

**Report to
Rapport au:**

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

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Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE File Number: ACS2015-PAI-PGM-0169

**SUBJECT: Land Evaluation and Area Update – Barnsdale Ontario Municipal
Board Decision**

**OBJET: Mise à jour sur l'examen de l'évaluation des terres et de l'analyse
des zones – Décision de la Commission des affaires municipales de
l'Ontario au sujet du secteur du chemin Barnsdale**

REPORT RECOMMENDATION

That the Agriculture and Rural Affairs Committee receive this report for information.

RECOMMANDATION DU RAPPORT

Que le Comité de l'agriculture et des affaires rurales reçoivent ce rapport à titre d'information.

BACKGROUND

This information report responds to Inquiries 01-15 and 02-15 (Agriculture and Rural Affairs Committee, September 3, 2015), that seek:

1. An overview of the ramifications of the recent Ontario Municipal Board decision (attached as Document 1) to re-designate land north of Barnsdale Road from an Agricultural Resource Area designation to a General Rural Area designation and to change the zoning from an Agriculture zone to a Rural Countryside zone; and
2. An update on the timing of the Land Evaluation and Area Review study and the staff recommendations to complete this update by the second quarter in 2017.

DISCUSSION

Barnsdale

The Barnsdale Road Landowners Group submitted applications for Official Plan and Zoning amendments to re-designate 124 hectares of land located north of Barnsdale Road from Agricultural Resource Area to General Rural Area. The application argued that the land no longer met the criteria to be included in a "prime agricultural area". The application was supported by an Agricultural Assessment Report undertaken by Coleville Consulting Incorporated, which demonstrated that the lands no longer met the requirements of the City's 1997 Land Evaluation and Area Review, which is used to identify the City's Agricultural Resource Area (also known as prime agricultural area, under the 2014 Provincial Policy Statement). At the time, a project to update soils mapping in partnership with the Province was expected, upon completion, to finalize a review of the Land Evaluation and Area Review guidelines and subsequently inform an Official Plan amendment.

The staff report (ACS2014-PAI-PGM-0140) presented to the Agricultural and Rural Affairs Committee on October 1, 2014 recommended refusal of the application on the

grounds that the removal of the land from an Agricultural Resource Area was contrary to the 2014 Provincial Policy Statement. The policy statement states that land may only be removed from prime agricultural areas where required for urban or village expansion.

Council's refusal of the applications was appealed by the Barnsdale Road Landowners Group. The City's position at the Ontario Municipal Board hearing was that the application did not conform to the Provincial Policy Statement, that the determination of the designation should await the review of the Land Evaluation and Area Review guidelines, that no actual use had been identified for the land and that there was no need established for more General Rural Area land.

The Ontario Municipal Board decision (see Document 1) noted that the City's applicable Land Evaluation and Area Review guidelines were established in 1997 and that new Provincial draft guidelines for Land Evaluation and Area Review had been distributed by the Province in 2002. Further, the decision stated that new soils information had become available. The Ontario Municipal Board acknowledged that City staff had raised concerns with respect to the new soil capability data for agriculture mapping provided by the Province, and that the proposed work to resolve the issues and revise the mapping would not result in a Land Evaluation and Area Review update being finalized until 2018.

The Ontario Municipal Board acknowledged the City's evidence that the land should be reviewed in a comprehensive manner, but concluded that the land owners could not be expected to wait until 2018 for a potential re-designation of their lands when they had provided their own Agricultural Soils Assessment Report undertaken in accordance with the City's applicable Land Evaluation and Area Review guidelines. The soils assessment showed that the lands in question did not meet the criteria to be classified as "prime agricultural land" (defined by the Provincial Policy Statement as class 1-3 soils or specialty crop areas).

The Ontario Municipal Board was further of the view that Barnsdale Road would constitute a logical boundary between the non-agricultural (urban) lands to the north and the agricultural lands to the south with the General Rural Area lands serving "as a buffer between the two incompatible land use designations" (urban vs. agricultural). The Ontario Municipal Board appeared to be satisfied that the policies of the Official Plan would ensure that the potential development opportunities on the subject land would be appropriately limited.

