

ISSUE DATE:

April 8, 2009



PL080373

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

Minto Communities Inc. has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal to enact a proposed amendment to the Official Plan for the City of Ottawa to redesignate land composed of Part Lots 4 and 5, Concession A to amend the Secondary Plan of the Village of Manotick (Approval Authority File No. D01-01-07-0008)
OMB File No. PL080373

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APPEARANCES:

Parties

Minto Communities Inc.

City of Ottawa

West Manotick Community Association

Counsel

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J. Bradley
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J. L. Knapton
D. Keeble Harrold (student-at-law)

DECISION DELIVERED BY J. CHEE-HING AND ORDER OF THE BOARD

BACKGROUND:

The matter before the Board consists of an appeal against City of Ottawa's ("Ottawa") Council's decision of February 13, 2008, to not adopt an Official Plan Amendment ("OPA") to the Manotick Secondary Plan ("Manotick SP") and not approve the Development Concept Plan ("DCP") for the proposed Mahogany Community. Minto Developments Inc. (the "applicant and appellant") proposes to develop a mixed housing community on its lands, located in the Village of Manotick ("Manotick") on a phased basis, which would be tied to the availability of infrastructure capacity. In order to implement this housing proposal, Minto first requires an OPA to the Manotick Secondary Plan and associated approval of its DCP. Ottawa's planning staff, in its report to Council, recommended approval of the OPA and the associated DCP, which would establish the framework for implementing this development proposal. Zoning and Plan of Subdivision approvals will be required prior to each phase of the proposal and will be subject to the planning approval regulatory process. Minto has now appealed Council's decision to the Board.

The Proposal:

Minto proposes to build up to 1,400 homes on its lands, located in the southern part of the Village of Manotick. The proposal is to build these homes over five phases. While approval of the OPA to the Manotick SP will establish the appropriate densities for the various housing forms proposed, approvals for Zoning By-law amendments and plans of subdivisions will be required for each phase of the proposal. The development of each phase is tied to the availability of transportation capacity, of the future regional and local road networks, to accommodate each phase of development.

The proposed OPA requires that Minto must demonstrate that the transportation capacity is available, prior to the development of each phase, as part of the rezoning planning approval process. A key underpinning, of this future transportation capacity, is the anticipated construction of the Strandherd-Armstrong Bridge ("SA Bridge") to the north of the Village. It is anticipated that the SA Bridge could start construction in 2011, and be completed in 2013, if all the funding for its construction are in place. Although the City of Ottawa has committed its share towards the construction of the SA Bridge, the federal and provincial governments have not yet committed their share towards the estimated \$48 million construction cost.

Minto proposes a mixture of housing forms consisting of mostly single family low and moderate density housing, and up to 25 percent of the proposal will consist of multiple housing units such as small lot singles, semi-detached, linked bungalows and townhomes. The multiple housing units will not include apartments or terraced townhomes (Ex. 4). The lands are required to be serviced with central water and wastewater services. Minto estimates that the proposal if approved, and provided that the transportation infrastructure is available, that the Mahogany community will be built out by the earliest 2020.

The Proposed Official Plan Amendment and Development Concept Plan:

The planning instrument, under appeal by Minto, is the Official Plan Amendment to the Manotick SP. The OPA proposes to amend policies related to village growth including the pace of growth and phasing policies; the identification of a future development area; housing densities; and the protection of natural areas within the Serviced Development Area. A Development Concept Plan (DCP) is also required for the subject lands. The City's planning department, in its staff report, recommended approval of the OPA and the DCP to the Agricultural and Rural Affairs Committee (ARAC) and City Council (Ex.1-10). The proposed OPA was drafted by the City's planning staff. The most significant components of the OPA and the DCP as detailed in the City's planning staff report are as follows:

The plan would provide for 1,400 units based on the future capacity of the regional and local road networks:

1. A phasing plan is being added to the Secondary Plan to tie future development to the provision of infrastructure. The developer will be required to submit detailed traffic impact studies for each phase to demonstrate that capacity exists to support the development and the mechanisms to achieve the City's approved level of service (LOS) operating standard;
2. The plan will provide for up to 25 percent of the Mahogany Community to be multiple units (small lot singles, semis, linked bungalows, and townhomes) to be integrated into the neighbourhoods;
3. Architectural and design guidelines have been prepared to ensure that the new development is consistent with village character;

4. The significant woodlot will be protected as a Natural Environment Area and will be subject to the land acquisition policies in the Official Plan;
5. The pond will be protected as a Neighbourhood Amenity;
6. The provision of pedestrian/cycling connections to Carrison Drive and Potter Drive;
7. The provision of parks, open space, recreational pathways, stream corridors, stormwater ponds, and schools.
8. The proposed OPA would amend policies in the Secondary Plan relating to:
 - Village growth including the pace of growth and phasing policies
 - The identification of a future Development Area
 - Housing density and the location of multiple units
 - The land use designations found on Schedule A
 - The protection of natural areas – the significant woodlot and the pond

Site Description:

The subject site consists of approximately 194 hectares (480 acres) and is located in the southern quadrant of the Village. The lands are predominantly vacant with some agricultural uses. Three watercourses and wooded areas are located within the subject lands. It is bounded by First Line Road to the east, Century Road to the south and Manotick Main Street to the east (Ex. 4). The subject lands are designated Serviced Development Area (“SDA”) under the Manotick SP and is currently zoned as Development Reserve Subzone 1 (DR1). This zoning allows for future residential development through rezoning to the particular zones. Part of the subject lands consist of Phases 6 and 7, which is not subject to the proposed OPA. Minto has indicated that a further 400 homes could be built on those lands in the future and that proposal would require a separate OPA to the Manotick SP. The Village of Manotick is located 40 kilometres south of downtown Ottawa and the Village itself is bisected by the Rideau River. The Village of Manotick is one of 26 villages that formed part of the amalgamation of the City of Ottawa in 2001.

Position of the Parties:

It is Minto's position that it is seeking an amendment to the Manotick SP and not the City's OP to allow a change in residential densities, which would allow more residential development (including multiple housing units) than is presently permitted on the subject lands. The OPA will establish the framework for development of the subject lands. Zoning By-law Amendments and Plans of Subdivision approvals will be required in the future, for the development to proceed on a phased basis. City planning staff supported the proposal to build up to 1,400 homes on a phased basis, on the subject lands. It is Minto's position that the Manotick SP already permits residential development on the subject lands without amendment. It is Minto's position that the proposed OPA conforms to the Manotick SP, the City's OP and is consistent with the 2005 Provincial Policy Statement (PPS).

Both, the City of Ottawa and the West Manotick Community Association ("WMCA"), are opposed to the Minto proposal and the implementing OPA. At the centre, of their opposition to the proposal, is the protection of the rural character of Manotick. Both parties maintain that the proposal is too massive for the Village to absorb and it is incompatible with the rural character of Manotick. It is their position that the growth policies of the Manotick SP are directed towards slow incremental growth, in order to preserve its rural character. Minto's proposal includes multiple residential units where it is not currently permitted. This type of development is not appropriate for Manotick. It is urban in character and if approved will function as urban lands fostering urban growth and sprawl. In addition, the WMCA states that it supports low impact growth that would preserve and respect the rural character of the village and the quality of life for its residents. It is both Ottawa's and WMCA's position that the proposed OPA does not conform to the Manotick SP, the City's OP and it is not consistent with the 2005 PPS.

Organization of the Hearing:

As part of an extensive pre-hearing process, a Procedural Order with an Issues List was approved. The Issues List – a total of 39 Issues from the three parties - formed the basis upon which expert testimony was given, submissions made and arguments

advanced during the proceedings. In making its findings, the Board grouped these issues under the following four major areas as follows:

1. Conformity with Planning Policies and Instruments
2. Impacts on Village Character
3. Infrastructure Capacity
4. Protection of Environmental Features.

The Board considered all of the evidence of the experts and lay witnesses - both written and *viva voce*, submissions and arguments of Counsel and the statements of the participants in making its findings.

There were three parties to this hearing – Minto Developments Inc., the City of Ottawa, and the West Manotick Community Association (“WMCA”). Both the City of Ottawa and the WMCA are opposed to the development proposal. A total of 14 expert witnesses and 4 lay witnesses gave evidence at the hearing. There were 25 participants – 3 in support of the proposal and 22 in objection - spoke at the hearing. The proceedings lasted approximately 35 hearing days.

The witnesses testifying on behalf of Minto are as follows:

1. Pamela Sweet (land use planner)
2. John Wright (landscape architecture and urban designer)
3. John Sheets (civil engineer)
4. Design Panel consisting of S. Wimmer (landscape architect and urban designer), and G. Watchorn (architect, landscape architect and urban designer)
5. Lesley Paterson (land use planner). Ms Paterson, Planning Manager with the City of Ottawa appeared under summons
6. Jack Stirling, VP of Minto Developments Inc. (lay witness)

7. Transportation Panel consisting of Ron Jack (transportation planning) and Elizabeth Newgard (transportation planning)

The witnesses testifying on behalf of the City of Ottawa in objection to the proposal are as follows:

1. Robert Clark (land use planner with specialty in rural planning)
2. Michael Tedesco (transportation planning and traffic engineering)
3. Planning Panel consisting of Gary Davidson (land use planner) and Beate Brown (land use planner)

The witnesses testifying on behalf of the WMCA in objection to the proposal are as follows:

1. Keith McLean (transportation engineer)
2. David Douglas (planner with specialty in community development)
3. Brian Tansley (lay witness)
4. James Clancy (lay witness)

THE ISSUES AND BOARD FINDINGS:

1. Conformity with Planning Policies and Instruments:

The Board heard professional planning evidence from all three Parties on whether the proposed OPA and the DCP conform to the relevant planning policies and instruments.

Manotick Secondary Plan:

The central issue, with respect to the Manotick SP, is whether Minto's development proposal, as expressed through the proposed OPA and the DCP, conform to the growth management and housing policies contained in the Secondary Plan and whether the proposal is consistent with the character of the Village.

