

ONTARIO MUNICIPAL BOARD

Ottawa OPA NO. 76

Urban Boundary – Phase 2A

Case No: PL100206

**JOINT REPLY WITNESS STATEMENT  
OF**

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**REPLY**

1. We are replying to matters raised in the witness statements of:
  - (a) Bruce Finlay
  - (b) Ian Cross
  - (c) Wendy Nott
2. The following reply is organized as a response to specific comments in each witness statement.

## Reply to Bruce Finlay:

3. In his paragraph 23, Mr. Finlay describes how the City considered certain parcels of land in the ARA designation and how some parcels were recommended for inclusion in the urban boundary and others were not.
4. For example, according to Mr. Finlay, Area 5a was surrounded by lands designated urban area and future urban area, the parcel size was below the size threshold of 250 ha, and the land was being considered within a comprehensive land use planning exercise. From Mr. Finlay's statement, it is not clear if the LEAR score for that parcel was recalculated, and if it was whether it exceeded the City's stated threshold score of 130 points to be considered *prime agricultural land*. Given the high soil capability of this area (predominantly Class 2), the parcel size, and the ongoing agricultural land use (observed by D. Charlton in November 2011), it is clear that if the parcel was re-evaluated it would have achieved a score above 130 points. Therefore, in this case the City included *prime agricultural land* in the proposed urban boundary based on an evaluation of the context of the property in the landscape. We consider this approach to be reasonable and appropriate.
5. According to Mr. Finlay, in regard to Areas 10d, Pond and 10e: "These parcels score below 130 points which is the LEAR threshold at which land is considered *prime agricultural land*." In contrast to Area 5a, Mr. Finlay does not provide a detailed analysis of the landscape context of these sites. In fact, they lie on the boundary between an urbanizing area and an area currently designated ARA. Further, there is no distinct landscape feature or any other uses separating these lands from the adjacent ARA lands to the east. Instead, Mr. Finlay notes that these lands do not meet the LEAR score threshold for *prime agricultural land*. Based on our observations of the landscape context of these lands, it is our opinion that it is appropriate to consider these lands for inclusion within the City's urban boundary. However, in our opinion, the approaches adopted by the City for lands designated ARA in Areas 5a and 10 do not demonstrate a consistent application of criteria or methods.
6. Mr. Finlay goes on to mention: "A similar request to consider land in Lot 4 Concession 9 was also reviewed but was rejected because the land exceeded the threshold score of 130 points". In our opinion, this approach of rejecting individual parcels of land based solely on a LEAR score is flawed for at least two reasons.
7. First, in rejecting these lands it does not appear that the City considered the landscape context, as they clearly did in recommending Area 5a for inclusion despite it exceeding the threshold score of 130 points. In our opinion, this demonstrates an inconsistent use of criteria and analytic approach.

8. Second, even if the approach had been consistent from Area to Area, it is our opinion that the use of the 130 point threshold as an absolute determinant is somewhat arbitrary and not in keeping with good long term protection of agricultural lands and agricultural potential, especially where LEAR scores can change relatively quickly over time. While we recognize that the LEAR methodology requires the use of a “threshold score” to decide what should be considered prime agricultural land, the methodology also encourages consideration of landscape context in setting boundaries for *prime agricultural areas*. For example:
- (a) There are many parcels of land that score 129 LEAR points or less that are located well away from urbanizing pressures and that possess long term potential to be productive components of the agricultural economy in Ottawa. Some of these parcels are currently designated ARA and many are designated GR.
  - (b) Conversely, there are parcels of land, Area 5a being a case in point, that score more than 130 LEAR points but that possess little long term potential to be productive components of the agricultural economy in Ottawa. Some of these parcels were originally excluded from the ARA designation or have been removed in subsequent Official Plan revisions and some parcels in this category remain in the ARA designation.

In short, LEAR scores must be tempered with a context-driven analysis of the long term potential of the lands in order to properly evaluate priorities and to make balanced decisions in keeping with the agricultural policy objectives of the PPS and the City of Ottawa OP.

## **Reply to Ian Cross:**

- 9. On his page 4, Mr. Cross cites the PPS in support of the evaluation criterion that gives higher points to lands that are 500 m or more away from existing ARA designations. We do not believe the policies he cites support this criterion, nor the manner in which it was applied.
- 10. With reference to his citation of policies 1.1.3.9 d) and 2.3.5.2, we note that these policies apply to mitigating impacts of urban expansion and new or expanding non-agricultural uses on "agricultural operations" and "agricultural operations and lands", respectively. These policies are in effect regardless of what Official Plan designation may apply to the operations and lands and regardless of whether the lands constitute *prime agricultural lands* and/or *prime agricultural areas*.
- 11. These policies cannot necessarily be satisfied by excluding lands that are currently within 500 m from ARA, since "agricultural operations and lands", including some with significant investment in agriculture, occur outside the

existing ARA designation. These existing agricultural operations and lands are not given any consideration through application of this criterion.

12. Policy 1.1.4.1e) specifically deals with *rural areas*, which are defined as being outside *prime agricultural areas*. This policy requires locally important agricultural areas in *rural areas* to be protected. In our opinion, the ARA criterion does not address this policy. In fact, if the City's position that lands designated ARA constitute *prime agricultural areas* were true, Policy 1.1.4.1 would not even apply to ARA lands as this policy is specifically directed to *rural areas*.
13. On his page 20, Mr. Cross states that available time and resources did not permit an update of the LEAR analysis to be undertaken as part of the 2009 OP review. It is our understanding that the OP review was roughly a two year process involving comprehensive reviews of many components of the OP. Given the degree to which the LEAR analysis is automated and relies on existing digital data, it would have been a relatively simple exercise to update the analysis.
14. There was no need to wait for the Province to complete an update of the "Draft" 2002 LEAR guidelines (which was not completed in any event) and no need to revisit criteria scoring and weighting. A simple, automated electronic update, based on revised CLI mapping and current land use and parcel fabric, could have been completed in a relatively short period of time. In our opinion, it certainly could have been completed within the timeframe of the City's OP review.
15. The update would not have removed the need for site specific context driven analysis of individual parcels in the candidate expansion areas but it would have assisted in the comparison of the generalised agricultural impacts of the proposed expansion areas on the basis of current information.

## **Reply to Wendy Nott:**

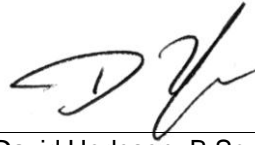
16. In her paragraphs 47 to 55, Ms. Nott appears to adopt the following City assumptions:
  - (a) that the current ARA designation includes all of the prime agricultural lands and prime agricultural areas in the City of Ottawa, and
  - (b) that the current GR designation excludes all of the prime agricultural lands and areas that might qualify as prime agricultural areas in the City of Ottawa.
17. For reasons outlined in our original witness statement, it is our opinion that this is a faulty assumption and it is not supported by clearly documented and observable facts.

Signed on this 22<sup>nd</sup> day of December, 2011.



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David L. Charlton, M.Sc., P.Ag., LEED® AP



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David Hodgson, B.Sc. Agriculture (Soil Science), A.Ag.