Implications of the Barnsdale decision

1. The decision may encourage other land owners to submit similar applications on the periphery of the Agricultural Resource Area, seeking the re-designation of their land and using this case as a precedent.
2. The 2002 Draft Provincial Land Evaluation and Area Review Guidelines recommend that only areas 250 hectares in size be considered for inclusion or exclusion from the Agricultural Resource Area, and only at the time of comprehensive review. The Ontario Municipal Board determined that in the Barnsdale Road case, while the land area was only 124 hectares in area, this was a boundary location.
3. Despite the Ontario Municipal Board decision, it remains the staff position that the City should only consider removal of agricultural land as part of a comprehensive review of agricultural land using Land Evaluation and Area Review and in accordance with the 2014 Provincial Policy Statement as part of the consideration of land for the expansion of a settlement area boundary.
4. The quality of the agricultural assessment report submitted in support of the Barnsdale Road designation and zoning change was not challenged by the City. In the past, however, the agricultural assessment reports supporting requests for the removal of land from the Agricultural Resource Area designation or to permit a non-agricultural use have varied considerably in quality. The City is working with the Ministry of Agriculture Food and Rural Affairs on a protocol to ensure the consistency and quality of future agricultural assessment reports and enable this data that is collected can be used to update the soils mapping in the city.
5. Throughout the Ontario Municipal Board hearing, there seemed to be an expectation by the appellants that the City should review the Agricultural Resource Area every time that a Comprehensive Review is undertaken. Staff do not agree with this position, as it would undermine both the City's and Province's objective of long term protection.
6. Irrespective of the Land Evaluation and Area Review scores that may result from the Province's latest soils data, the fact that the City's Land Evaluation and Area Review model had not been updated in a manner consistent with the draft Provincial Guidelines (2002) was a big factor in the Ontario Municipal Board decision. With some work already undertaken by staff, the Land Evaluation and Area Review Advisory Committee has begun an update of the Land Evaluation and Area Review model to conform to the Ministry's 2002 draft Land Evaluation and Area Review Guidelines.

Land Evaluation and Area Review Update

The purpose of the City's Agricultural Resource Area designation in the Official Plan is to identify and protect areas that contain good farmland and ongoing farming operations for the "long term". This is to avoid conflicts with agricultural operations and protect farmers' investments in these operations. It is also intended that agricultural land and food sources be available to feed current and future generations. Policies in the Official Plan, therefore, prevent the fragmentation of the Agricultural lands over time and the development of the land for uses that would restrict normal farming practice to continue. The Provincial Policy Statement includes policies to ensure that municipalities identify and protect prime agricultural areas for agriculture and only allow them to be considered for other purposes when all other non-agricultural locations are utilized.

The Provincial Policy Statement requires the City to protect prime agricultural areas from fragmentation and erosion by other uses so that they remain viable for long term agricultural use. 'Prime agricultural areas' are rural lands where Class 1, 2 and 3 lands predominate. Alternatively, they may be identified through an agricultural land evaluation system approved by the Province (i.e. Land Evaluation and Area Review). A Land Evaluation and Area Review system was used to define the City's Agricultural Resource Area.

The City's Land Evaluation and Area Review was developed in 1997 by the Regional Municipality of Ottawa-Carleton with the co-operation of the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA). Land Evaluation and Area Review has two components: the land evaluation – or LE – which focuses on the physical capability of the soil to support crops; and the area review (AR) that evaluates the location of the site and those elements that might restrict farming on the land, such as lot size and adjacent incompatible uses.

The City's Land Evaluation and Area Review relied upon Canada Land Inventory (CLI) Mapping to inform the LE component. That mapping was originally provided by the Ontario Institute of Pedology, which was disbanded in the late 1990s. OMAFRA is now responsible for CLI mapping, and a number of modifications and releases of this mapping have occurred since the original paper maps were digitized.

The most recent CLI mapping received by the City included changes that apparently impact the lands around the urban boundary. Michael Hoffman, the pedologist hired by the City to assist in the review of Land Evaluation and Area Review guidelines, found significant differences in the CLI which he attributed to changes in the mapping scale for the land around the urban area. He advised that the defensibility of the City's Land

Evaluation and Area Review analysis would be reduced if these changes could not be explained. When contacted, the Ministry was not able to advise the City how these changes to CLI were made, as the staff responsible for the updates and changes to the CLI mapping no longer work for the Ministry and the processes were either not documented or the documentation cannot be found. The City also no longer has the original CLI mapping data used to develop the City's Land Evaluation and Area Review in 1997; only the results and the map remain in both electronic and printed form.

