1. RECOMMENDED COUNCIL POSITION FOR URBAN BOUNDARY – PHASE 2B HEARING – ONTARIO MUNICIPAL BOARD

POSITION RECOMMANDÉE AU CONSEIL PAR RAPPORT AUX LIMITES URBAINES – AUDIENCE POUR LA PHASE 2B – COMMISSION DES AFFAIRES MUNICIPALES DE L'ONTARIO

COMMITTEE RECOMMENDATIONS AS AMENDED

That Council approve:

1. **That in respect of Area 2 in the report "Recommended Council Position for Urban Boundary – Phase 2B Hearing – Ontario Municipal Board" it be shown that it has 38.7 gross developable hectares;**

2. **A revision to Tables 1 and 2 to include in Table 1 parcels 2 & 8A and that the necessary modifications be made to Document 1;**

3. **The parcels shown in Document 1, as amended by the foregoing, as Schedules R47, R48 and R49 as the City's submission to the Ontario Municipal Board to form the balance of the urban area expansion; and**

4. **An amendment to the Urban Tree Conservation By-law, By-law 2009-200, effective 27 June 2012, extending the application of the by-law to the additional parcels shown in Document 1 as amended by the foregoing.**

RECOMMANDATIONS MODIFIÉES DU COMITÉ

Que le Conseil approuve ce qui suit :

1. **qu'en ce qui concerne la Zone 2 dont il est question dans le rapport *Position recommandée au Conseil entourant les limites urbaines - audiences sur la phase 2B - Commission des affaires municipales de l'Ontario*, il soit indiqué que cette zone compte 38,7 hectares bruts aménageables;**

2. **une révision aux tableaux 1 et 2 pour inclure dans le tableau 1, les parcelles 2 et 8A et que les modifications nécessaires soient apportées au document 1;**

3. que les parcelles illustrées dans les annexes R47, R48 et R49 du document 1 (comme modifiée par le précédant), en tant que demande de la Ville auprès de la CAMO Commission des affaires municipales de l'Ontario, constituent le reste du prolongement du secteur urbain;

4. d'adopter une modification au Règlement 2009-200 sur la conservation des arbres urbains devant entrer en vigueur le 27 juin 2012 et ayant pour effet d'étendre l'application du règlement aux parcelles tel qu'illustré dans le document 1 (comme modifiée par le précédant), qu'il est recommandé d'ajouter au secteur urbain.

DOCUMENTATION

1. Deputy City Manager's report, Planning and Infrastructure, dated 18 June 2012 (ACS2012-PAI-PGM-0167).

2. Extract of Draft Minutes, Planning Committee meeting of 26 June 2012.

Report to/Rapport au :

Planning Committee
Comité de l'urbanisme

and Council / et au Conseil

June 18, 2012
18 juin 2012

Submitted by/Soumis par : Nancy Schepers, Deputy City Manager, Directrice municipale adjointe, Planning and Infrastructure/Urbanisme et Infrastructure

Contact Person / Personne ressource: Richard Kilstrom, Manager/Gestionnaire, Policy Development and Urban Design/ Élaboration de la politique et conception urbaine Planning and Growth Management/Urbanisme et Gestion de la croissance 613-580-2424, ext. 22653, Richard.kilstrom@ottawa.ca

CITY WIDE / À L'ÉCHELLE DE LA VILLE Ref N°: ACS2012-PAI-PGM-0167

SUBJECT: **RECOMMENDED COUNCIL POSITION FOR URBAN BOUNDARY – PHASE 2B HEARING – ONTARIO MUNICIPAL BOARD**

OBJET : **POSITION RECOMMANDÉE AU CONSEIL PAR RAPPORT AUX LIMITES URBAINES – AUDIENCE POUR LA PHASE 2B – COMMISSION DES AFFAIRES MUNICIPALES DE L'ONTARIO**

REPORT RECOMMENDATIONS
That Planning Committee recommend that Council approve:

1. **To resolve tied scores between two or more parcels that, first, any new information that may affect parcel scores or developable land areas be taken into account, and second, that the parcel or parcels that in combination result in a total cumulative developable land area closest to the 850 hectares ordered by the Ontario Municipal Board be added to the urban area; and**

2. **The parcels shown in Document 1 as Schedules R47, R48 and R49 as the City's submission to the Ontario Municipal Board to form the balance of the urban area expansion; and**

3. **An amendment to the Urban Tree Conservation By-law, By-law 2009-200, effective 27 June 2012, extending the application of the by-law to the additional parcels shown in Document 1.**

RECOMMANDATIONS DU RAPPORT

Que le Comité de l'urbanisme recommande au Conseil d'approuver ce qui suit :

1. **Afin de départager deux ou plusieurs parcelles, il faut tenir compte, d'abord, de tout nouveau renseignement qui pourrait affecter le résultat pour chaque parcelle ou chaque terrain aménageable et, ensuite, de la parcelle ou de la combinaison de parcelles qui donnent la surface de terrain aménageable cumulative totale la plus proche de 850 hectares demandés par la Commission des affaires municipales de l'Ontario soient ajoutées au secteur urbain;**