Ms P. Sweet gave professional planning evidence on the conformity of the proposal with the pertinent planning instruments for the applicant. She provided an account of the genesis of the Manotick SP, before amalgamation and its eventual adoption by the City in 2001 following amalgamation (OP 2003-Volume 2C). It was her testimony that the Manotick SP designates the subject lands as Serviced Development Area ("Serviced DA"). The Secondary Plan requires that a Development Concept Plan will be prepared for the Serviced DA to the satisfaction of the City. It was her evidence that a DCP was prepared for the subject lands and found to be acceptable by the City's planning department.

Ms Sweet testified that one of the primary objectives of the Secondary Plan is to preserve and maintain the quality and character of life enjoyed by the people who live or work in Manotick. However, it is her planning opinion that the quality and character of the Village is not homogeneous. Manotick historically has been settled through various periods of settlement that have created heterogeneous rather than homogeneous characteristics within the Village. It is her opinion that the Mahogany Community (the name of the proposed development) is another wave of development that would contribute to the heterogeneity of the village character (character as a central issue is reviewed later in this decision). The proposal will not overwhelm the Village as it is proposed to be developed in five phases, and if approved, will not be built-out until at least 2020.

The growth management policy contained in the Secondary Plan states that "the area of the village to be serviced on central services to gradually grow to accommodate 2,000 housing units, and up to 2,000 jobs by the year 2020, guided by the growth management policies" (3.7.2.3 (c) (1) of the Secondary Plan). It is her opinion that as of 2007, when one includes the existing housing stock of 1850 units, there are only 150 units left for development in the Village up to the year 2020. This translates to 12 units/year until 2020. It is her opinion that given the introduction of central services, that it is unrealistic to restrict development to an average of 12 units per year.

It is her opinion that the City's planning staff also recognized that this growth management policy found in the Manotick SP is not realistic and that an OPA is necessary to increase the number of units beyond 2000 by the year 2020 (Ex. 2A). Ms Sweet proffered evidence that the densities proposed are in keeping with densities in other serviced villages. Based on her net density comparison, the proposed net density

is lower than the Village of Carp and, lower than the urban area of Barrhaven, which is a suburban type community.

Ms Sweet opined that the main difference between the Secondary Plan and the proposed OPA is to clarify the number of units permitted in the Village to 2020, the inclusion of multiple residential units in the Serviced DA, and to update the land use schedule. The proposed OPA and the DCP conform to the Secondary Plan policies as follows:

1. by preserving and maintaining the existing quality and character of life, preserving the unique character and natural setting of the Village through the Development Concept Plan – Land Use Concept and Community design Guidelines;
2. by providing for orderly development with the additions of logical phasing policies related to infrastructure;
3. by allowing the area of the Village to be serviced on central and wastewater services;
4. by providing for a comprehensive Development Concept Plan that will facilitate the logical phasing of the development in the Serviced Development Area;
5. by providing a safe, convenient and pleasant pedestrian and cycling routes throughout the Village;
6. by providing a safe, accessible and efficient movement of pedestrians and vehicles throughout the community to support the Village's character and vision;
7. by ensuring compatibility of new development with the existing community and its established character in terms of the type, scale and built form of the new development or redevelopment through the Community Design Guidelines; and

8. by preserving and protecting Manotick's natural resources through the protection of the natural areas identified in the Secondary Plan as "Significant Woodlot" and "Development Setback".

Ms L. Paterson, is the Planning Manager for the City. Ms Paterson and her team were responsible for the review of the Minto proposal and prepared the staff report, which recommended approval of the OPA and the DCP to the Agricultural and Rural Affairs Committee ("ARAC") and to City Council. Ms Paterson appeared under summons by the applicant and gave professional planning evidence on the Minto proposal, the proposed OPA and the DCP.

Ms Paterson, testified that as the planning manager responsible for the West Ottawa area, which includes the Village of Manotick, she was very involved in the review of the DCP for the subject lands. Because the Minto proposal contained a mix of housing types and the phasing of the development was not consistent with the targets contained in the Secondary Plan, it was the department's position that an amendment to the plan was required. It was her testimony that development of the subject lands had been anticipated since 1992. Her staff recommendation of approval of 1,400 units over five phases is contingent on the transportation and municipal servicing infrastructure being available. It is not an outright approval. The staff report recommends approval for a framework upon which the 1,400 units will be developed provided the infrastructure is available (Ex. 1-10). There is still the requirement of Zoning By-law approvals, Site Plan approval, and approval of draft Plan of Subdivision.

Ms Paterson testified that the Minto proposal includes 25 percent or approximately 350 units to be multiple family housing. Currently, such housing is restricted to the Village core. She acknowledged that the broader community is concerned with the location of multiple units outside the Village core. However, it the department's position that there are limited opportunities available for developing multiple housing units in the core. The proposal will be an opportunity to provide a range of housing opportunities to benefit all age groups including seniors and young families within the Village. It is her opinion that the growth management policy in the Secondary Plan that caps growth in the Village, to 2,000 units by 2020, is not realistic. There are currently 1,750 units in the Village. That would leave 250 units to be developed by 2020 or approximately 20 units per year from 2008-2020. An OPA was necessary to amend this growth policy/cap to allow the proposal.

Staff, in its planning report, recommended that the pace of growth be tied to the provision of infrastructure rather than arbitrarily constraining growth to a number of units by a specific date. The applicant must demonstrate that transportation capacity exists and mechanisms to achieve the City's approved Level of Service standard are in place before each phase. In terms of the protection of the natural environment within the subject lands, her staff concluded that the woodlots on the site will be protected through a designation of Natural Environment Area (NEA). The City must acquire lands if the woodlots are designated NEA. The pond on the site will be protected as a neighbourhood amenity.

Ms Paterson stated that her opinions, on the recommendations contained in the staff report, have not changed. The proposed amendment to the Secondary Plan, in her opinion, represents good planning and is consistent with the policies of the Manotick SP and the Ottawa OP. The DCP provides for development that is consistent with the character of the Village. Ms Paterson testified that she is currently leading the review of Ottawa's OP and this ongoing review has not changed her opinion with respect to the OPA before the Board.

Under cross-examination by Mr. Webber, Ms Paterson re-iterated her opinion that development of the subject site has been contemplated since the early 1990s and it was appropriate to create a framework to guide the development of these lands, which would be tied to the provision of municipal services and infrastructure as recommended in the planning staff report. It is her position that the planning department would not countenance a proposal that would consist of only detached single-family units, as this would be contrary to the policies of the PPS and the Ottawa OP. She disagreed with Mr. Webber's submission that the proposal is a suburban form of development in terms of density. The DCP provides for three residential designations – single family (low density), single family (moderate density), and mixed residential (semis, linked bungalows, small singles and townhomes) – with overall densities that are not suburban or urban.

Mr. R. Clark, provided professional planning evidence on behalf of the City in opposition to the application. Mr. Clark is of the opinion that the proposed OPA does not conform to the growth policies contained in the Manotick SP, does not conform to the rural policies contained in the City's OP and this fails to meet the policies found in the PPS with respect to settlement areas. It is his opinion that the growth management

policies contained in the Secondary Plan emphasizes the importance of the gradual rate of growth. The Secondary Plan calls for a total of 2,000 housing units by 2020 in the Village. Since Manotick currently has 1,750 housing units, there is an allocation of only 250 units for development between 2008-2020. It is his opinion that this was intentionally done by the crafters of the Plan, to ensure that residential growth in Manotick is a rational, incremental extension of the existing built form of the Village.

The Secondary Plan states that single-family detached housing is to be the predominant of housing in the Village outside the core. The proposal contemplates 25 percent (350 units) as multiple housing. It is his opinion that the scale and rate of growth is critical in maintaining the rural character of Manotick. The Secondary Plan specifically addresses the intensity and distribution of land uses and limits future development to maintain the village character.

Growth in Ottawa is predicated on a 90 percent/10 percent, urban/rural split. Using this proportion, approximately 558 units are designated to the 28 villages and rural areas. Manotick, based on its historical growth rates, will receive an allocation of 30 units per year. It is his opinion that this growth can be accommodated in the Village core through redevelopment. His analysis of properties in the Village core show that there is a potential for 451 additional units. At the projected growth rate of 30 units per year, this represents a 15 year housing supply. It is his opinion that if the existing approved developments within the Village are included, an annual growth rate of 33 units per year could be achieved without the Minto proposal. This annual growth rate, which excludes the Minto proposal is more consistent with the Village's historical growth rate.

It is his opinion that Manotick is a rural village and the proposal would introduce annual growth rates up to ten times the historical rate. This would not be appropriate and will result in the loss of the rural character of the Village. Mr. Clark stated that by his calculations, the gross density for the proposal would be 16.9 units/ha. The current gross density for the Serviced DA is estimated at 8.9 units/ha. It is his opinion that the planned density at 16.9 units/ha is approaching the densities for single family developments within the urban areas. This proposal is a suburban form of development, which is not appropriate in a rural village.

Mr. Cohen, Counsel for the applicant, challenged the planning evidence and opinions of Mr. Clark on a number of areas. On the matter of where rural growth should

be focused, Mr. Clark conceded that it should be directed to villages such as Manotick. Mr. Clark stated that annual growth rates above 1.5 percent can be considered as rapid growth for villages and this is the level that should guide Manotick. Mr. Cohen submitted that there is no growth cap imposed on developments within the Special Development Area, which is just west of the subject lands. The Secondary Plan permits estate lot development on private services for those lands and the expected lot yield would be 220. At build-out, this will represent a growth rate of 12 percent, which is almost 10 times the 1.5 percent rate that Mr. Clark suggests be used for the subject property. Mr. Cohen submits that the application of these growth caps to his client's proposal is inconsistent and unfair to his client.

Under cross-examination, Mr. Clark agreed that the Minto proposal with 75 percent detached singles and 25 percent multiples addresses the Secondary Plan policy of locating single-family housing outside the Village core. He agreed with Mr. Cohen that the Secondary Plan does not give priority to development in the Village core over other parts of Manotick. Mr. Clark accepted the evidence of Mr. Stirling, Vice-President of Minto, that the proposal if approved would be built-out by 2025 and not in five to seven years (2015) as he suggested. Mr. Clark under cross-examination, expressed the view that if the Board did find merit in approving some form of the proposal that it should be subject to annual caps phased over the time period to 2025 (anticipated build-out as per Mr. Stirling's testimony), and subject to the availability of transportation and servicing infrastructure capacity, as already specified in the OPA.