In the lead up to the adoption of OPA 76 and the City's 2009 commitment to update its Land Evaluation and Area Review, OMAFRA also indicated that the draft Land Evaluation and Area Review Guidelines, first issued by the Ministry in 2002, were expected to be updated and approved. To date, this update and approval has not happened, and the Province's 2002 Land Evaluation and Area Review Guidelines remain as a draft.

Work toward an updated Land Evaluation and Area Review commenced at the end of 2010 when new digital CLI mapping was received from OMAFRA. However, the staff report ACS2015-PAI-PGM-0079 titled "Land Evaluation and Area Review Update and the Ottawa Soils Mapping Project", carried by Agriculture and Rural Affairs Committee and Council in May of 2015, outlined issues that were identified in late 2012 with this new digital CLI mapping and suggested that the best resolution of these issues was to update the soils data and the CLI mapping. The City had begun a pilot exercise with OMAFRA in 2014, and results of this exercise suggest that there is no simple fix that could be applied to adjust the CLI mapping.

Staff have continued to discuss possible alternatives to the 2010 CLI mapping with staff at OMAFRA and at Agriculture Canada. Both agencies are searching for earlier digital versions of the Ottawa CLI mapping, which should be less manipulated and reflect the original scale differences and detail around the urban boundary. Once this older mapping is made available to the City, staff will use it to complete the update of the Land Evaluation and Area Review model and Land Evaluation and Area Review scoring.

OMAFRA is being funded now to rebuild the staffing in their Resource Information and Business Services unit and to begin to tackle the issues in the recent soil mapping that have arisen province-wide. This group will look at the development of more accurate soils and CLI mapping. The City will maintain involvement and, in fact, the pilot work undertaken in Ottawa has assisted in this process, allowing testing of a new predictive methodology and the development of a protocol to standardise how soil information is

recorded. More accurate terrain information will also allow the CLI mapping to be upgraded province wide.

In the interim, the strategy of the staff to proceed is as follows:

1. The City will proceed to develop and adopt the revised Land Evaluation and Area Review model based upon the 2002 draft Provincial Guideline, and will produce a revised Land Evaluation and Area Review map using the best legacy data available.
2. The City will consult on the draft Land Evaluation and Area Review scores for each parcel by Q3 2016 but will not map the revised Agricultural Resource Area designation until submissions on the Land Evaluation and Area Review scores for properties have been reviewed.
3. Where land owners disagree with the draft Land Evaluation and Area Review scoring, submissions based upon detailed Agricultural Assessment Reports paid for and undertaken for the land owners will be considered by the City. However, the agricultural assessment report must follow a protocol that will be developed by the City in consultation with OMAFRA. This protocol will establish: the minimum area of land that must be studied; how the site specific soil sampling will be undertaken; and what data and possibly samples are to be made available to the City and OMAFRA for verification. The City and/or OMAFRA must also be given the opportunity to confirm, on site, the results of any agriculture assessment report if such verification is deemed necessary.
4. Where the City and OMAFRA accept the findings of the agricultural assessment reports, the new CLI data will be used to run a new Land Evaluation and Area Review score for the assessed land. By the end of the second quarter in 2017, staff will prepare a draft Official Plan Amendment for the updated Agriculture Resource Area.
5. Staff will draft for the Mayor's signature correspondence to the Honourable Jeff Leal, Minister of Agriculture, Food and Rural Affairs, requesting that the Ministry initiate a program to update the Soils Mapping for the City of Ottawa as a priority area for the province-wide remapping program in partnership with City staff.

RURAL IMPLICATIONS

The update of the Land Evaluation and Area Review model and the reassessment of the Agricultural Resource Area have implications for a large area of rural Ottawa. Until such time as the Land Evaluation and Area Review model is reviewed and the

agricultural capability of all of the undeveloped rural land in the city is assessed, the implications for individual properties cannot be determined. However, the suggested process will provide ample opportunity for rural landowners to be engaged in the review and to provide input to Council.

CONSULTATION

No consultation was undertaken for this information report.

COMMENTS BY THE WARD COUNCILLORS

This is a city-wide report – not applicable.

LEGAL IMPLICATIONS

There are no legal implications associated with this information report. The Ontario Municipal Board decision is provided as a supporting document to read in conjunction with the report.

RISK MANAGEMENT IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

There are no accessibility implications associated with this report.

SUPPORTING DOCUMENTATION

Document 1 Ontario Municipal Board decision

DISPOSITION

Receive for information and direction.