

2. OFFICIAL PLAN AMENDMENT – 2715, 2777 TENTH LINE ROAD, 810 WALL ROAD AND 2390, 2484, 2656 TRIM ROAD

MODIFICATION AU PLAN OFFICIEL – 2715 ET 2777, CHEMIN TENTH LINE, 810, CHEMIN WALL, ET 2390, 2484 ET 2656, CHEMIN TRIM

COMMITTEE RECOMMENDATION

That Council refuse the Official Plan amendment for the properties at 2715, 2777 Tenth Line Road; 810 Wall Road; 2390, 2484, 2656 Trim Road and other unaddressed properties, as shown in Document 1.

RECOMMANDATION DU COMITÉ

Que le Conseil refuse la modification au Plan officiel pour les propriétés situées aux 2715 et 2777, chemin Tenth Line, 810, chemin Wall, et 2390, 2484 et 2656, chemin Trim, ainsi que pour d'autres propriétés sans adresse, comme l'indique le document 1.

DOCUMENTATION / DOCUMENTATION

1. Acting Director, Planning Services, Planning, Infrastructure and Economic Development Department report dated 6 April 2017 (ACS2017-PIE-PS-0018).

Rapport du Directrice par intérim, Services de la planification, Direction de la planification, de l'infrastructure et du développement économique daté le 6 avril 2017 (ACS2017-PIE-PS-0018).

2. Extract of draft Minutes, Agriculture and Rural Affairs Committee, 4 May 2017

Extrait de l'ébauche du procès-verbal, Comité de l'agriculture et des affaires rurales, le 4 mai 2017

**AGRICULTURE AND RURAL
AFFAIRS COMMITTEE
REPORT 24
10 MAY 2017**

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**COMITÉ DE L'AGRICULTURE ET
DES AFFAIRES RURALES
RAPPORT 24
LE 10 MAI 2017**

**Report to
Rapport au:**

**Agriculture and Rural Affairs Committee / Comité de l'agriculture et des affaires
rurales**

May 4, 2017 / 4 mai 2017

**and Council / et au Conseil
May 10, 2017 / 10 mai 2017**

**Submitted on April 6, 2017
Soumis le 6 avril 2017**

**Submitted by
Soumis par:**

**Lee Ann Snedden,
Acting Director / Directrice par intérim,
Planning Services / Services de la planification,
Planning, Infrastructure and Economic Development Department / Direction de la
planification, de l'infrastructure et du développement économique**

Contact Person

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Ward: CUMBERLAND (19)

File Number: ACS2017-PIE-PS-0018

**SUBJECT: Official Plan Amendment – 2715, 2777 Tenth Line Road, 810 Wall
Road and 2390, 2484, 2656 Trim Road**

**OBJET: Modification au Plan officiel – 2715 et 2777, chemin Tenth Line,
810, chemin Wall, et 2390, 2484 et 2656, chemin Trim**

REPORT RECOMMENDATIONS

- 1. That Agriculture and Rural Affairs Committee recommend Council refuse the Official Plan amendment for the properties at 2715, 2777 Tenth Line Road; 810 Wall Road; 2390, 2484, 2656 Trim Road and other unaddressed properties, as shown in Document 1.**
- 2. That Agriculture and Rural Affairs Committee approve the Consultation Details Section of this report be included as part of the ‘brief explanation’ in the Summary of Written and Oral Public Submissions, to be prepared by the City Clerk and Solicitor’s Office and submitted to Council in the report titled, “Summary of Oral and Written Public Submissions for Items Subject to Bill 73 ‘Explanation Requirements’ at the City Council Meeting of 10 May 2017,” subject to submissions received between the publication of this report and the time of Council’s decision.**