The opinion planning evidence from the City's planning panel (Dr. Davidson and Ms Bowron) and WMCA's planner, Mr. Douglas were consistent and congruent with that of Mr. Clark's, with respect to the proposal's non-conformity with the Manotick SP.

Ottawa Official Plan 2003:

The key issue argued here is whether the proposed OPA and the DCP conform with the City's OP. Associated issues included the OP policies on its rural growth strategy, the urban/rural distinction, village growth, the nature, and function of villages, and appropriate densities.

Ms Sweet testified that the Ottawa OP designates Manotick as a Village and Section 2.2 of the OP states that within the rural areas, growth will be directed towards the villages. The subject site is clearly within the Village of Manotick. It is her opinion

that the proposed development contributes to the OP's objective of concentrating development in Villages within rural areas. The OP requires that development in public service areas must be on the basis of public water and wastewater services (Policy 2.3.2(1)). The Infrastructure Management Plan (IMP) lists Manotick as a Public Wastewater and Waste Service Areas.

The OP does not designate any lands within Manotick, including the subject lands, as Natural Environment Area or Rural Natural Feature. Manotick is one of the largest of the 26 villages in Ottawa. Larger villages have historically functioned as service centres for the surrounding land areas. The City will encourage the development of residential uses in a variety of forms in many of the larger villages (Section 3.7.1). It is Ms Sweet's opinion that the proposal will enhance Manotick's role as a rural service centre with the provision of two new schools and increased commercial activity from the new residents (Ex. 2A). It is her opinion that the DCP and the proposed OPA conform to the Ottawa OP.

Ms Paterson testified that the overall density for the Mahogany Community at less than 20 units per net hectare is considerably lower than the minimum densities required for developing communities in the urban area (29 units per net hectare excluding apartments). During cross-examination by the City, she disagreed with Counsel's submission that in terms of density, the proposed development was suburban. As noted earlier, she stated that the City's planning department would not countenance a proposal that will consist of only detached singles as this goes against the housing policies of both the PPS and the OP. It is planning staff's position that the DCP for the subject lands is not a Community Design Plan (CDP). While there are similarities between these two types of plans, a CDP is usually done in the absence of a Secondary Plan. Manotick already has a Secondary Plan in place.

The City and WMCA's planning experts argued that the proposed OPA did not conform to the OP. Mr. Clark and the City's planning panel were of the opinion that the OPA is not consistent with several policies of the OP including those on the urban/rural distinction, growth management, and strategic directions. If approved, the proposed OPA would result in an urban development pattern, creating an urban landscape in a rural area. It is their opinion that the OPA would introduce unprecedented growth rates to Manotick potentially doubling its population. This change would have an unacceptable adverse impact on the rural character and identity of the Village. It is their

view that the historical growth of Manotick has been slow and incremental. The City's planning panel was concerned that if the OPA is approved then there would be tremendous pressure to convert the agricultural lands between the urban boundary and Manotick to urban type uses. Manotick, as a village within a rural area, would face the threat of urban expansion and be subsumed by it (Ex. 6).

Provincial Policy Statement 2005:

The Board heard considerable planning evidence and arguments on whether the proposed OPA and the DCP are consistent with the PPS. Central to these arguments were the issues of settlement area as discussed in the PPS, areas of settlement as defined in the *Planning Act*, expansion of settlement areas, lands that are "designated and available", and conformity of the Manotick SP to the PPS.

Ms Sweet took the Board to the pertinent policies of the PPS including those that dealt with healthy, liveable and safe communities (Policy 1.1.1), settlement areas (Policy 1.1.3.1), and designated growth areas (Policy 1.1.3.7). It was her evidence that the PPS states that settlement areas shall be the focus of growth. The PPS definition of settlement areas include rural settlement areas within Municipalities (including villages) that are lands which have been designated in an Official Plan for development over the long term planning horizon (Policy 1.1.3.1). Manotick is designated as a Village in the OP. It is her opinion that Manotick (including the subject lands) is a settlement area as defined in the PPS. Land use patterns within settlement areas shall be based on densities and mix of land uses, which efficiently use land and resources. It is her opinion that the proposal meets all of the criteria in Policy 1.1.1 for a healthy, liveable, and safe community. The subject lands are designated in the Secondary Plan and are available for development and meets the PPS definition of "designated and available".

The City's planning witnesses did not agree with Ms Sweet's evidence on consistency with the PPS. Mr. Clark's evidence was that the subject lands are in neither a settlement area, nor designated and available for development. The subject lands are not available for development because the growth management strategies of the Secondary Plan restricts growth to the year 2020. The growth cap of 2,000 units by 2020 can be accommodated by designated and available lands within the Village. It is his opinion that the subject lands are not included in the growth strategy of the Secondary Plan. The growth cap can be achieved through intensification and

redevelopment of lands available within the village core, which are already designated and available.

Mr. Clark takes the position that the entire village is not in a settlement area. Only the built up areas - the core, Hillside, Manotick Estates, and Long Island are in the settlement area. As such, the proposal and application constitutes for an expansion of the settlement area. The City's planning panel noted in their evidence that the PPS requires residential infill intensification before greenfield development. The proposal is a greenfield development and Manotick has enough lands that could be intensified or redeveloped within the village core.

Board Findings on Conformity with Planning Policies and Instruments:

The Board considered all of the evidence of the experts and lay witnesses - both written and *viva voce*, submissions and arguments of Counsel and the concerns of the participants in making its findings, on the proposed OPA and DCP conformity, with the applicable planning instruments and policies.

On the matter of conformity with the Manotick SP, the Board prefers the evidence of Ms Paterson that the development of the subject site has been contemplated since the early 1990s. That it was appropriate to create a framework to guide the development of these lands, which would be tied to the provision of municipal services and infrastructure, as recommended in the planning staff report. Ms Paterson's testimony was forthright, candid, and unshaken under cross-examination. The Board agrees with her assessment that the growth management policy in the Secondary Plan that caps growth in the Village, to 2,000 units by 2020, is not realistic in light of the fact that municipal services are now available. The Board finds that the proposal, which includes up to 25 percent of the units (350 units) as multiples will provide a range of housing opportunities to benefit all age groups including seniors, couples, and young families within the Village. In this regard, the Board prefers the applicant's planning evidence that there are limited opportunities available for developing multiple housing units in the core. The Board does not agree with the contention, put forth by the City and the WMCA, that multiples belong in the village core.

The Board finds that historical growth in Manotick has not been incremental and gradual as advanced through the planning arguments of the City and the WMCA. Rather, there have been waves of residential development occurring in the past and the

growth rates have varied during each wave of development. The Board finds merit in the arguments advanced by Counsel for the applicant that up to 660 units can be currently built within the subject lands and the Special Development Area lands without the need for an OPA. That this is inconsistent with the Secondary Plan's growth cap of approximately 30 units per year till 2020. The Board prefers the evidence of Ms Sweet and Ms Paterson that the overall density of the proposal, at below 20 units per net hectare, is not suburban in character and that the proposal is not a form of urban development.

Although impacts on village character are addressed later on in this decision, it is suffice to say, at this juncture and within the context of conformity with the Secondary Plan, that the Board finds that the proposal will not have an unacceptable adverse impact on the character of the Village.

On the matter of conformity with the Ottawa OP, the Board prefers the evidence of Ms Sweet that the Ottawa OP designates Manotick as a Village, and that within the rural areas, growth will be directed towards the villages. The OP does not designate any lands within Manotick, including the subject lands, as Natural Environment Area or Rural Natural Feature. Larger villages have historically functioned as service centres for the surrounding land areas. It is Ms Sweet's opinion that the proposal will enhance Manotick's role as a rural service centre with the provision of two new schools and increased commercial activity from the new residents. The City through its OP encourages the development of residential uses in a variety of forms in many of the larger villages. Manotick is one of the largest villages in Ottawa.

The City and the WMCA planners testified that the proposed OPA would result in an urban development pattern, creating an urban landscape in a rural area. It is their planning opinion that this change would have an unacceptable adverse impact on the rural character and identity of the Village. As noted earlier, for the reasons given in the Impacts on Village Character Section of this decision, the Board is not convinced that unacceptable adverse impacts to the village character would occur, if this phased development proposal is approved. Mr. Stirling testified that if the proposal is approved, Minto will probably build between 100-125 units per year, depending on market demand and the proposal would be built-out by 2025 provided all the approvals are in place.

The Board notes Ms Paterson's testimony that the planning department would not countenance a proposal that will consist of only detached singles as this goes

against the housing policies of both the PPS and the OP, with respect to efficient use of land and infrastructure.

With respect to the 2005 PPS, the Board finds that the proposed OPA and the DCP are consistent with the pertinent policies contained in the PPS. The Board finds that Manotick is a Village as defined in the PPS and the OP, and as such, is in a settlement area. The Board does not agree with Mr. Clark's position that the subject lands are not part of the settlement area within Manotick, as he defines it, and for the reasons that the lands are designated and that a DCP was required. The Board prefers the evidence of Ms Sweet that land use patterns within settlement areas shall be based on densities and mix of land uses, which efficiently use land and resources. It is her opinion that the proposal meets all of the criteria in Policy 1.1.1 for a healthy, liveable, and safe community. The Board finds that the subject lands are designated in the Secondary Plan and are available for development and meets the PPS definition of "designated and available".

The Board notes the applicant's Counsel's submission that it is the Manotick SP that is not consistent with the 2005 PPS insofar as the growth cap provision within the Secondary Plan does not allow for appropriate densities on fully serviced lands. This is inconsistent with the PPS policy of providing for land use patterns within settlement areas based on densities and a mix of land uses, which efficiently use land and resources and infrastructure and public service facilities. This Secondary Plan was prepared and adopted before the 2005 PPS came into force.

It is the Board's finding that the proposed OPA and the DCP conform to the Manotick SP, the City's OP and are consistent with the pertinent policies of the 2005 PPS.