2. **Que les parcelles illustrées dans les annexes R47, R48 et R49 du document 1, en tant que demande de la Ville auprès de la CAMO Commission des affaires municipales de l'Ontario, constituent le reste du prolongement du secteur urbain;**

3. **D'adopter une modification au Règlement 2009-200 sur la conservation des arbres urbains devant entrer en vigueur le 27 juin 2012 et ayant pour effet d'étendre l'application du règlement aux parcelles qu'il est recommandé d'ajouter au secteur urbain.**

BACKGROUND

The Ontario Municipal Board (OMB) appeals of the urban boundary in Official Plan Amendment No. 76 (OPA 76) were separated into three separate phases, two of which have been decided. The OMB's June 3, 2011 decision on Phase 1 determined that the process and methods used by the City throughout the 2009 Official Plan review were sound, and determined that 850 hectares (ha) should be added to the urban area, excluding the Fernbank Lands approved by Council. The OMB's April 4, 2012 decision on Phase 2A determined that the methodology, criteria and scoring system used by the City to evaluate urban land additions were also sound. The final Phase 2B hearing in July will determine whether the City properly applied the approved methodology to the candidate parcels to decide the 850 ha urban expansion.

On October 12, 2011 Council approved the recommendations contained in Report ACS2011-ICS-PGM-0187 http://ottawa.ca/calendar/ottawa/citycouncil/occ/2011/10-12/pec/1%20-%20ACS2011-ICS-PGM-0187%20-20Recommended%20Council%20Position%20for%20Urban%20Boundary.htm dated September 1, 2011 on the City's position at the Phase 2 hearings for which lands should be added for the 850 ha urban expansion. The recommended additions in that

report were based on an understanding that the 850 ha included 163 ha in the Fernbank area.

During the Phase 2A hearing, however, it became apparent there was uncertainty whether the 850 ha included the Fernbank lands. On June 4, 2012 the OMB released its decision that because the Fernbank lands had been approved through Official Plan Amendment No. 77 they did not form part of the 850 ha for OPA 76.

Following the Board's decision on the 850 ha, Council must now decide a City position for the upcoming hearing on what additional 163 ha of urban land should be added.

The purpose of this report is to recommend to Planning Committee and Council:

1. The City's submission to the OMB on how to resolve tied scores between two or more parcels of land; and

2. The City's submission to the OMB on the additional 163 hectares of land to be added to the urban area as part of the total 850 gross hectare expansion.

DISCUSSION

Resolution of parcels with tied scores

Two or more parcels can potentially have tied scores around the cut-off point for the 850 hectare (ha) urban expansion ordered by the OMB (as noted the 850 ha does not include 163 ha in Fernbank). Council needs to have a position to put forward at the hearing on how to resolve the issue of tied scores.

It is staff's view that the best means to resolve a tie involves two steps. First, tied parcels should be reviewed to ascertain whether there is any new information that should be taken into account in the parcel scoring or estimate of developable hectares. Second, if after any revisions are made tied scores remain, the parcel or parcels that achieve a cumulative total gross developable land area closest to the total 850 gross developable hectares decided by the OMB should be supported.

Recommended additions to the Urban Area

The logical means to decide additions beyond what Council supported in October 2012 is to continue down the list of parcels ranked in descending order of total points. Before reviewing that, however, new information should be taken into account.

New information has resulted in changes to the developable land area for one parcel and to the scores for two other parcels.

The most significant changes are to the developable land area in Area 2, located northwest of Terry Fox Drive. First is the correction of a mapping error, such that the estimated developable land area listed in the 2009 and 2011 reports dealing with expansion parcels should, before the adjustment discussed below, have stated the parcel as having 38.7 ha of developable land instead of 47.2 ha. The developable land area is further impacted by recent and ongoing studies indicating this area has a high potential to be identified as "significant habitat" for Blanding's turtle under the *Endangered Species Act* 2007 and the Provincial Policy Statement. Until studies are completed and the determination is made by the Ministry of Natural Resources on the area to be designated as "significant habitat", it is uncertain whether there is any developable land in Area 2. On that basis it is concluded by staff that Area 2 should be assigned a gross developable land area of 0 ha.

Scoring revisions have been made for parcels 6c (south Stittsville) and 8a (Leitrim). For parcel 6c, new information submitted on depth to bedrock warrants an increase in score from 51 to 52 points. It was and continues to be recommended for inclusion in the urban area based on either score. For parcel 8a, new information on water pressure warrants a revised score for water servicability, adding 2 points. That increases the total score for 8a from 46 points to 48, which brings it into a tie with parcels 2 and 9b.