RECOMMANDATIONS DU RAPPORT

- 1. Que le Comité de l’agriculture et des affaires rurales recommande au Conseil de refuser la modification au Plan officiel pour les propriétés situées aux 2715 et 2777, chemin Tenth Line, 810, chemin Wall, et 2390, 2484 et 2656, chemin Trim, ainsi que pour d’autres propriétés sans adresse, comme l’indique le document 1.**
- 2. Que Comité de l’agriculture et des affaires rurales donne son approbation à ce que la section du présent rapport consacrée aux détails de la consultation soit incluse en tant que « brève explication » dans le résumé des observations écrites et orales du public, qui sera rédigé par le Bureau du greffier municipal et de l’avocat général et soumis au Conseil dans le rapport intitulé « Résumé des observations orales et écrites du public sur les questions assujetties aux ‘exigences d’explication’ aux termes du projet de loi 73 », à la réunion du Conseil municipal prévue le 10 mai 2017 à la**

condition que les observations aient été reçues entre le moment de la publication du présent rapport et le moment de la décision du Conseil.

BACKGROUND

In December of 2015, the City received applications to re-designate and re-zone 14 rural properties, totalling approximately 245 hectares, from the Agriculture Resource designation to a General Rural designation and appropriate zoning. The lands are located north of Wall Road, between Trim Road and Tenth Line Road, and situated immediately south of the urban boundary in Orléans. An Agricultural Impact Assessment, prepared by Sean Colville of Colville Consulting, was filed in support of the application. The City has had the Colville study peer-reviewed by Michael Hoffman of AgPlan Limited. The peer review finds that the applicant's claim that the land does not meet the criteria for protection as prime agricultural land, has not been substantiated. The land has been reviewed using the City's Land Evaluation and Area Review system (LEAR) which confirms that the majority of the land subject to the application continues to meet the requirements for inclusion in the Agricultural Resource Area. The removal of the land from the Agricultural Resource Area is not required to satisfy an expansion of the Urban area which is the only criteria for removal permitted by the Provincial Policy Statement. This report therefore recommends that the application for an Official Plan Amendment to re-designate the subject lands be refused.

Provincial Policy Statement

The Provincial Policy Statement directs municipalities to identify and protect prime agricultural areas for long-term use for agriculture and seeks to restrict development and non-compatible land uses to ensure their long-term viability. Furthermore, the Provincial Policy Statement only permits the removal of land from prime agricultural areas if the land is required for expansion of Settlement Areas. The City has not identified the need for an expansion of the urban boundary.

Prime Agricultural Areas are areas where prime agricultural land predominates – meaning areas with lands classified through Canada Land Inventory (CLI) as soil Classes 1 through 3. Class 1 soils have no significant limitations for cropping and are considered the better class of soils for agriculture, Class 3 would have 'moderately

severe limitations that restrict the range of crops or require special conservation practises' (per Agriculture and Agri-Food Canada) and Class 5 soils have very severe limitations on even the growing of perennial forage crops. While prime agricultural areas are to be predominantly composed of Class 1-3 soils, the Provincial Policy Statement recognizes that, within these areas, ongoing farm operations on lower class soils may also exist. Individual parcels are evaluated but the designation of the prime agricultural areas are considered on the basis of contiguous parcels of about 250 hectares where prime agricultural land predominates. The Province directs municipalities to designate those prime agriculture areas and contemplates an alternative evaluation system to identify the lands that will make up those areas. Historically, the City has used the LEAR system, which was recently updated.

City LEAR and LEAR review

The City's current Agricultural Resource Area was identified using the Land Evaluation and Area Review (LEAR) system developed by the Regional Municipality of Ottawa-Carleton, which since 1997 has been the means of identifying prime agricultural lands in a manner consistent with the Provincial Policy Statement. The LEAR system evaluates parcels and scores them based on the CLI soil classification, parcel size, use and surrounding influences. The soil classification, which is collated and mapped by the Ontario Ministry of Agriculture, Food and Rural Affairs accounts for at least 70 per cent of the LEAR scoring given to each property. The minimum threshold score required for land to be considered agricultural land in the 1997 version of LEAR is 130 out of a possible 200 points. The 1997 LEAR scores for the lands range from 118 to 196. The higher-scoring lands, all above 170, are those on the east portion, with the smaller parcels near the corner of Wall Road, and Trim Road having lower scores. Three of those smaller properties in the north fall below the 130 threshold. Document 2 of this report provides a map indicating the LEAR scoring on each parcel subject to this application.