2. Impacts on Village Character:

Subsumed in this central issue of the proposal's impacts on village character are Issues # 5,6,7,8,9,10 of the City's Issues List and Issue # 6 of the WMCA's Issues List. The Board heard from six expert witnesses, several lay witnesses and twenty nine participants on the impacts to village character. Mr. Wright, and the design panel of Messrs. G. Watchorn and S. Wimmer gave evidence on behalf of the applicant; the planning panel of Dr. G. Davidson and Ms Beate Brown gave evidence on village character for the City; and Mr. D. Douglas gave evidence for the WMCA. Messrs. B.

Tanley and J. Clancy gave evidence as lay witnesses for the WMCA. In addition, there were 26 participants who made statements on the proposal's adverse impacts on the character of the Village. There were also some participants (3), who felt that the proposal would be beneficial to the Village and would not destroy its character.

It was the evidence of the applicant's experts (Messrs. Wright, Wimmer and Watchorn) that the Village is composed of two components – the first is a number of discrete residential neighbourhoods outside the core and the second is the village core, which is unique as it is distinctive. There is an eclectic mix of building styles with no predominant style of architecture. The residential neighbourhoods outside the core typify the era of their development and while there is a mix of housing styles, the vast majority are single-family dwellings, many of which are quite large. What is truly distinctive about the Village is its core, which in their opinion is unique and bears similarity to other settlements along the Rideau Waterway. This is in contrast to the pleasant but generic residential neighbourhoods outside the village core.

Mr. Wright describes the core as the "jewel of the village". It has the most interesting architectural and historical features and it is these elements, which he has attempted to incorporate into the design guidelines of the DCP. It is his opinion that the Village is not homogeneous. The residential neighbourhoods developed over successive waves of development over Manotick's history. In terms of the impacts of the proposal on the Village, it is his opinion that the subject lands are a discrete area set at the side of the Village and will not negatively impact the character of the village core.

The proposal will offer a variety of homes not currently available to people wanting to live in the Village, such as starter homes for young buyers and seniors, wanting to move into smaller homes. These are not currently available in the Village as most of the houses in the residential neighbourhoods are large and serve mostly families. In his opinion, there will be positive impacts accruing from the vitalization of the commercial areas of the core, through the increase in the number of shoppers that would come from the subject proposal.

Mr. Wright is of the opinion that the community design approach for the proposal is more consistent with the development pattern of the original village than are some of the more recent neighbourhoods, such as the estate lots in Mahogany Estates. The threat to village character in his view lies in the potential inappropriate redevelopment and infill of the Village core, and not in the completion of the subject proposal. It is his

opinion that communities change over time and that Manotick is no different. There have been successive waves of development in Manotick's history and the subject proposal is part of another wave of development.

It was the evidence of the design panel (Messrs. Wimmer and Watchorn) that most of their community design, which will guide the design aesthetic of the development, was derived from the village core characteristics. Attributes that contribute to the village core include narrow straight streets in a grid pattern with short blocks. Natural features such as the rivers, woodlots, and hedgerows are also important. It is their opinion that the proposed Mahogany community, with their guidance, would exhibit a strong sense of village character. The phasing of the development would allow the development to mature and integrate into the Village. The proposed Mahogany community, in their opinion, would be consistent with the aesthetic character of the core. It is the panel's opinion that the newer residential communities of Hillside and Manotick Estates have not been able to capture the design aesthetic of the Village core. The subject proposal will reverse this trend.

Both the City and WMCA's expert witnesses held the opinion that this proposal will destroy the rural and village character of Manotick. The proposal will double the population of Manotick, introduce unprecedented growth rates to the Village, which has seen slow incremental growth over the past century, and introduce increased levels of traffic, which would threaten the rural character of Manotick. It is this rural character and "village-like aura" that defines Manotick's character.

The City's panel of experts (Mr. Davidson and Ms Bowron), testified that growth management is critical for the survival of villages that are close to major urban areas or boundaries. Manotick is facing these pressures. The primary objective of the Secondary Plan is to preserve and maintain the quality and character of life, enjoyed by the people who live or work in Manotick. It is their opinion that the proposed growth rate based on 100 units per year, would triple the anticipated rate of growth in the Plan and would damage the gradual orderly and organic growth that is the characteristic of Manotick. It is the slow and incremental growth rate that characterizes the rural and village character of Manotick.

Rural villages are characterized by low-density residential development surrounding a historic Village core. Lower density development with larger lots reinforce the relationship between the built environment and rural landscape. This description,

according to the panel, typifies Manotick. It is their opinion that the proposal represents a suburban form of development, contradicts the growth management policies in the Secondary Plan, and contradicts the OP policies preserving distinct rural economies and lifestyles. Furthermore, the PPS 2005 requires infill and intensification development before green field development. Manotick has enough available lands for residential infill and intensification and the Minto proposal is a form of green field development. It is the panel's opinion that the proposed mix of housing and densities are not appropriate within the context of the rural character of Manotick.

The WMCA planning witness (Mr. Douglas) supports the evidence of the City's panel and in addition, testified that the precautionary principle should be applied. Once the village character is destroyed, it could never be re-created. Manotick has a particular scale that makes it distinctive and valued. The overwhelming community reaction through the public participatory process is that there is little support for the proposal. It is his opinion that a fundamental requirement of good community planning is that the values and priorities of the community should be respected. The Secondary Plan sets out a rate of growth of an additional 250 units by 2020. The community has stated through this Plan that it wishes to continue to be a rural village. It is his opinion that there must be "place particular approach" to development that recognizes and respects the existing characteristics of the community.

There were many residents who regularly attended each of the 35 hearing days of these proceedings. That the residents of Manotick care passionately about the future of their community is clearly without a doubt. There were 25 participants who provided written statements and made oral presentations at these proceedings. The majority of them (22) were opposed to the proposal with their primary concerns being unacceptable adverse impacts to the rural and village character of Manotick and the increased levels of traffic that this development would bring to the Village. To be fair, there were also a number of participants (3) who spoke in support of the proposal who felt that the proposal would bring positive benefits to the Village particularly the increased housing opportunities and choices for seniors, young families, couples and individuals.

The key concerns of those participants opposed to the proposal include the following:

1. The rural and village character will be lost. Many long time residents decided to live here because of its rural character.

2. The housing styles and types proposed are not consistent with what exists in Manotick's residential neighbourhoods.
3. The proposal will attract and generate increased traffic in the Village especially at its Manotick-Main-Bridge-Maple intersection. The Village already has severe traffic congestion at its main intersections. Safety issues for cyclists and pedestrians as traffic increase.
4. The projected doubling of population will place onerous demands on services and infrastructure.
5. Existing excess capacity in the sewer and piped water should go to the village through its normal growth and not to a new proposal.
6. Any new development should occur in the core and not at the periphery of the village. Developer should also provide employment opportunities for the village.
7. Existing sewer and water capacity will be used up by the subject proposal. No capacity left for the core area residents. This is not right.

Those participants in support of the proposal listed the following benefits:

1. The proposal will bring a mix of housing types to the Village, which will provide opportunities and choices for young families, seniors, couples and individuals. There are seniors who live in Manotick who will like to have the opportunity of staying in the Village and downsizing to a smaller unit. The prevalent form of housing in Manotick is detached single family homes.
2. The proposal will provide more parkland, which is something that has not been provided previously by other builders of estate homes.
3. The proposal will be a well-planned community, which will provide a range of housing for different households. It will have ample parkland and pathways and is within walking distance to the village core.

Board Findings On Impacts On Village Character:

Village character is not easily definable as it can mean a variety of things to people. The Board heard extensive evidence by the experts, lay witnesses and residents on what the defining characteristics of this “villageness” are for Manotick and how they would be impacted by the proposed development. Those opposed to the proposal associate village character with slow incremental growth, traditional housing forms (detached single family), a viable and historic core surrounded by residential neighbourhoods, a social, cultural and physical relationship between these neighbourhoods and the core. While the applicant’s architectural experts description of the village character of Manotick share some similarities with these there are some key differences.

Where the fundamental differences lie are that the applicant’s experts hold the view that the defining characteristics of this “villageness” lie in the core and not in the surrounding residential neighbourhoods. That it is the village core that gives Manotick its unique history from a social, cultural and physical context. That the residential neighbourhoods can best be described as generic and representative of successive waves of development occurring throughout Manotick’s historical development. The views of the applicant’s architectural experts are supported by their extensive photographic studies of the village core as well as its residential neighbourhoods of Hillsdale, Long Island and the more recent Manotick Estates.

In the Board’s view, the question is whether the proposed development should be compatible with the character of the core or should it be compatible with the residential communities outside the core. Should it be consistent with Manotick Estates, which is a more recent residential neighbourhood characterized by large detached single-family homes on large lots. There are those in the community that advocate for this type of compatibility. In this regard, the Board notes the opinion evidence of Ms Paterson that the planning department would not countenance a proposal that would consist of only detached single-family units, as this would be contrary to the policies of the PPS and the Ottawa OP. The Board finds the defining characteristics of Manotick as advanced by the applicant’s architectural and urban design experts to be more persuasive. The Board finds that it is mostly the design aesthetics and historical features in the core that gives Manotick its unique characteristics.

The question then in the Board's mind is will the proposed development adversely impact this village character? The Board finds the evidence and submissions by the applicant's representatives to be more compelling. The Board prefers the evidence of Messrs. Wright, Wimmer and Watchorn that the proposed concept design for the Mahogany community borrows much from the aesthetic and historical character of the village core and is more representative of the core than the relatively recent residential neighbourhoods of Hillside and Manotick Estates. Mr. Stirling, vice president of Minto testified that Minto is prepared to implement the concept designs contained in the design brief through an agreement with the City as part of the design guidelines (EX.13).

It is the finding of this Board that the proposal will not have an unacceptable adverse impact on the village character of Manotick nor will it "overwhelm" the Village if properly implemented. It is the finding of the Board that the design attributes of this proposal when implemented will relate well to the village core and contribute to the core's commercial vibrancy. It is the finding of the Board that the proposed development concept plan will provide a range of housing choices and opportunities for both its residents and for those wanting to live in Manotick. These opportunities and choices are not presently available in Manotick.