Tables 1 and 2 show parcels ranked in descending order of score after applying the recommended steps for resolving a tie outlined in the preceding section of the report. In the first step developable land area and scores were revised for parcels 2, 6c and 8a, as discussed above. In the second step, parcels were compared to determine which achieved a cumulative score closest to 850 gross developable ha. Adding parcel 8a achieved 834.0 ha. Adding parcel 9b achieved 841.9 ha. Adding both parcels achieved 863.0 ha. Adding only 9b achieves a cumulative total closest to 850 ha. The parcels listed in Table 1 are therefore recommended for inclusion in the urban area. The parcels that are in addition to those Council supported in October 2012 are parcels 3 (north Stittsville), 10c (south Orleans) and 9b (Leitrim). The new recommended additions are shown on Map 1 of this report.

It is noted that on June 12, 2012 the Board issued an order, with the agreement of all parties, that the lands corresponding to parcels with a score of 53 points and higher in Table 1 were approved under OPA 76. Of the 63 ha south of Stittsville supported for inclusion by Council in July 2011, parcels 6a and 6b were part of the consent order, and parcel 6c, while recommended for inclusion, was not part of the order.

Table 1. Parcels recommended for addition to the urban area

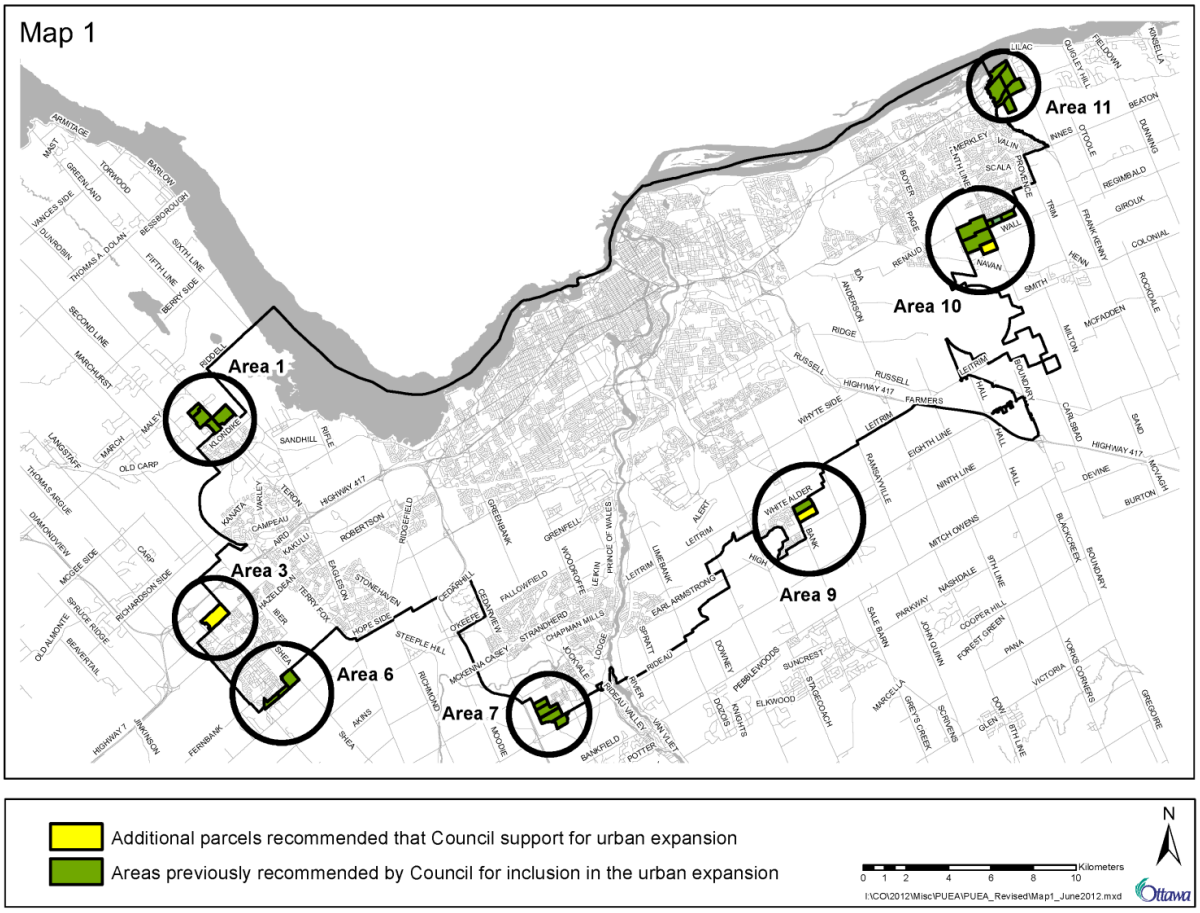
Area	Gross Developable Ha	Cumulative Developable Ha	Point Score
10a	78.7	78.7	66
6a	35.0	113.7	64
11a	45.7	159.4	64
10d	8.3	167.7	62

11c	9.9	177.6	62
11e	16.9	194.5	61
7b	35.6	230.2	58
7d	27.1	257.3	58
10e	19.9	277.1	58
11d	39.3	316.5	56
6b	12.3	328.8	55
7c	39.5	368.3	55
11b	33.2	401.5	55
9a	37.1	438.6	53
1b	53.9	492.5	52
1h	15.6	508.1	52
10b	79.8	587.9	52
11h	11.8	599.6	52
6c	19.8	619.5	52
1a	25.9	645.4	51
1d	43.5	688.9	51
3	69.5	758.3	49
10c	54.6	812.9	49
9b	29.0	841.9	48

Parcels listed in Table 2 are not recommended for inclusion in the urban area.