A comprehensive City-wide review of agricultural lands, based on the draft revised LEAR system, was undertaken at the end of 2016. The updated LEAR system was accepted by Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) and adopted by Council in December 2016. The score of the lands based upon the revised

LEAR system range from 112 to 149, with the majority of the area 140 and above. The threshold score in the revised LEAR for inclusion as prime agricultural land is 125 points out of 200.

The revised LEAR system was used to review the boundaries of the current Agricultural Resource Area as part of the Comprehensive Review that resulted in Official Plan Amendment 180 adopted by Council in January 2017. That amendment proposed changes to the Agricultural Resource Area based upon the revised LEAR system, but did not include any changes to the designation of the land subject to this application.

DISCUSSION

The Provincial Policy Statement specifically speaks to municipalities removing lands from the prime agricultural area only for the purpose of expansion of a settlement area. This application proposes the re-designation of the land to General Rural Area, it does not propose an expansion to the urban boundary. Through the Official Plan Amendments 150 and 180, there was no identification for the need to expand the urban boundary, so the aspect of the application contemplating removal of lands is not relevant.

The only alternative to be consistent with the Provincial Policy Statement is demonstrating that these lands are not prime agricultural lands and should not be within a prime agriculture area. In discussion with staff at Ontario Ministry of Agriculture, Food and Rural Affairs, identifying prime agricultural lands and areas is to be done on a comprehensive basis. The original LEAR and the 2016 LEAR studies were a city-wide comprehensive review. This application does not form part of the comprehensive review; therefore, the re-designation of the land to General Rural is not consistent with the Provincial Policy Statement and should not be supported. The applicants retain the right to appeal Official Plan Amendment 180.

Agricultural Impact Assessment

The Agriculture Impact Assessment Study, undertaken by Colville Consulting, that formed the basis of the owner's application and the subsequent submissions from the

applicants have all been reviewed by staff and peer reviewed by Michael Hoffman of AgPlan Limited, who was engaged by the City for his expertise in soil analysis.

The position proposed by the Colville study is that the subject site is not comprised of “prime agricultural land” despite the fact that the analysis does not dispute the soil types being generally Class 3 soils. Instead, the Colville study concludes that the soils are naturally poorly drained, and the soil classification should drop from a Class 3 to a Class 5 due to the impractical cost associated with the provision of tile drainage and offsite drainage discharge. The drop in soil classification proposed by the applicant would result in the subject land no longer meeting the Provincial or City LEAR criteria for protection as part of the Agricultural Resource Area.

The peer review by AgPlan Limited noted that Colville’s suggested change to soil capability does not provide information on physical differences in soils relative to the published soil information in the form of a site-specific detailed soil survey. Furthermore, AgPlan Limited noted that Class 5 soils are described in CLI guidelines as having “very severe limitations that restrict their capability to producing perennial forage crops”. However, some of the subject parcels were planted with corn and soy beans in 2016.

The Guidelines for the CLI classify soils assuming that normal farm practices and improvements can be made, including tile drainage. Typically, when using feasibility as an argument to change the soil classification there needs to be evidence of a continuing limitation (such as steepness, stoniness) for farming the soils on these parcels. In this case, the applicant has not demonstrated that there is a physical limitation to draining the land. They instead argue that the cost of tile drainage is prohibitive.

Regarding economics, the CLI states that “this classification is not a guide to the most profitable use of land, but it is an inventory of our agricultural soil resources and a guide to better land use in Canada”.

The applicant attempted to justify their position with an economic analysis using estimates of the costs associated with the provision of tile drainage to this land. Staff have concerns with the approach and analysis, including factors such as the cost per acre of tile drainage proposed as compared to other projects in the area, the lack of discussion on the significance of the *Drainage Act* with regard to facilitating drainage

and cost sharing, and the economic value associated with factors such as improved soil and/or crop management resulting from tile drainage.