On the matter of slow, gradual and incremental growth as a defining characteristic of Manotick, the Board notes that Counsel for the applicant in cross-examination successfully challenged the opinion evidence of the City's planning witness (Mr. Clark) that the annual growth rate for villages should not exceed 1.5 percent. Counsel submitted that the historic growth rate of Manotick was a function of successive waves of development and at times were substantially above Mr. Clark's benchmark. Slow and incremental growth did not occur in Manotick.

Another principal concern that was expressed by the community as articulated by the participants was that of the resulting traffic congestion and associated issues if the proposal is approved. The issues of increased traffic generation and transportation capacity are in the Board's view important and valid concerns of the community and are addressed in the next section.

3. Infrastructure Capacity:

A) Transportation Capacity:

The issues relating to transportation capacity were in the Board's view the most contentious issues argued during these proceedings. The applicant's transportation experts advanced the position that the City's planned road and rapid transit infrastructure for the south sector of Ottawa has the capacity to accommodate the 1,400 residential units in the applicant's proposal. The future construction of the Strandherd-Armstrong (SA) Bridge to the north of Manotick is a key underpinning to the transportation solution for freeing up road capacity within Manotick's primary road network. A traffic impact study will be required as part of the rezoning approval process for each phase. This TIS must demonstrate transportation capacity and how the City's approved level of service (LOS) operating standard is met. The City's planning staff reviewed and accepted the transportation solutions advanced by the applicant.

The City retained an external transportation expert who held the view that the OPA should not be approved until the SA Bridge is constructed and it is proven that its construction has demonstrated sufficient diversion of traffic to justify the proposal. It was the City's position that the subject proposal is relying entirely upon future/uncommitted downstream infrastructure improvements to "create" local capacity by way of diversion. Further, that the transportation network will be unable to accommodate the traffic to be generated from the Minto development proposal in addition to the normal future traffic growth. The WMCA's transportation expert supported the position taken by the City's expert.

The applicant's panel of transportation planning experts (Mr. Jack and Ms Newgard) provided transportation planning evidence in support of the proposal. Both experts are employed by Delcan, which is the transportation planning firm retained by the applicant. Mr. Jack had lead responsibility for the development of the transportation plan for the DCP. Delcan's transportation overview study (2006) was peer reviewed by an external consultant (NCE/Genivar) on behalf of the City. The peer review was not done internally by City staff because of the intense public interest in the Minto proposal. The peer review accepted the conclusions of the Delcan transportation study. City staff accepted Delcan's conclusions and the recommendations of the peer review.

Mr. Jack testified that his analysis indicated that only 1,300-1,400 units could be adequately accommodated based on the transportation assumptions he made. Due to local traffic operation issues he recommended that prior to each phase a Traffic Impact Study (TIS) be done to address "then current" conditions and to determine what is required to allow that phase to proceed. It is his opinion that part of the Phase 1 component of 250 units could be built before the SA Bridge is built. A TIS will determine how many units could be built prior to completion of the SA Bridge.

It is the panel's opinion that the construction of the SA Bridge is the key determinant of how many units can be built within the subject lands. It is their opinion that the proposed SA Bridge will significantly alleviate the existing traffic congestion at the Manotick Bridge within the Village. The traffic along Bridge Street at the Manotick Bridge-River Street-Main Street intersections is a focal point of traffic concerns for the community. The panel estimates that up to 25 percent of peak hour traffic will be removed from Bridge Street when the SA Bridge is built. The SA Bridge is scheduled to start construction in 2011 to be completed in 2013. The City has committed its share (33 percent) of the estimated \$48 million it will cost to build the bridge. The province and the federal government have yet to commit their proportionate share.

During cross-examination by Counsel for the City (Ms Bradley), Mr. Jack confirmed that that the City's LOS "D" as an operating standard is the operating service level at 90 percent of operating capacity of a given road. Ms Bradley submitted that the proposed OPA requires the developer to demonstrate how this level would be achieved prior to the approval of each phase of development. Mr. Jack acknowledged during cross-examination that the construction of the SA Bridge is the key transportation solution that was used to derive his 1,400 unit estimate. That target cannot be met if the bridge is not built.

It is his opinion that the City has complete control over how many units will be approved at each phase based on the results of the Traffic Impact Study (TIS) that will be required as part of the planning approval process at each phase. He acknowledged the serious traffic issues that currently exists on Bridge Street and recommended that in addition to a TIS, that a Functional Plan for Bridge Street be done. It is his opinion that the addition of a functional plan as a requirement together with the TIS will give the City the necessary controls to determine whether there would be adequate transportation capacity prior to approving each phase.

Ms Bradley submitted that the developer should be required to pay for any improvements identified in the functional plan. Mr. Jack disagreed and stated that this should be done on a cost/sharing basis, as any improvement will benefit not only the developer but others that use the roads. Ms Bradley in cross-examination submitted that no evidence was proffered to support the applicant's proposition that part or all of Phase 1 could proceed prior to the construction of the SA Bridge. Counsel for both the City and the WMCA submitted that the construction of the SA Bridge is not a "sure thing" yet it remains the key transportation solution upon which this proposal is predicated.

Ms Paterson, Planning Manager for the City, had testified under summons that Minto must demonstrate that the transportation capacity exists and that the mechanisms to achieve the City's approved level of service "D" are in place. Future zoning amendments must be supported by traffic studies that show that transportation capacity exists before any phase of development can proceed.

Mr. Tedesco provided expert transportation planning evidence for the City in opposition to the proposal. It is his opinion that both the applicant and City staff have taken the position that the proposed OPA be approved first then transportation capacity can be confirmed later before any phased development can proceed. Mr. Tedesco disagrees with this approach and is of the view that the transportation capacity must first be proved before an OPA should be considered for approval. He conducted a review of the Delcan Transportation Study and the Genivar peer review and concludes that:

1. The construction of the SA Bridge would not provide any long term relief for the traffic volumes on Bridge Street given the latent demand for it.
2. His intersection capacity analysis of the Main-Maple-Bridge signal controlled intersection using future traffic volumes assuming 3 percent growth resulted in traffic volumes so high that no development of the subject lands can be supported even with the anticipated 25 percent diversion of traffic to the proposed SA Bridge.
3. It is inappropriate to give approval for a proposal that is dependent on the tenuous creation of future road capacity.
4. The subject proposal is relying entirely upon future/uncommitted downstream infrastructure improvements to "create" local capacity by way of diversion.

5. The Bridge-River-Main intersection is already at capacity. Even with the anticipated construction of the SA Bridge, the City's LOS operating standard "D" will not be met at this intersection.

The proposed OPA requires the developer to "demonstrate this capacity and how to achieve the city's approved level of service operating standard". Mr. Tedesco is very concerned about how City staff will apply this requirement. It is his opinion that there should be no doubt that the developer is required to meet the standard and that the wording should be revised to ensure that there is no discretion for City staff in interpreting this requirement. The LOS operating standard in his opinion should not be a guideline subject to interpretation by staff.

It is his opinion that if the Board found merit in the applicant's proposal that it should be limited to 250 units and this would be contingent on the applicant meeting the City's LOS operating standard and that the construction of the SA Bridge has begun. Beyond the approval of 250 units, there are no known transportation solutions that can be relied upon. The balance of the subject lands should be placed in a "future development area" designation until it can be demonstrated that there are transportation solutions to support additional units.

During cross-examination of the witness, Counsel for the applicant (Mr. Zakem), submitted that the City's LOS is a guideline to be used by staff. It is City staff who will have to interpret this guideline when reviewing traffic studies and requirements. Mr. Zakem argues that Mr. Tedesco is attempting to elevate this guideline to the status of an OP requirement by proposing amendments to the OPA to deliberately frustrate the proposal if the Board found merit in approving it. Mr. Tedesco responded that his modification will ensure that City staff is not pressured by the developer or that meeting the LOS is not subject to interpretation.

Board's Findings on Transportation Capacity:

On the issue of the developer meeting the City's approved LOS operating standard, the relevant text in the proposed OPA states that:

- vi) The level of development and phasing of the Mahogany Community will be dependant on the provision of local and regional transportation infrastructure. It has been projected that the Strandherd/Armstrong Bridge will create additional capacity in the future to support the development. The developer will be required to demonstrate this capacity and how to achieve the City's approved level of service

operating standard. The release of phases and dwelling units is dependant on the demonstration of capacity to support it.

In the Board's mind, the issue here is whether the community can depend on the City's planning and transportation staff to properly apply the City's transportation guidelines and use their discretion where it is warranted. Alternatively, should the Board tie their hands as the City and the WMCA would want and make the LOS operating standard 'D' mandatory thus elevating the City's guidelines to that of an OPA requirement.

It is the finding of the Board, that it is the City's staff who are the planning and transportation experts and they should be allowed to interpret and where warranted use their discretion in applying the City's transportation guidelines. Staff have been entrusted with this responsibility and the Board sees no compelling reason why in this instance, the discharge of this responsibility should be withheld or altered. A plain reading of the applicable section requires the developer to demonstrate to City staff how he intends to meet the City's LOS operating standard. It is incumbent on City staff to decide whether the developer has achieved this. The Board finds that the wording is satisfactory.

The issue of whose assumptions are more accurate in calculating the impact of the construction of the SA Bridge on reducing traffic volumes on the Manotick Bridge is particularly contentious. The applicant's experts estimate that 25 percent of the current traffic on the Manotick Bridge will be diverted to the SA Bridge once it is constructed. They use a background growth rate of 1.12 percent annualized. The City's transportation expert testified that the construction of the SA Bridge will provide only short term relief because of the latent demand for it. That using the applicant's background growth rate of 1.12 percent, and with no development of the Minto lands, the Bridge Street intersection will operate at overcapacity at 0.97 v/c (volume to capacity ratio) by 2025. Mr. Tedesco argues that factoring the development of the Minto lands would result in a higher v/c ratio meaning that the LOS operating standard 'D' would not be met.