Table 2. Parcels not recommended for addition to the urban area

Area	Gross Developable Ha	Cumulative Developable Ha	Point Score
8a	21.1	863.0	48
2	0.0	863.0	48
11g	43.5	906.5	47
1c	39.5	946.0	46
9c.1	17.7	963.7	46
1e	37.7	1001.3	45
9d	13.7	1015.0	44
1fS	12.9	1027.9	43
4	38.5	1066.5	42
8b	16.5	1083.0	41
1i	19.1	1102.1	39
9c.2	5.2	1107.3	37
8d	30.7	1138.0	34
8c	17.6	1155.6	33
8e	41.2	1196.8	30
8f	43.1	1239.9	27



In September 2011, Council extended the application of Urban Tree Conservation By-law 2009-200 to the then recommended urban land additions in the anticipation of those areas becoming urban. It is recommended that application of the by-law be further extended to protect the additional lands recommended by this report.

RURAL IMPLICATIONS

The recommendations contained in this report will seek to redesignate additional lands from the rural area to the urban area at the upcoming Phase 2B hearing.

CONSULTATION

Landowners for the candidate areas had been consulted in the summer of 2011.

COMMENTS BY THE WARD COUNCILLORS

Not applicable as this is a City-Wide report.

LEGAL IMPLICATIONS

As stated earlier in this report, the final phase of the Urban Boundary hearing is to take place starting 3 July 2012 with witness statements having been exchanged on 11 June 2012 and reply witness statements on 22 June 2012. It is expected that the hearing will be conducted by in-house legal counsel and staff witnesses. Costs for a transcript and printing of materials for the hearing should not exceed $15,000.

RISK MANAGEMENT IMPLICATIONS

Risks have been identified and explained in the Legal Implications section.

FINANCIAL IMPLICATIONS

It is expected that the hearing will be conducted by in-house legal counsel and staff witnesses. Costs for a transcript and printing of materials for the hearing should not exceed $15,000.

ACCESSIBILITY IMPACTS

There are no accessibility impacts.

ENVIRONMENTAL IMPLICATIONS

Policies in Amendment 76 provide for natural heritage system lands in each area to be transferred to the City for $1.

The report recommends that the City's Urban Tree Conservation By-law be extended to apply to the new areas recommended by this report to ensure the protection of those lands with natural heritage values.

TECHNOLOGY IMPLICATIONS

There are no technology implications.

TERM OF COUNCIL PRIORITIES

This report supports the following priorities:
ES2 – Enhance and protect natural systems

GP3 – Make sustainable choices

SUPPORTING DOCUMENTATION

Document 1 Recommended Additional Parcels for Urban Expansion.

DISPOSITION

The recommendations contained in this report are to be in addition to Council's position established October 12, 2011 for lands to be added to the Urban Area at the upcoming Urban Boundary Appeals, Phase 2B Ontario Municipal Board hearing.

The Legal Branch is to bring forward an amendment to the Urban Tree Conservation By-law for Council adoption on June 27, 2012.