Irrespective of the cost-benefit analysis provided by the applicant, tile draining the subject land is physically “feasible”. AgPlan Limited has advised staff that the wording in Ontario Ministry of Agriculture, Food and Rural Affairs’ document Classifying Prime and Marginal Agricultural Soils and Landscapes: Guidelines for Application of the CLI in Ontario has been amended to remove the term “economic” from the definition of feasibility. Thus, while physical feasibility of drainage remains a relevant concern, economic feasibility is not. As drainage of the land is physically feasible, then the soils should be classified on the basis that such drainage is in place, and in this case, Class 3.

When the City completed its comprehensive review of the Agricultural Resource Area designation following the update of the City’s LEAR system, the information provided for this application was considered in that review. The lands were reviewed under the updated LEAR based upon their CLI-mapped soil capability which is predominantly Class 3 soils. While the LEAR scores for each of the parcels have changed from their 1997 LEAR values, the scoring of the updated LEAR identifies these as candidate lands that should remain designated as Agricultural Resource Area.

Provincial Policy Statement

Staff have reviewed this proposal, and as stated above, consider this amendment as being inconsistent with the Provincial Policy Statement, 2014 because it is not a change to the Agricultural Resource Area as part of a comprehensive review and the land is not required for expansion of the urban boundary.

Related Application

It is noted that there was a related Zoning By-law amendment application submitted to bring the zoning into compliance with the requested Official Plan designation change. This application has been deemed incomplete. In addition, staff are of the opinion that it is premature to consider the re-zoning at this time.

RURAL IMPLICATIONS

The recommendation is supportive of maintaining agricultural uses in the rural area.

CONSULTATION

Public notification occurred pursuant to City requirements with three signs posted along adjacent roads and written notice sent to all owners and owners within 120 metres of the properties. Registered community associations in the area were also notified. No community meetings were held.

Nine written submissions were received from the public. One submission supported the change and one submission opposed the change based upon concerns with the housing market and wildlife displacement. Five submissions voiced concerns with the potential impact of new development on the housing market, existing ditching and the status of Wall Road. Two others did not comment, but requested further notice.

COMMENTS BY THE WARD COUNCILLOR

Councillor Blais is aware of the application and the recommendation of this report.

LEGAL IMPLICATIONS

Should the recommendation for the refusal of this application be adopted and the matter appealed to the Ontario Municipal Board, staff would anticipate that the designation of the lands in OPA 180 would also be appealed to the Board upon the decision of the Minister on OPA 180. Legal Services would propose to consolidate these matters so that one hearing would take place. In addition to internal staff resources, it would be anticipated that the services of AgPlan Limited would also be required for the hearing. In the event that Council determines to adopt the amendment, and an appeal is received, Legal Services would again recommend joining this matter with OPA 180. However, in this instance, it would be necessary to retain an external planner.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with the recommendation in this report.

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 operating budget.

ACCESSIBILITY IMPACTS

Based on the recommendation to refuse the approval of the Official Plan Amendment there are no accessibility impacts. In addition even with an approval there are no anticipated changes to any existing use contemplated by the requested amendments.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of of Council Priorities:

Governance, Planning and Decision-Making
Economic Prosperity

APPLICATION PROCESS TIMELINE STATUS

The application was not processed by the On Time Decision Date established for the processing of Official Plan amendments due to the complexity of the issues associated with the Applicant's study, Official Plan policies and Provincial Policy directions.