The applicant's transportation experts dispute this and it is their opinion that the combination of the introduction of the SA Bridge, a prohibition of truck traffic on Bridge Street, and other measures to reduce capacity constraints including the preparation of a functional plan for Bridge Street will ensure that the City LOS operating standard is met.

Both the City's and the applicant's experts gave persuasive evidence to support their respective positions. It is the Board's view that the evidence from all three parties underscores the importance of the construction of the SA Bridge in addressing the transportation capacity constraints that will be generated by the Minto development. However as the City and WMCA put it, "it is not a sure thing".

Regardless of which transportation variables one uses in calculating transportation capacity within Manotick, the OPA requires that the applicant is required to demonstrate that additional capacity is created and the City's LOS operating standard is met before any of the phased development can proceed. The proposed OPA requires that the developer prepare detailed traffic impact studies, including a before and after study of the impact on the SA Bridge to demonstrate this additional capacity. It is the finding of the Board that if City staff require that a Functional Plan be done, then the proposed OPA as worded gives them the latitude to do so.

On the issue of whether part or all of Phase 1 of the Minto development can proceed in advance of the completion of the SA Bridge, the proposed OPA states that:

Detailed traffic impact studies, including a before and after study of the impact on the Strandherd/Armstrong Bridge, will be required to demonstrate there is capacity in Manotick to accommodate the development at the City's approved level of service operating standard. However, if the developer wishes to proceed with a portion of Phase 1 without the implementation of the Strandherd/Armstrong Bridge, it must be demonstrated through detailed traffic studies, approved by the City, that there is capacity in Manotick to accommodate the development at the City's approved level of service operating standard.

The evidence given by all the transportation experts emphasizes the importance of the construction of the SA Bridge in providing the needed additional capacity to divert and reduce traffic from the major intersections in Manotick especially Bridge Street. The evidence heard at these proceedings is that the SA Bridge is the key determinant from which Delcan derived the estimate of 1,400 residential units that could be supported and that this bridge forms the underpinning of its transportation solutions.

The Board heard evidence and submissions from the City and the WMCA that key intersections in Manotick and particularly the Bridge-Maple-Main intersection are at or close to capacity (LOS operating standard 'D') during peak hours. The applicant's transportation panel acknowledged the serious traffic problems at the Bridge-Maple-Main intersection. The opinion evidence of Ms Paterson was that she doubted that any units could be built until the SA Bridge has been constructed. One of the principal

concerns of the community as articulated by the participants at the hearing was the existing traffic problems at the Bridge-Maple-Main intersection.

These are all valid concerns. However, in reviewing the relevant wording of the proposed OPA, the developer is required to substantiate that the transportation capacity exists in Manotick through detailed traffic impact studies approved by the City if he wishes to proceed with a portion of Phase 1 in advance of the construction of the SA Bridge. The Board notes City planning staff comments, in its staff report, that:

Zoning amendments to permit the development in Phase 1 must be supported by traffic impact studies to indicate that capacity exists in the Village to support the development.... However, if the developer wishes to proceed with a portion of Phase 1 without the implementation of the Strandherd/Armstrong Bridge, the developer must demonstrate that capacity is in place. Currently, there is no evidence that this is the case [Board emphasis] (Tab 14, Ex. 1-10).

The Board is satisfied with the wording contained in the proposed OPA. The City's planning and transportation staff will be reviewing the required traffic studies to determine if the capacity is there. If the developer cannot substantiate to planning staff that the capacity is in place, then that portion of Phase 1 cannot proceed. The Board is satisfied that City staff, in the discharge of their responsibilities, will properly review these traffic impact studies.

B) Sewer and Water Capacity:

This issue relates to the availability of water and sanitary services to service the proposed development (WMCA, Issues 5-7). Although the City did not have any issues in the Issues List, relating to sewer and water capacity, they did raise concerns during the hearing through the cross-examination of the applicant's experts. Mr. Sheets, a civil engineer, provided evidence, on behalf of the applicant. The City's 2003 Infrastructure Master Plan (IMP), identifies Manotick as being included in the extension of public water and wastewater services. City staff determined that there are no major servicing impediments to the development of the proposed Mahogany community. City staff estimates that currently, there is capacity for 1,100 units in the Village, before any major improvements would be needed. It is Mr. Sheets' assessment that upgrades to the Village sewer system, now approved by the City, will have sufficient capacity for the proposal as well as the existing areas within the Village.

Ms Bradley submitted in cross-examination that if the present 1,100 units of sewer capacity are used by the Minto proposal, then there will be nothing left for the development of the rest of the Village. Ms Bradley submitted that Minto would be “stealing” sewer capacity from the Village. Mr. Sheets disagreed and responded that this capacity is available to all users in Manotick.

Mr. Stirling, Vice-President for Minto, testified that Minto is willing to enter into a front-ending agreement for construction of the watermain to extend water servicing if the City does not have the funds to build it by 2012-2018 and the existing water capacity is used up. He testified that if the proposal is approved, that Minto anticipates building 100 -125 homes annually depending on market demand and provided they meet the requirements of the OPA. He estimates that build-out of this proposed development will be beyond 2020.

The City, in its closing submissions, maintains that the proposed development will use up all of the remaining water capacity in the Village and will remove the ability of current residents to connect to municipal water if this becomes necessary, as a result of future environmental and health issues in the Village.

Board’s Findings on Water and Sewer Capacity:

Based on the expert evidence of Mr. Sheets, the City staff report, and the lay evidence of Mr. Stirling, the Board is satisfied that there will be enough capacity to service the proposed phased development over the time horizon that Minto anticipates for build-out of the Mahogany community. The Board notes the testimony of Mr. Stirling that Minto is willing to enter into a front-ending agreement for construction of the watermain to extend water servicing if the City does not have the funds to build it by 2012-2018 and the existing water capacity is used up.

4. Protection of Environmental Features:

The City takes the position that the proposed OPA does not adequately protect the Natural Environment Area (NEA) within the subject lands. The WMCA’s concern is whether the proposed development and site alteration provide adequate protection for the environmental and ecological features of the land as required by the PPS and the *Endangered Species Act*.

Ms Paterson, as part of her evidence on the details of her planning staff report, testified that the woodlots on the site will be protected through a designation of Natural Environment Area (NEA). It was her opinion that the City must acquire those lands if it is designated NEA. If the City does not have the funds to acquire the lands, they can be designated as Rural Natural Feature (RNF) to meet the requirements of the 2005 PPS. It was her preference that the NEA designated lands be gifted to the City by Minto. Ms Paterson testified that any development on NEA lands will require an Environmental Impact Assessment. The pond on the site will be protected as a neighbourhood amenity.

Mr. Stirling testified that Minto will dedicate the buffers on all the creek corridors and the pond to the City for public use. Minto is not prepared to donate the lands to the City but is willing to consider a fair land exchange. Mr. Stirling indicated that Minto is committed to preserving the candidate ANSI lands until the City has the necessary funds to purchase them in accordance with the OP. It was the evidence of Ms Sweet and Ms Paterson that the existing natural features on the subject lands will be preserved.

Board's Findings on the Protection of Natural Features:

Neither the City nor the WMCA brought any expert evidence to challenge the evidence given by Minto's expert witnesses. The City, in its closing submissions, advances the position that Minto should convey the NEA lands to the City at no cost. The City submits that if it cannot acquire the NEA lands that this could lead to an undesirable situation of those lands being developed. The Board notes that the City's staff report concluded that the woodlots on the subject lands will be protected through the NEA designation. It is the finding of the Board that the applicant has taken the appropriate measures to adequately protect the natural features on the subject lands. Minto has also indicated that it will dedicate the buffers and the pond into public ownership.

CONCLUSIONS AND BOARD DISPOSITION:

For all the reasons given and the findings made in this decision, it is the finding of the Board that the proposed OPA conforms to the Manotick Secondary Plan, and the

Ottawa Official Plan. The proposed OPA is not premature. The Board finds that the proposed OPA is consistent with the 2005 PPS. The Board in making its findings had regard to the City of Ottawa's Council decision on this matter pursuant to subsection 2.1 of the *Planning Act*. It is the finding of the Board that the proposed OPA represents good planning and is in the broader public interest.

The applicant has agreed to dedicate the pond and the creek corridors to the City for public use. The applicant has also agreed to use the conceptual designs found in Ex.13 as the basis for the design guidelines of the proposed development. These agreements are to be implemented at the draft plan of subdivision approval stage in a form acceptable to the City.

Therefore, the **BOARD ORDERS** that:

1. The appeal is allowed, and the Official Plan for the City of Ottawa is amended as set out in Attachment "1" to the Order, and as amended is approved; and
2. The applicant will undertake to dedicate the pond and the creek corridors to the City for public use and use the conceptual designs found in Ex.13 as the basis for the design guidelines of the proposed development. This undertaking will be implemented at the draft plan of subdivision approval stage in a form acceptable to the City.

The Board so Orders.

"J. Chee-Hing"

J. CHEE-HING
MEMBER

ATTACHMENT "1"

Official Plan Amendment XX Modification du Plan directeur XX

To the Official Plan for the City of Ottawa, Annex D, Volume 2C, Village Plans, Manotick

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Part B - The Amendment

Introductory Statement

Details of the Amendment

Schedule A – Amendment to Village of Manotick Land Use Plan - Schedule A

Schedule B – Land Use Concept Plan for the Mahogany Community - Schedule B

Schedule C – Phasing for Mahogany Community – Schedule C

STATEMENT OF COMPONENTS

PART A - THE PREAMBLE does not constitute part of this amendment.

PART B - THE AMENDMENT, the following text and map constitutes Amendment No. XX to the Official Plan for the City of Ottawa, Annex D, Volume 2C, Village Plans, Manotick.

