draft of OPA 180 circulated in October 2016 but chose not to include the land because of the observed marginal quality of the western land observed at the time of inspection. Staff do not agree with the Ministry modification to Schedule R9 (see Document 1) and recommend that Council request the Minister to reconsider this modification.

Modification 11

This modification makes changes to Schedule R12 which removes land from the Agricultural Resource Area designation east and west of Rockdale Road north of Russell Road. Staff had recommended the removal of three parcels as part of OPA 180. The Ministry has objected to the removal of the most northerly parcel between Rockdale and McNeely Roads. When this property was inspected by staff in 2016 it appeared to be in very rough condition despite scoring over the LEAR threshold of 125. Recent field inspections have this land in production. Staff agree with the proposed modification to Schedule R12 (see Document 1) to retain this parcel of land in the agricultural resource area designation.

Modification 12

This modification makes changes Schedule R 21 which proposes to remove the Agricultural Resource Area designation from the southern end of a number of parcels located between Mansfield and Bleeks Road east of Conley Road. The City's original intention was to remove the Agricultural Resource Area designation from that part of the land that is heavily treed. The Ministry proposes that the wooded area of the eastern most lots not be removed from the Agricultural Area because this area forms part of larger agricultural parcels that are being used for agriculture and exhibit characteristics of a prime agricultural area. The forested portion of these lots is similar to that found on many other prime agricultural properties in Ottawa. The Ministry does not object to the removal of the forested land on the western lots as this comprises 50 per cent of the land and the boundary follows the lot and half-lot lines.

The proposed modification to Schedule R21 reduces the area of land removed from Agricultural Resource Area. Staff agree with the rationale used by the Ministry to define designation boundaries and agree with the modification to Schedule 21 (see Document 1).

RURAL IMPLICATIONS

The proposed text modifications have little direct impact on the rural community as they reflect, in the most part, changes in Provincial Policy. The designation changes reflected in the schedules will designate or reinstate some properties as Agriculture Resource Area. The owners of those properties have not been directly advised of the changes prior to this report. It is recommended that the City forward the contact information of the impacted land owners to the Ministry with the request that the Ministry notify those owners in writing of the changes when OPA 180 is approved.

CONSULTATION

No consultation was undertaken.

COMMENTS BY THE WARD COUNCILLORS

City-wide report – not applicable.

LEGAL IMPLICATIONS

In the event that Council does not concur in modifications proposed by the Ministry of Municipal Affairs and for which Planning staff have indicated support then, should the modifications nonetheless be made by the Ministry, Legal Services would file an appeal of such modifications on behalf of Council. An external planner will need to be retained by the City should such matter(s) proceed to a hearing

FINANCIAL IMPLICATIONS

Potential financial implications are within the above Legal implications. In the event that an external planner is retained, the expense would be absorbed from within Planning, Infrastructure and Economic Development's budget.

ACCESSIBILITY IMPACTS

These recommendations impact policies and land use designations and have no direct impact on matters of accessibility.

TERM OF COUNCIL PRIORITIES

C1- Contribute to the improvement of the quality of life

ES1 – Support an environmentally sustainable Ottawa

SUPPORTING DOCUMENTATION

Document 1 Draft Decision

DISPOSITION

That the General Manager, Planning, Infrastructure and Economic Development advise the Ministry of Municipal Affairs and Housing of Council's decision in writing and forward a list of the owners of the properties impacted by the schedule changes in the Minister's modifications with the request that these names be added to the list of persons notified of the Minister's decision on OPA 180.