RECOMMENDED ADDITIONAL PARCELS FOR URBAN EXPANSION

DOCUMENT 1

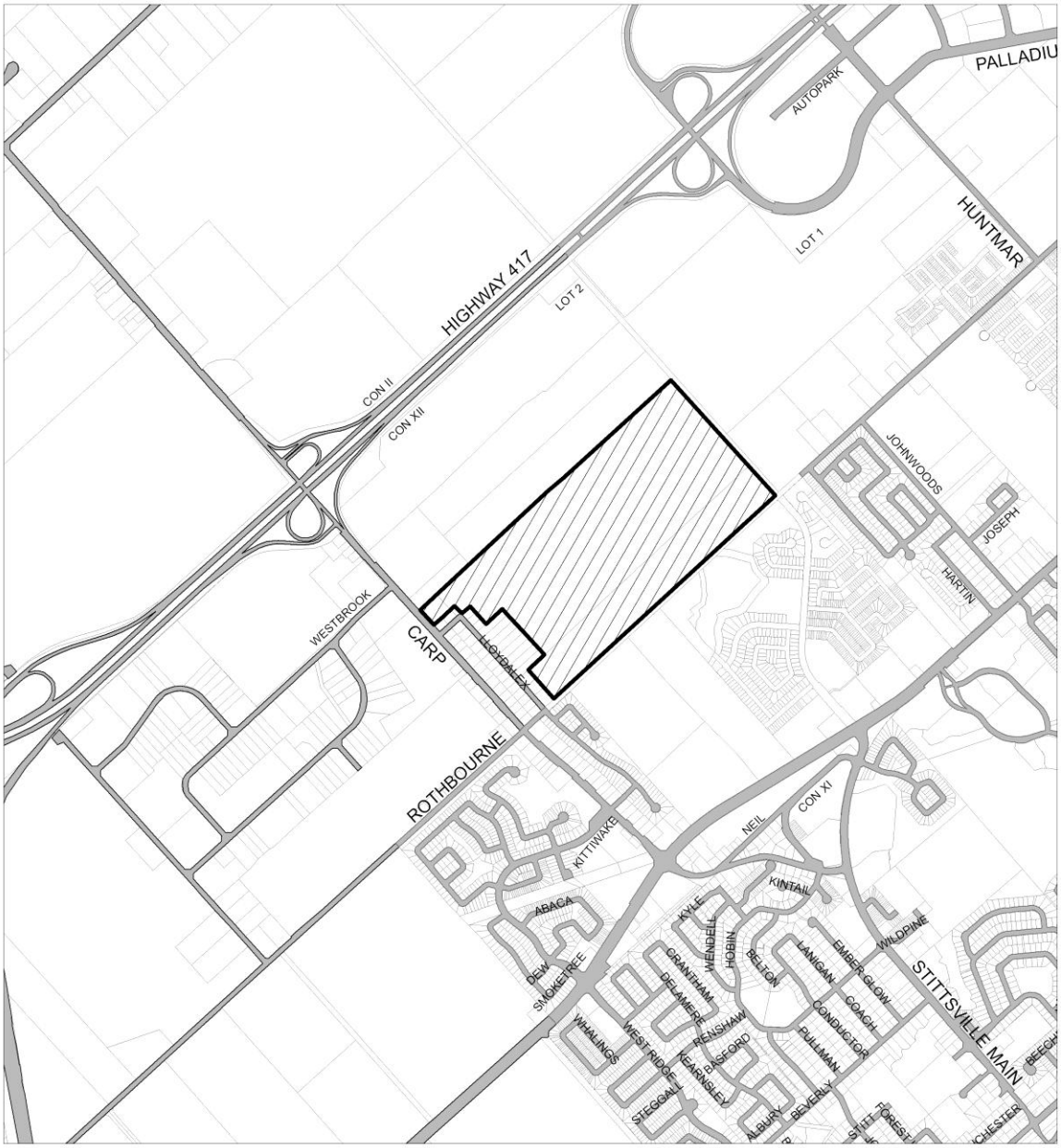
City recommended changes to OPA 76:

On Schedule A, approve as amended by the following:

- By changing the designation of the lands shown on Schedule R47 from "General Rural Area" to "Urban Area"
- By showing the proposed boundary of the "Urban Expansion Study Area" as shown on Schedule R48
- By changing the designation of the lands shown on Schedule R49 from "General Rural Area" to "Urban Area"

On Schedule B, approve as amended by the following:

- By changing the designation of the lands shown on Schedule R47 to "Developing Community (Expansion Area)"
- By changing the designation of the lands shown on Schedule R48 to "Urban Expansion Study Area"
- By changing the designation of the lands shown on Schedule R49 to "Developing Community (Expansion Area)"



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Ottawa

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D01-02-06-RDS	12-0798-A

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06 / 06 / 2012

Scale - N.T.S. / Echelle N.A.E.