PART A - THE PREAMBLE

PURPOSE:

The Village Plan for Manotick requires a comprehensive development concept plan for lands designated "Serviced Development Area". As a result, the Mahogany Community Development Concept Plan (DCP) was prepared, which includes supporting studies for the lands. In order to implement the DCP, an amendment to the Manotick Secondary Plan is required. The purpose of this amendment is to provide additional policies for the area designated Serviced Development Area in the Village Plan for Manotick. Specifically the Amendment does the following:

1. Revises Schedule A to the Secondary Plan for Manotick by replacing designations within the Serviced Development Area with a notation "See Schedule B";
2. Adds Schedule B to the Secondary Plan – a land use plan for Mahogany Community
3. Adds Schedule C to the Secondary Plan – Phasing for Mahogany Community
4. Makes reference to the Mahogany Community Development Concept Plan that will be used for the basis of planning and development;
5. Revises the growth management policies so that the phasing of development in Manotick is based on the provision of infrastructure rather than a date in the plan. Provides phasing policies for the Mahogany

- Community that are tied to infrastructure triggers;
6. Provides a new designation, Future Development Area, for lands where development will not be permitted until there is a transportation solution in place to accommodate development on these lands and an amendment is adopted by City Council;
 7. Amends policy 2(g) of Section 3.7.2.5 “Housing in the Village” policies, specifically to permit multiple residential units in the Mahogany Community;
 8. Provides additional policies to reflect village character, natural environment areas, and stormwater management areas;
 9. Amends policy 2(c)(i) of Section 3.7.2.8 “Village Open Space and Recreational Areas” policy to reflect the lands designated “Natural Environment Area” as per Schedule B to this Amendment; and
 10. Amends policy 2(e) of Section 3.7.2.5 “Housing in the Village” to include Natural Environment Areas in the definition of Gross Residential Defined.

LOCATION:

The lands affected by this amendment are legally described as Part of Lots 4 and 5, Concession A (Broken Front) Geographic Township of North Gower, City of Ottawa. The property constitutes approximately 194 hectares within the Village of Manotick boundary. The property is bounded on the north by the existing residential area of Potter Drive, Watterson Street, and Carrison Drive; to the south by Century Road; to the east by Manotick Main Street; and to the west by First Line Road and Mud Creek.

BASIS:

The Council Approved Village Plan for Manotick designates the lands legally described as Part of Lots 4 and 5, Concession A (Broken Front) Geographic Township of North Gower City of Ottawa, as *Serviced Development Area*. The Village Plan requires a comprehensive development concept plan to be prepared for the entire area before development can occur that will facilitate the logical phasing of development in the area (the integration of transportation links, parks and open space, schools and pedestrian links and stormwater) and that will form the basis for various, subsequent plans of subdivision. All development shall be on the basis of central water and wastewater services. Following a thorough and comprehensive review, the Mahogany Community Development Concept Plan was prepared. It provides the basis for this amendment and proposes development that will utilize serviced lands more efficiently; provide a variety of housing for existing and future Village residents; provide linkages and connectivity; and protect natural features.

Permitting slightly higher density forms of development supports transit and makes efficient use of land, while still maintaining the village character. This amendment to the Official Plan for the City of Ottawa, Annex D, Volume 2C, Village Plans entitled “Manotick Official Plan Amendment #3 Former Township of Rideau” enables the future development of the Mahogany Community in the Village of Manotick.

This amendment is consistent with the 2005 Provincial Policy Statement and the Official Plan for the City of Ottawa and conforms to the objectives and principles of the Village Plan.

PART B - THE AMENDMENT

All of this part of the document entitled Part B - The Amendment, consisting of the following text and attached map, constitutes Amendment No. XX to the Official Plan for the City of Ottawa, Annex D, Volume 2C, Village Plans, Manotick.

DETAILS OF THE AMENDMENT

The Official Plan for the City of Ottawa, Annex D, Volume 2C, Village Plans, Manotick entitled “Manotick Official Plan Amendment #3 Former Township of Rideau” is hereby amended as follows:

ITEM 1: The area indicated on the attached Schedule A, is amended by replacing designations within the

Serviced Development Area with a notation “See Schedule B”.

ITEM 2: A new Schedule B, Land Use Plan – Mahogany Community, is added to the Secondary Plan and forms part of this Amendment.

ITEM 3: A new Schedule C, Phasing Plan – Mahogany Community, is added to the Secondary Plan and forms part of this Amendment

ITEM 4: Policy C(1) of Section 3.7.2.3 Village Growth Management Policies, is amended by replacing the existing policy with the following:

1. Village Growth

The growth management policies will require that growth be carefully managed to ensure that the infrastructure is in place to support new development in the village. The development of the Mahogany Community as shown on Schedule B will be phased based on the provision of infrastructure as stated in policy 2(g) (vi) of Section 3.7.2.5.”

ITEM 5: Section 3.7.2.3 (C) is amended to by adding a new policy 5) as follows:

"The lands designated Future Development Area currently cannot be supported by any transportation solution. Development of these lands will be frozen until there is transportation solution to accommodate development on these lands. A public process in the form of an Official Plan amendment will be required to permit development. The amendment shall be supported by a Traffic Impact Study to demonstrate that the road system in Manotick can accommodate additional development."

ITEM 6: Policy 2(g) of Section 3.7.2.5, Serviced Development Area Conditions, is amended by replacing the existing policy with the following:

g) Mahogany Community Conditions

The lands designated on Schedule B, Land Use Plan – Mahogany Community, shall be developed in accordance with the following conditions:

- i) All development shall be on the basis of central water and wastewater services;
- ii) A comprehensive Development Concept Plan as approved by the City of Ottawa will be used as the basis for the approval of subsequent plans of subdivision, site plans and zoning;
- iii) The location of land uses will be in accordance with Schedule B;
- iv) Notwithstanding Policy C. 3) of Section 3.7.2.3, multiple family housing will be permitted in the Mahogany Community as shown on Schedule B;
- v) In addition to policies 2 a) to d) of Section 3.7.2.5 concerning Residential Densities, the following additions will be permitted in the Mahogany Community which is shown on Schedule B:
 - a. Single Family (Low Density) will provide for approximate lot sizes of 22 m x 50 m.
 - b. Single Family (Moderate Density) areas may have a density up to seven units per gross residential acre (i.e. up to 16 units per gross residential hectare).
 - c. Mixed Residential areas may have a density of up to 14 units per gross residential acre (i.e. up to 35 units per gross residential hectare), and consist of singles, street townhouses, semi-detached, linked bungalows, and multiple clusters provided no more than 25% of the total residential units on the lands shown conceptually on Schedule B to this Amendment are Mixed Residential. Mixed Residential shall be integrated into the overall residential development.

- vi) The level of development and the phasing of the Mahogany Community will be dependant on the provision of local and regional transportation infrastructure. It has been projected that the Strandherd/Armstrong Bridge will create additional capacity in the future to support the development. The developer will be required to demonstrate this capacity and how to achieve the City's approved level of service operating standard. The release of phases and dwelling units is dependant on the demonstration of capacity to support it.

The total amount of development in the Phases 1 to 5 as shown on Schedule C shall not exceed 1,400 dwelling units to be phased in accordance with the following phasing policies:

Phase 1

Detailed traffic impact studies, including a before and after study of the impact on the Strandherd/Armstrong Bridge, will be required to demonstrate there is capacity in Manotick to accommodate the development at the City's approved level of service operating standard. However, if the developer wishes to proceed with a portion of Phase 1 without the implementation of the Strandherd/Armstrong Bridge, it must be demonstrated through detailed traffic studies, approved by the City, that there is capacity in Manotick to accommodate the development at the City's approved level of service operating standard.

Zoning amendments to permit the development in Phase 1 must be supported by traffic impact studies to indicate that capacity exists in the village to support the development and how the constraints to transportation capacity have been alleviated.

The traffic impact studies will be supported by studies to demonstrate how capacity is being created to support the development. Depending on the timing of development (particularly related to the Bridge), the list of studies may include:

- Feasibility/desirability of prohibiting heavy truck traffic on Bridge Street;
- Action on access to the south island as per Bridge Street Intersection and Access Review Study (Delcan 2006);
- A traffic operations study of Bridge Street and Main Street corridors;
- A parking study of the core.

It shall be the responsibility of the developer to fund or wait for City implementation of the require transportation improvements.

Phases 2 to 5 - Like Phase 1, the development of Phases 2 to 5 also depends on the timing of the Strandherd-Bridge and its impact on the transportation network. The zoning amendments for each phase(s) of development will be supported by Traffic Impact Studies which include/consider the following:

- A traffic impact study which must include a wider network reaching northward to the future intersections on each side of the Strandherd-Armstrong Bridge;
- Field survey and verification of the actual intersection capacity and operation in the field;
- Comments regarding the southeast and southwest sector transportation network development. Issues related to the Southwest Transitway, North-South Light Rail and major roadway modifications, such as Limebank Road and Prince of Wales Drive, need to be monitored with the identification of actual infrastructure timing as part of the justification for all significant development in this area of the city;
- Depending on the timeframe of each phase, it shall be the responsibility of the

developer to fund or wait for City implementation of the following local modifications (subject to change depending on the results of the required studies and verifications):

- o A wider analysis of the transportation network reaching northward to the future intersections on each side of the Strandherd-Armstrong Bridge;
 - o Signalization of the Bankfield/First Line Road intersection and provision of the required turn lanes;
 - o Potential modifications to the Bankfield Road/Prince of Wales intersection (if warranted);
 - o Widening of Bankfield Road to four lanes from First Line Road west to Prince of Wales Drive;
 - o An additional turn lane and approach lanes, as identified/required at both the Bankfield/First Line Roads and Bankfield Road/Prince of Wales Drive intersections;
 - o Consideration of the need to connect the East-West Collector to First Line Road in order to minimize the site traffic impact on Manotick Main Street;
 - o A pedestrian/cycling or multi-use path connection to Potter Drive and Carrison Drive;
 - o An east-west Collector Road link to First Line Road, if not provided/required at Phase 3.
- vii) The proposed development shall reflect the village character as detailed in the Community Design Guidelines contained in the Development Concept Plan.
- vii) The Natural Environment Area illustrated on Schedule B to this Amendment will be subject to Section 3.7.2.8 (d).
- ix) The Stormwater Management Ponds shown conceptually on Schedule B, the precise location of which will be determined at the detailed design stage.