SUPPORTING DOCUMENTATION

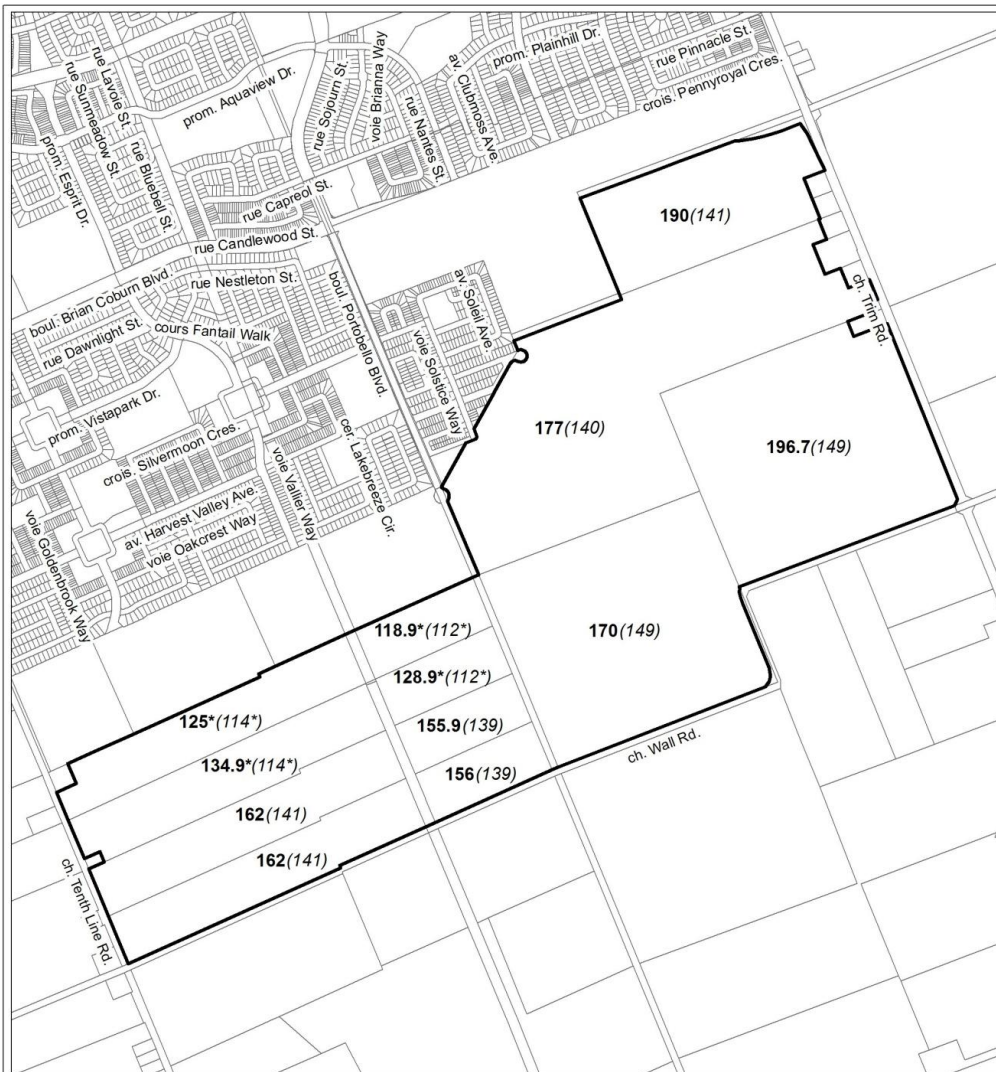
Document 1 Location Map
Document 2 Subject Properties with LEAR Scores


DISPOSITION

Office of the City Clerk and Solicitor, Legislative Services to notify the owner; applicant; OttawaScene Canada Signs, 1565 Chatelain Avenue, Ottawa, ON K1Z 8B5; Krista O'Brien, Deputy City Treasurer Revenue Branch, Corporate Services (Mail Code: 26-76) of City Council's decision.

Circulation Services Unit, Planning Services to undertake the statutory notification.

Document 2 – Subject Properties with LEAR Scores



		LAND EVALUATION AREA REVIEW (LEAR) SCORES / NOTES DU SYSTÈME D'ÉVALUATION DES TERRES ET D'ANALYSE DES ZONES (LEAR)	
D01-01-15-0020	17-0428-A	100	1997 LEAR score for parcel / Note du système LEAR de 1997 pour la parcelle
I:\CO\2016\OPA\TenthLine2715withLEAR		(100)	2016 LEAR score for parcel / Note du système LEAR de 2016 pour la parcelle
<small>©Parcel data is owned by Teranet Enterprises Inc. and its suppliers All rights reserved. May not be produced without permission THIS IS NOT A PLAN OF SURVEY</small>		<small>* Below threshold score for agricultural land - 1997 LEAR (130) and 2016 LEAR (125) / Note inférieure au seuil d'inclusion pour une terre agricole - 1997 LEAR (130) et 2016 LEAR (125)</small>	
REVISION / RÉVISION - 2017 / 03 / 22		