SCHEDULE R47 to AMENDMENT NO.76

to the OFFICIAL PLAN for the CITY OF OTTAWA

Amending Schedules A & B

Urban and Rural Policy Plans

ANNEXE R47 de L' AMENDEMENT No.76

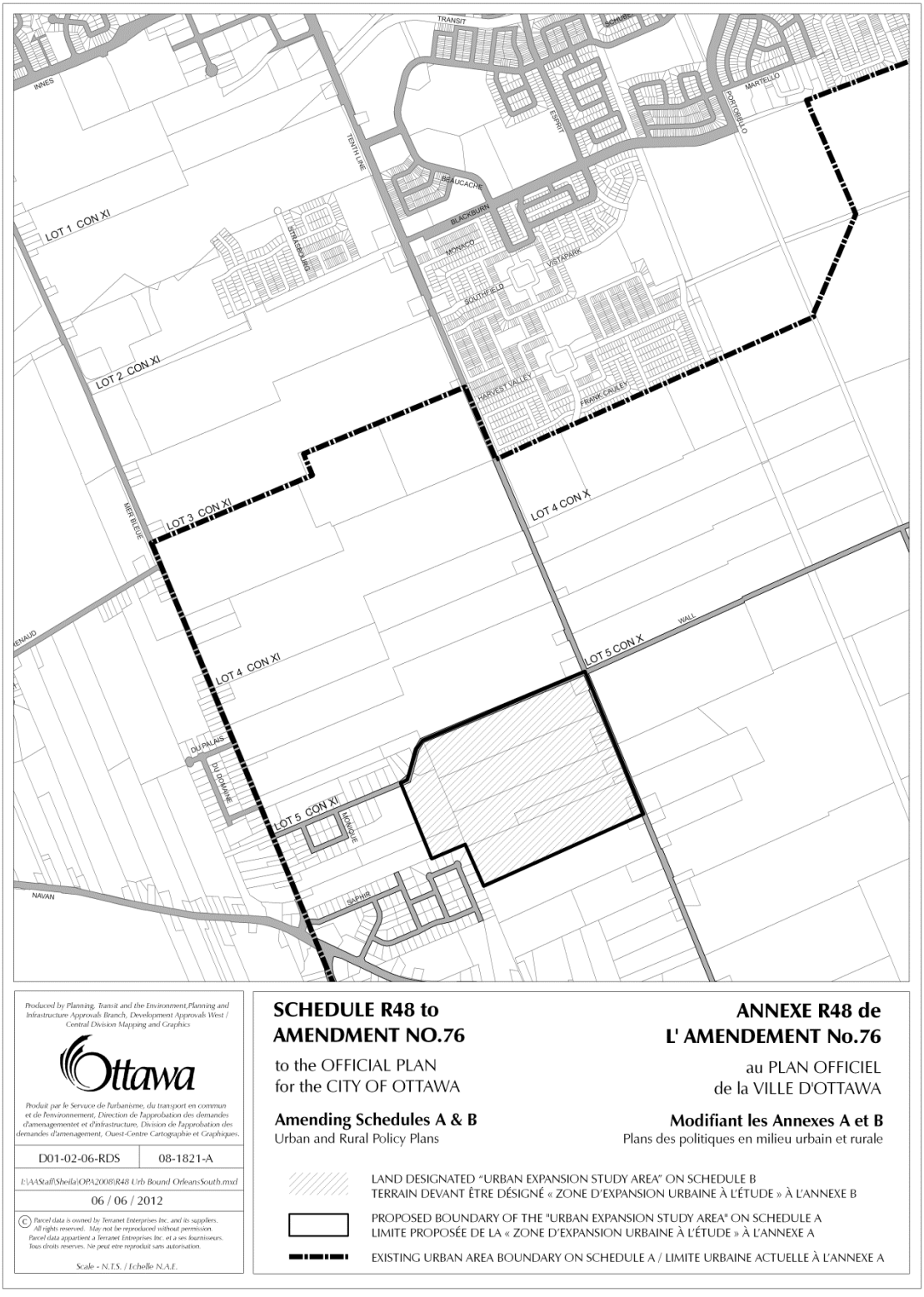
au PLAN OFFICIEL de la VILLE D'OTTAWA

Modifiant les Annexes A et B

Plans des politiques en milieu urbain et rurale

LAND CHANGED FROM GENERAL RURAL AREA TO URBAN AREA ON SCHEDULE A AND TO DEVELOPING COMMUNITY (EXPANSION AREA) ON SCHEDULE B

TERRAINS DONT LA DÉSIGNATION PASSERA DES ZONES RURALE GÉNÉRALE À ZONE URBAINE SUR L'ANNEXE A ET À ZONE COLLECTIVE EN DÉVELOPPEMENT (SECTEUR URBAINE AGRANDI) SUR L'ANNEXE B



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D01-02-06-RDS	08-1821-A

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06 / 06 / 2012

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SCHEDULE R48 to AMENDMENT NO.76