ITEM 7: Policy 2c i. of Section 3.7.2.8, "Natural Area", is amended by deleting the following text: "The area between the east and west branches of the Wilson Cowan Drain located north of Century Road East shall be retained as a natural area;" and replacing it with: "Natural Environment Area"
"Lands identified on Schedule B shall be retained as Natural Environment Area."

ITEM 8: Section 3.7.2.8 (2) is amended to by adding a new policy d) as follows:
The site designated Natural Environment Area in the Manotick Secondary Plan is subject to all of the policies of Section 3.2.2 and 5.2.1 of the Official Plan, including the need for an Environmental Impact Statement (EIS) within 30 metres of the boundary of the Natural Environment Area;

- The City and the developer enter into negotiations for the City to secure the property and retain it in its natural state;
- By 2011, if the City and the developer have not reached agreement on securing the property, the developer will complete an EIS of development within the Natural Environment Area to demonstrate that development that could occur and still meet the test of the Provincial Policy Statement. The City will amend the Manotick Secondary Plan to change the designation of the Natural Environment Area based on the outcome of the EIS.
- Any development potential (over and above the 1,400 dwelling units permitted in Phases 1 to 5) arising from the approval of an EIS will be added to the "Future Development Area".

ITEM 9: Section 3.7.2.8 (2) is being amended to add a new policy e) as follows:
Neighbourhood Amenity:
A small area of natural greenspace will be retained around the pond as a neighbourhood amenity and seasonal wildlife habitat. The permitted uses in this land use category include trails and pathways.

The location and design of any trails or pathways will need to be approved by the City and the Rideau Valley Conservation Authority.

ITEM 10: Section 3.7.2.5 policy 2 e) Gross Residential Defined is amended by replacing the text with the following:

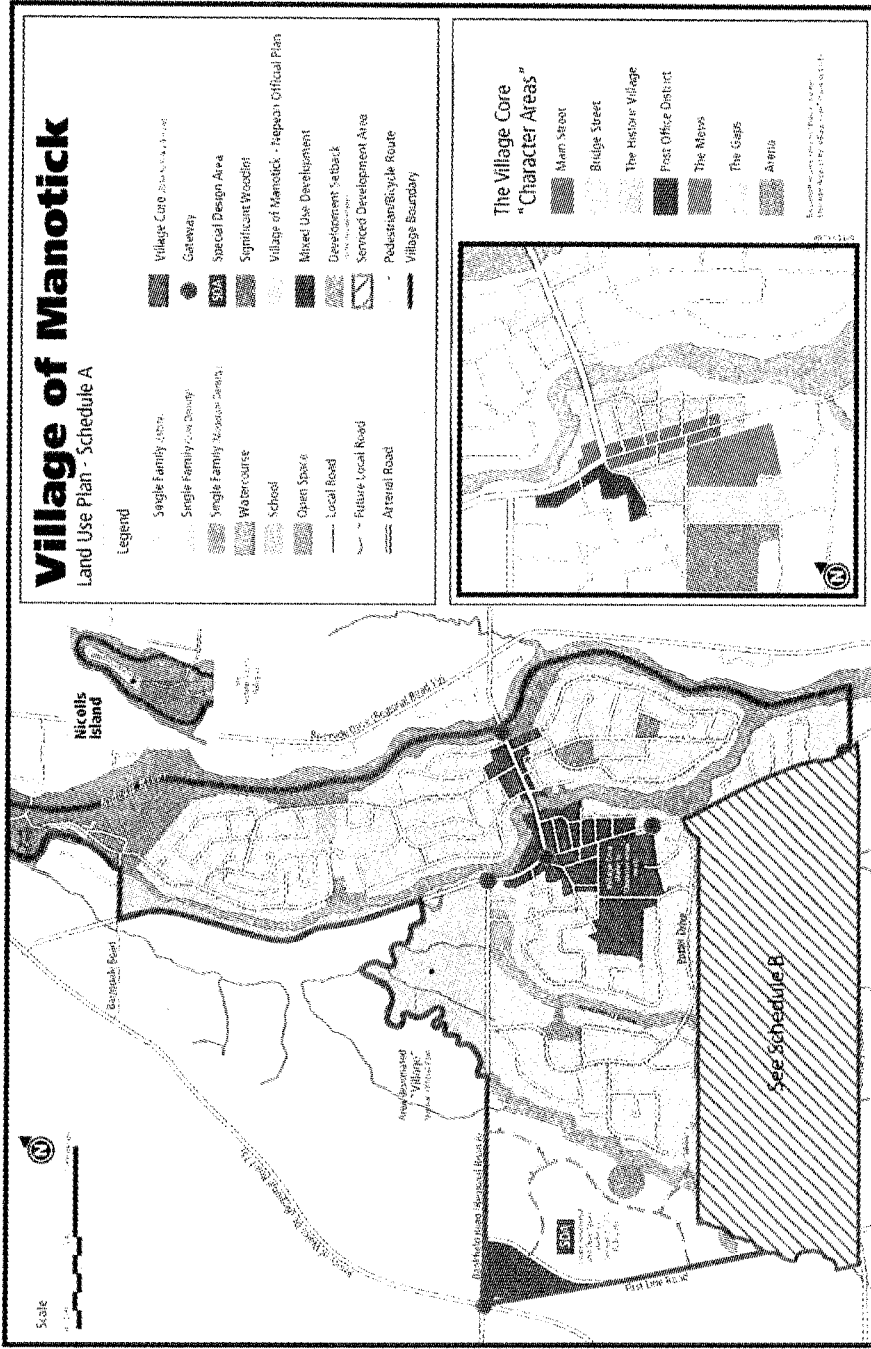
“Gross residential” refers to a unit of land, either an acre or hectare, designated for residential development on Schedule A, and does not include lands designated as “School”, “Parks and Open Space”, “Watercourse and Development setbacks”, “Natural Environment Area” or “Stormwater Management Ponds”.

SCHEDULE “A” – see Schedule A to this Amendment.

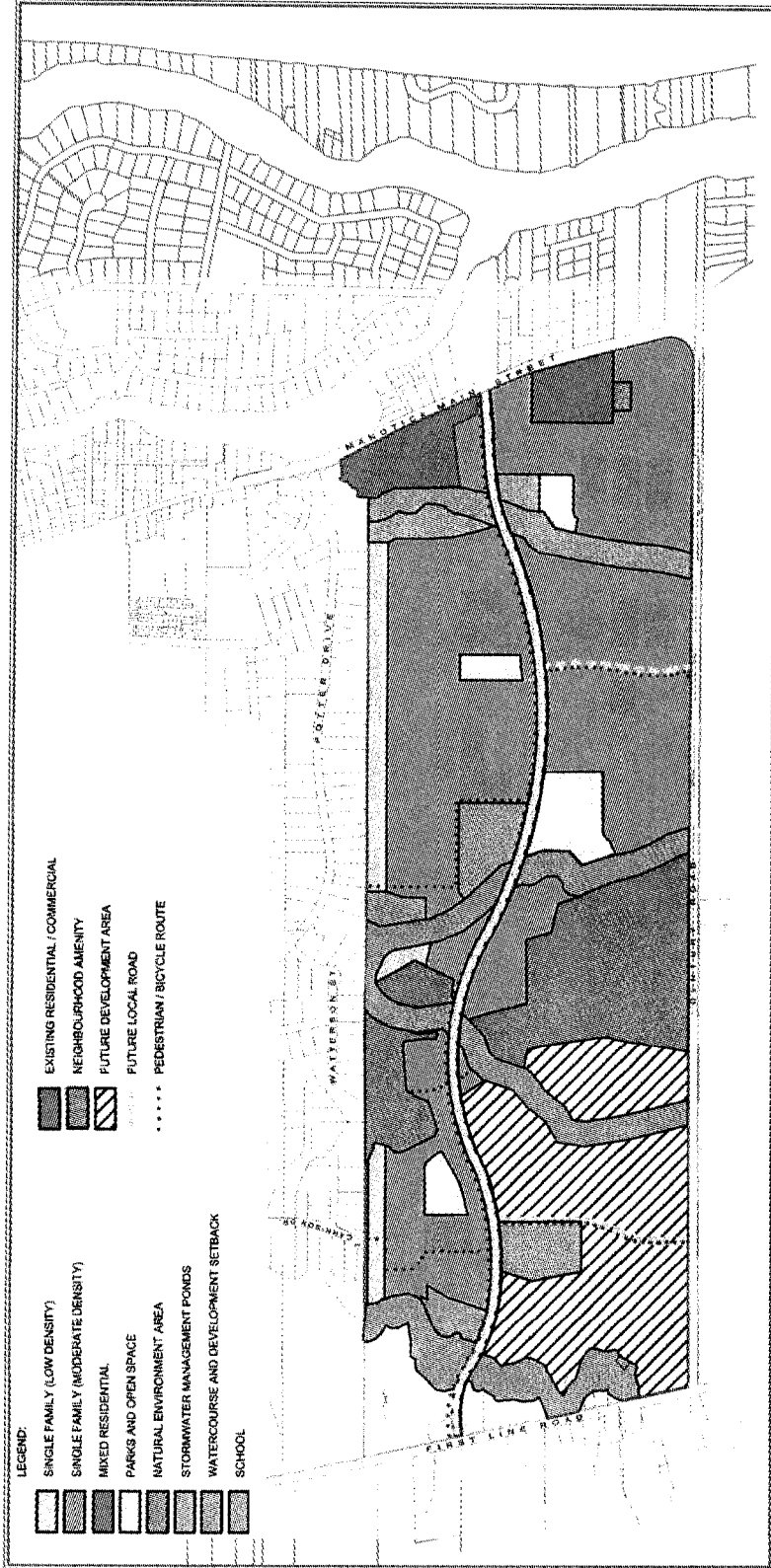
SCHEDULE “B” – New Schedule B - Land Use Plan for Mahogany Community

SCHEDULE “C” – Phasing Plan for Mahogany Community

SCHEDULE A - AMENDMENT TO THE VILLAGE OF MANOTICK LAND USE PLAN



SCHEDULE B - LAND USE PLAN FOR MAHOGANY COMMUNITY



SCHEDULE C - PHASING FOR MAHOGANY COMMUNITY

