

**9. MOTION - CITY APPEAL TO MINISTERIAL MODIFICATION #2 TO
OFFICIAL PLAN AMENDMENT #180 (OPA 180)**

**MOTION - APPEL DE LA VILLE SUR LA MODIFICATION MINISTÉRIELLE
NO.2 DE LA MODIFICATION AU PLAN OFFICIEL 180 (MPO NO 180)**

COMMITTEE RECOMMENDATIONS

That Council:

1. endorse the rewording of Modification #2, to Official Plan Amendment #180, as follows:

“2. The City will consider the removal of land from an Agricultural Resource Area designation to allow for urban expansion 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 an existing settlement area or identification of a new settlement area.

3. The removal of land from an Agricultural Resource Area designation, may be considered outside of a comprehensive review where it is demonstrated that the land does not meet the requirements for an Agricultural Resource Area through,

a) a municipal-wide assessment (LEAR study): or

b) an area-specific assessment, where the area assessment is 250 ha in area or the boundaries are agreed to by the City, that demonstrates:

(i) based upon new information, related to one or more LEAR factors, the lands are not part of a prime agricultural area; and

(ii) any re-designation would avoid the potential for adverse impacts to any adjacent agricultural land and operations, or if unavoidable, such adverse impacts are mitigated to the extent feasible.

The outcome of an area-specific assessment would be a General Rural Area designation that is at least 250 hectares in size or a smaller area that would be a logical extension of an existing General Rural Area designation. If a different rural designation is being proposed then the need for that designation, within the timeframe of the Official Plan, must also be established.”

2. approve that Legal Services be directed to advance, at the Local Planning Appeal Tribunal, the position of the City flowing from the Council's disposition of this matter.

RECOMMANDATIONS DU COMITÉ

Que le Conseil :

1. approuve, pour la modification du Plan officiel no 180, le nouveau libellé de la modification no 2 qui va comme suit :

« 2. La Ville envisagera de retirer des terres du secteur de ressources agricoles pour permettre l'expansion urbaine s'il est prouvé, dans le cadre d'un examen complet, qu'elle mènera elle-même et qui portera sur les questions visées par la Déclaration de principes provinciale, que ces terres sont nécessaires à l'expansion d'une zone de peuplement existante ou à l'établissement d'une nouvelle zone de peuplement.

3. Le retrait de terres d'une zone désignée comme secteur de ressources agricoles pourrait être étudié dans un contexte autre que celui d'un examen complet s'il est prouvé que les terres ne répondent pas aux critères d'un secteur de ressources agricoles, soit dans le cadre :

- a) d'une évaluation de portée municipale (étude du Système d'évaluation des terres et d'analyse des zones);
- b) d'une évaluation d'une zone particulière, si la zone en question est d'une superficie de 250 hectares ou si la Ville convient de ses limites, évaluation qui devra prouver que :

- (i) d'après de nouvelles données, se rapportant à au moins un facteur du Système d'évaluation des terres et d'analyse des zones, les terres ne font pas partie d'une zone agricole à fort rendement;
- (ii) toute nouvelle désignation permettrait d'éviter les répercussions négatives potentielles sur les terres agricoles adjacentes et les activités connexes ou d'atténuer ces répercussions dans la mesure du possible si elles sont inévitables.

D'une évaluation d'une zone particulière découlerait une nouvelle désignation de secteur rural général pour une zone d'une superficie d'au moins 250 hectares, ou d'une plus petite zone se situant dans le prolongement logique d'un secteur rural général existant. Dans le cas où une autre désignation rurale serait proposée, sa nécessité devra également être prouvée, dans la période visée par le Plan officiel. »

- 2. approuve que l'on demande aux Services juridiques de défendre, lors des audiences du Tribunal d'appel de l'aménagement local, la position de la Ville découlant de la décision du Conseil à ce sujet.

DOCUMENTATION/DOCUMENTATION

- 1. Committee Coordinator's report, dated February 20, 2019 (ACS2019-CCS-PLC-0006)

Rapport de la coordinatrice du comité, daté le 20 février 2019 (ACS2019-CCS-PLC-0006)

Report to
Rapport au:

and Council
et au Conseil

27 February 2019 / 27 février 2019

Submitted on February 20, 2019
Soumis le 20 février 2019

Submitted by
Soumis par:

Melody Duffenais, Committee Coordinator / coordonnatrice du Comité

Contact Person

Personne ressource:

Melody Duffenais, Committee Coordinator / coordonnatrice du Comité
613-580-2424 x20113; melody.duffenais@ottawa.ca

Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE File Number: ACS2019-CCS-PLC-0006

SUBJECT: MOTION - CITY APPEAL TO MINISTERIAL MODIFICATION #2 TO OFFICIAL PLAN AMENDMENT #180 (OPA 180)

OBJET: MOTION - APPEL DE LA VILLE SUR LA MODIFICATION MINISTÉRIELLE NO.2 DE LA MODIFICATION AU PLAN OFFICIEL 180 (MPO NO 180)

REPORT RECOMMENDATIONS

That Council:

1. endorse the rewording of Modification #2, to Official Plan Amendment #180, as follows:

“2. The City will consider the removal of land from an Agricultural Resource Area designation to allow for urban expansion 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 an existing settlement area or identification of a new settlement area.