to the OFFICIAL PLAN for the CITY OF OTTAWA

Amending Schedules A & B
Urban and Rural Policy Plans

ANNEXE R48 de L' AMENDEMENT No.76

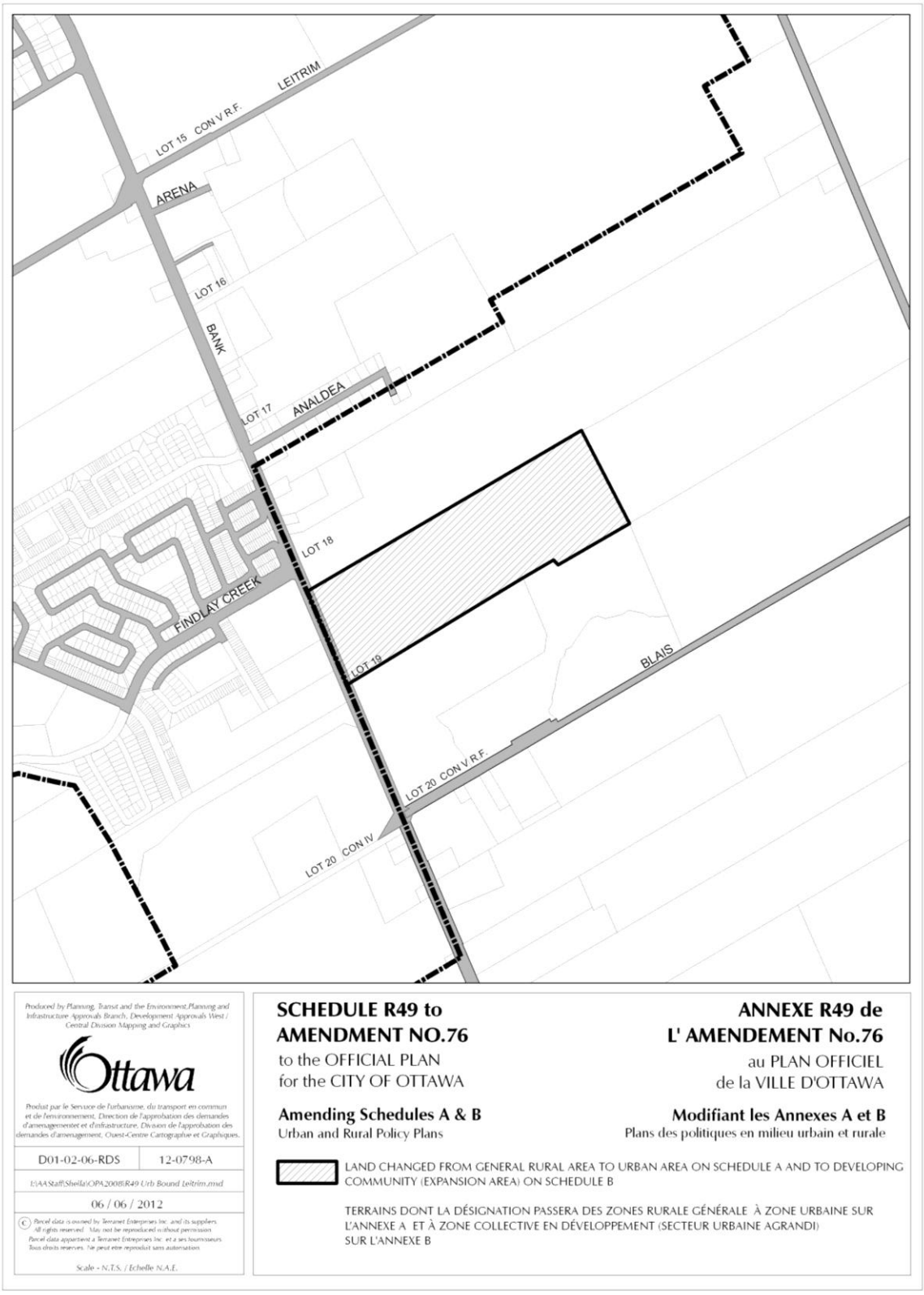
au PLAN OFFICIEL de la VILLE D'OTTAWA

Modifiant les Annexes A et B
Plans des politiques en milieu urbain et rurale

LAND DESIGNATED "URBAN EXPANSION STUDY AREA" ON SCHEDULE B
TERRAIN DEVANT ÊTRE DÉSIGNÉ « ZONE D'EXPANSION URBAINE À L'ÉTUDE » À L'ANNEXE B

PROPOSED BOUNDARY OF THE "URBAN EXPANSION STUDY AREA" ON SCHEDULE A
LIMITE PROPOSÉE DE LA « ZONE D'EXPANSION URBAINE À L'ÉTUDE » À L'ANNEXE A

EXISTING URBAN AREA BOUNDARY ON SCHEDULE A / LIMITE URBAINE ACTUELLE À L'ANNEXE A



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D01-02-06-RDS	12-0798-A

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06 / 06 / 2012

Scale - N.T.S. / Echelle N.A.E.

SCHEDULE R49 to AMENDMENT NO.76
to the OFFICIAL PLAN
for the CITY OF OTTAWA

Amending Schedules A & B
Urban and Rural Policy Plans

ANNEXE R49 de L' AMENDEMENT No.76
au PLAN OFFICIEL
de la VILLE D'OTTAWA

Modifiant les Annexes A et B
Plans des politiques en milieu urbain et rurale

LAND CHANGED FROM GENERAL RURAL AREA TO URBAN AREA ON SCHEDULE A AND TO DEVELOPING COMMUNITY (EXPANSION AREA) ON SCHEDULE B

TERRAINS DONT LA DÉSIGNATION PASSERA DES ZONES RURALE GÉNÉRALE À ZONE URBAINE SUR L'ANNEXE A ET À ZONE COLLECTIVE EN DÉVELOPPEMENT (SECTEUR URBAINE AGRANDI) SUR L'ANNEXE B

RECOMMENDED COUNCIL POSITION FOR URBAN BOUNDARY - PHASE 2B HEARING - ONTARIO MUNICIPAL BOARD
ACS2012-PAI-PGM-0167 CITY-WIDE