3. The removal of land from an Agricultural Resource Area designation, may be considered outside of a comprehensive review where it is demonstrated that the land does not meet the requirements for an Agricultural Resource Area through,

- a) a municipal-wide assessment (LEAR study): or
- b) an area-specific assessment, where the area assessment is 250 ha in area or the boundaries are agreed to by the City, that demonstrates:
 - (i) based upon new information, related to one or more LEAR factors, the lands are not part of a prime agricultural area; and
 - (ii) any re-designation would avoid the potential for adverse impacts to any adjacent agricultural land and operations, or if unavoidable, such adverse impacts are mitigated to the extent feasible.

The outcome of an area-specific assessment would be a General Rural Area designation that is at least 250 hectares in size or a smaller area that would be a logical extension of an existing General Rural Area designation. If a different rural designation is being proposed then the need for that designation, within the timeframe of the Official Plan, must also be established.”

- 2. approve that Legal Services be directed to advance, at the Local Planning Appeal Tribunal, the position of the City flowing from the Council's disposition of this matter.

RECOMMANDATIONS DU RAPPORT

Que le Conseil :

- 1. approuve, pour la modification du Plan officiel no 180, le nouveau libellé de la modification no 2 qui va comme suit :

« 2. La Ville envisagera de retirer des terres du secteur de ressources agricoles pour permettre l'expansion urbaine s'il est prouvé, dans le cadre d'un examen complet, qu'elle mènera elle-même et qui portera sur les questions visées par la Déclaration de principes provinciale, que ces terres sont nécessaires à l'expansion d'une zone de peuplement existante ou à l'établissement d'une nouvelle zone de peuplement.

3. Le retrait de terres d'une zone désignée comme secteur de ressources agricoles pourrait être étudié dans un contexte autre que celui d'un examen complet s'il est prouvé que les terres ne répondent pas aux critères d'un secteur de ressources agricoles, soit dans le cadre :

- a) d'une évaluation de portée municipale (étude du Système d'évaluation des terres et d'analyse des zones);
- b) d'une évaluation d'une zone particulière, si la zone en question est d'une superficie de 250 hectares ou si la Ville convient de ses limites, évaluation qui devra prouver que :
 - (i) d'après de nouvelles données, se rapportant à au moins un facteur du Système d'évaluation des terres et d'analyse des zones, les terres ne font pas partie d'une zone agricole à fort rendement;
 - (ii) toute nouvelle désignation permettrait d'éviter les répercussions négatives potentielles sur les terres agricoles adjacentes et les activités connexes ou d'atténuer ces répercussions dans la mesure du possible si elles sont inévitables.

D'une évaluation d'une zone particulière découlerait une nouvelle désignation de secteur rural général pour une zone d'une superficie d'au moins 250 hectares, ou d'une plus petite zone se situant dans le prolongement logique d'un secteur rural général existant. Dans le cas où une autre désignation rurale serait proposée, sa nécessité devra également être prouvée, dans la période visée par le Plan officiel. »

- 2. approuve que l'on demande aux Services juridiques de défendre, lors des audiences du Tribunal d'appel de l'aménagement local, la position de la Ville découlant de la décision du Conseil à ce sujet.**

BACKGROUND

The Planning Committee, at its meeting of February 14, 2019, approved the following motion, which was added to the agenda pursuant to Subsection 89. (3) of Procedure By-law 2019-8:

WHEREAS the City requested the Minister to change the wording of the Ministry's draft Modification #2 before approving the City's Official Plan Amendment #180; and

WHEREAS the Minister approved OPA #180 on August 8th 2017 but did not include the changes requested by the City; and

WHEREAS the City notified the Ministry of Municipal Affairs and Housing of its appeal of Modification #2, in the form approved by the Minister; and

WHEREAS the hearing at the LPAT, dealing with Modification #2 and other matters, has been set for March 4th - 15th 2019; and

WHEREAS Negotiations between the City, the Ministry and all appellants of Modification #2 have concluded on proposed new wording for Modification #2 that is acceptable to all parties; and

THEREFORE, BE IT RESOLVED that Planning Committee recommend to Council that Council endorse the rewording of Modification #2, to Official Plan Amendment #180, as follows:

“2. The City will consider the removal of land from an Agricultural Resource Area designation to allow for urban expansion 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 an existing settlement area or identification of a new settlement area.

3. The removal of land from an Agricultural Resource Area designation, may be considered outside of a comprehensive review where it is demonstrated that the land does not meet the requirements for an Agricultural Resource Area through,

- a) a municipal-wide assessment (LEAR study): or
- b) an area-specific assessment, where the area assessment is 250 ha in area or the boundaries are agreed to by the City, that demonstrates:
 - (i) based upon new information, related to one or more LEAR factors, the lands are not part of a prime agricultural area; and
 - (ii) any re-designation would avoid the potential for adverse impacts to any adjacent agricultural land and operations, or if unavoidable, such adverse impacts are mitigated to the extent feasible.