REPORT RECOMMENDATIONS:

That Planning Committee recommend that Council approve:

1. **To resolve tied scores between two or more parcels that, first, any new information that may affect parcel scores or developable land areas be taken into account, and second, that the parcel or parcels that in combination result in a total cumulative developable land area closest to the 850 hectares ordered by the Ontario Municipal Board be added to the urban area; and**

2. **The parcels shown in Document 1 as Schedules R47, R48 and R49 as the City's submission to the Ontario Municipal Board to form the balance of the urban area expansion; and**

3. **An amendment to the Urban Tree Conservation By-law, By-law 2009-200, effective 27 June 2012, extending the application of the by-law to the additional parcels shown in Document 1.**

The Committee received a detailed overview of the report from Messrs. Tim Marc, Senior Legal Counsel, Corporate Development and Environmental Law Branch, City Clerk and Solicitor's Department, and Nick Stow, Planner, Land Use and Natural Systems Unit, Policy Development and Urban Design Branch, Planning and Growth Management Department. Mr. Marc provided a brief history of the issues involving the upcoming Ontario Municipal Board Phase 2B Hearing pertaining to Council's decision on recommended additions to the Urban Boundary. Mr. Stow provided background on potentially sensitive environmental features that may exclude Area 2 as a possible Blanding's turtle habitat area.

The Committee spent approximately three and a half hours on this item, which included the receipt of the public delegations noted below, the receipt of information from staff for purposes of clarification, and discussion by the Committee.

The following delegations spoke in *opposition* to the report recommendation:

- Mr. John Dempster, Richcraft Homes;
- Mr. Chris Ellingwood, Niblett Environmental Associates Limited;
- Mr. Roufa Therrien;
- Mr. Paul Webber, Bell Baker, on behalf of 4840 Bank Street Inc.;
- Mr. David Gilbert*, patersongroup consulting engineers, and Ms. Mary Jarvis, Urbandale Developments.

*[* All individuals marked with an asterisk either provided their comments in writing or by email; such comments are held on file with the City Clerk.]*

Following Committee discussions, Councillor Hubley introduced the following:

MOTION NO PLC 37/5

Moved by Councillor A. Hubley:

WHEREAS Planning Committee, and its predecessor Planning and Environment Committee, has in a series of reports spanning February 2009 to September 2011 stated that Area 2 on the list of candidate urban expansion parcels had 47.2 developable hectares of land;

AND WHEREAS in the report "Recommended Council Position for Urban Boundary – Phase 2B Hearing – Ontario Municipal Board" on the June 26, 2012 Planning Committee agenda it is noted the land area in the absence of the matter of Blandings Turtles should be corrected to show 38.7 developable hectares in Area 2;

AND WHEREAS the need for the deduction of additional lands from gross developable hectares on account of Blandings Turtles was not identified by the City in the report approved by Council on 12 October 2011;

AND WHEREAS a witness statement has been provided by the Owner of Area 2 that indicates that it is not likely that significant habitat for Blandings Turtles will be located on the 38.7 hectares of land that would otherwise be held to be gross developable hectares

AND WHEREAS 3 parcels are tied with a score of 48;

AND WHEREAS the time horizon is for a long-term period of 2031;

BE IT RESOLVED that Council:

Provide that in respect of Area 2 in the report "Recommended Council Position for Urban Boundary – Phase 2B Hearing – Ontario Municipal Board" it be shown that it has 38.7 gross developable hectares.

It is further recommended that Council:

Revise Tables 1 and 2 to include in Table 1 parcels 2 & 8A and that the necessary modifications be made to Document 1.

Following the receipt of legal counsel, the report recommendation was then put to Committee and was CARRIED, as amended by Motion N^{O} PLC 37/5, on a division of nine yeas to one nay:

That Council approve:

1. **That in respect of Area 2 in the report "Recommended Council Position for Urban Boundary – Phase 2B Hearing – Ontario Municipal Board" it be shown that it has 38.7 gross developable hectares;**

2. **A revision to Tables 1 and 2 to include in Table 1 parcels 2 & 8A and that the necessary modifications be made to Document 1;**

3. **The parcels shown in Document 1, as amended by the foregoing, as Schedules R47, R48 and R49 as the City's submission to the Ontario Municipal Board to form the balance of the urban area expansion; and**

4. **An amendment to the Urban Tree Conservation By-law, By-law 2009-200, effective 27 June 2012, extending the application of the by-law to the additional parcels shown in Document 1 as amended by the foregoing.**

YEAS (9): S. Blais, R. Bloess, R. Chiarelli, K. Hobbs, A. Hubley, B. Monette, S. Qadri, M. Taylor and J. Harder.

NAY (1): P. Hume

Council will be asked to waive the notice required under the City's Procedural By-Law (By-Law 2006-462) to consider this matter at its meeting of 27 June 2012.