The outcome of an area-specific assessment would be a General Rural Area designation that is at least 250 hectares in size or a smaller area that would be a logical extension of an existing General Rural Area designation. If a different rural designation is being proposed then the need for that designation, within the timeframe of the Official Plan, must also be established.”

BE IT FURTHER RESOLVED THAT Legal Services be directed to advance, at the LPAT, the position of the City flowing from the Council's disposition of this matter.

DISCUSSION

The Committee unanimously supported the aforementioned motion, which is now before Council.

RURAL IMPLICATIONS

There are no rural implications associated with the report recommendation.

CONSULTATION

No consultation was undertaken as this item was added at the Planning Committee meeting.

COMMENTS BY THE WARD COUNCILLOR(S)

This is a City-wide report.

LEGAL IMPLICATIONS

Legal staff will be present at the Council meeting and can provide comment if requested.

RISK MANAGEMENT IMPLICATIONS

There are no known risk implications associated with the report recommendation.

FINANCIAL IMPLICATIONS

An external planner would no longer need to be retained as a full hearing would no longer be required.

ACCESSIBILITY IMPACTS

There are no impacts to accessibility associated with the report recommendation.

TERM OF COUNCIL PRIORITIES

There is no direct impact on the 2014-2018 Term of Council Priorities.

SUPPORTING DOCUMENTATION

Document 1 – Draft Extract of Minutes, Planning Committee, February 14, 2019

DISPOSITION

Upon Council approval, Legal Services will advance, at the Local Planning Appeals Tribunal, the position of the City flowing from the Council's disposition of this matter.

Planning Committee extract of draft Minutes, February 14, 2019

ADDITIONAL ITEM

Motion N° 2019 2/11

Moved by Vice-chair T. Tierney:

WHEREAS the hearing on the Agricultural Phase of the OPA 150/180 hearings is set to commence March 4, 2019; and

WHEREAS discussions between parties have led to a proposed resolution of the appeal on Ministerial Modification 2; and

WHEREAS the determination of Council's position on the proposed resolution may lead to cost and time savings for all parties;

THEREFORE BE IT RESOLVED THAT the following motion be added to the Planning Committee agenda of February 14, 2019 pursuant to subsection 89(3) of the Rules of Procedure

CARRIED

The item is set out below.

Motion - City Appeal to the Minister's Modification #2 to Official Plan Amendment #180 (OPA 180)

City Wide

Having approved the addition of the item to the agenda, Committee considered the following motion:

Motion N° PLC 2019 2/12

Moved by Vice-chair T. Tierney

WHEREAS the City requested the Minister to change the wording of the Ministry's draft Modification #2 before approving the City's Official Plan Amendment #180;

AND WHEREAS the Minister approved OPA #180 on August 8th 2017 but did not include the changes requested by the City;

AND WHEREAS the City notified the Ministry of Municipal Affairs and Housing of its appeal of Modification #2, in the form approved by the Minister;

AND WHEREAS the hearing at the LPAT, dealing with Modification #2 and other matters, has been set for March 4th - 15th 2019;

AND WHEREAS Negotiations between the City, the Ministry and all appellants of Modification #2 have concluded on proposed new wording for Modification #2 that is acceptable to all parties;

THEREFORE, BE IT RESOLVED that Planning Committee recommend to Council that Council endorse the rewording of Modification #2, to Official Plan Amendment #180, as follows:

"2. The City will consider the removal of land from an Agricultural Resource Area designation to allow for urban expansion 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 an existing settlement area or identification of a new settlement area.

3. The removal of land from an Agricultural Resource Area designation, may be considered outside of a comprehensive review where it is demonstrated that the land does not meet the requirements for an Agricultural Resource Area through,

a) a municipal-wide assessment (LEAR study): or

b) an area-specific assessment, where the area assessment is 250 ha in area or the boundaries are agreed to by the City, that demonstrates:

(i) based upon new information, related to one or more LEAR factors, the lands are not part of a prime agricultural area; and

(ii) any re-designation would avoid the potential for adverse impacts to any adjacent agricultural land and operations, or if unavoidable, such adverse impacts are mitigated to the extent feasible.

The outcome of an area-specific assessment would be a General Rural Area designation that is at least 250 hectares in size or a smaller area that would be a logical extension of an existing General Rural Area designation. If a different rural designation is being proposed then the need for that designation, within the timeframe of the Official Plan, must also be established.”

BE IT FURTHER RESOLVED THAT Legal Services be directed to advance, at the LPAT, the position of the City flowing from the Council's disposition of this matter.

Tim Marc, Senior Legal Counsel, Planning, Development and Real Estate, Office of the City Clerk and Solicitor, provided background on the motion.

Planning Committee CARRIED Motion 2019 2/12 as set out above.