

4730 High Road and 4770 Albion Road
City of Ottawa
Planning Rationale

Prepared By:

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Novatech File: 120043
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April 22nd, 2020

City of Ottawa
Planning, Infrastructure, and Economic Development
110 Laurier Avenue West
Ottawa, Ontario
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Attention: Anissa McAlpine, Planner

Dear Ms. McAlpine

Reference: 4730 High Road and 4770 Albion Road

Our File No.: 120043

Novatech has been retained by the Falcon Ridge Village LP to prepare a planning rationale in support of an Official Plan Amendment to re-designate the lands known as 4730 High Road and 4770 Albion Road from the Sand and Gravel Resource Area to General Rural Area.

The following planning rationale reviews the relevant sections of the Provincial Policy Statement 2020, the policies of the City of Ottawa Official Plan, and the provisions of the City of Ottawa Zoning By-law 2008-250.

This document concludes that the aggregate material present on the subject property is not commercially viable, and the establishment of a pit on the subject property could interfere with the safe operation of the Ottawa MacDonald Cartier International Airport.

This document concludes that changing the Official Plan designation of the subject property is consistent with the Provincial Policy Statement 2020.

We trust that this information is of use to you.

Yours truly,



Taylor West, M.Sc. (Plan)
Planner

NOVATECH

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1.0 INTRODUCTION

Novatech Engineering Consultants Ltd. was retained by the Falcon Ridge Village LP to prepare this planning rationale in support of an application for an Official Plan Amendment (OPA) for the properties municipally known as 4730 High Road and 4770 Albion Road. The proposed OPA will re-designated the lands from Sand and Gravel Resource Area to General Rural Area. There is no proposed change of use.

1.1 Site Location

The subject properties are municipally known as 4730 High Road and 4770 Albion Road. 4730 High Road is legally described as Part Lot 6 & Part Lot 7, Concession 9, former Township of Goulbourn, Part 1 on Plan 4R-13597, save and except Part 1 on Plan 4R-21897, now City of Ottawa. 4770 Albion Road is legally described as Part Lot 23 Concession 3 Rideau Front, former municipality of Gloucester as in N713202. The subject property is bordered by Falcon Ridge Golf Course to the north and west, Rideau Carleton Raceway and Casino to the east, and vacant lands to the south.

The portion of the lands to be re-designated from Sand and Gravel Resource Area to General Rural Area is approximately 14.36 hectares and is shown on the figure below.

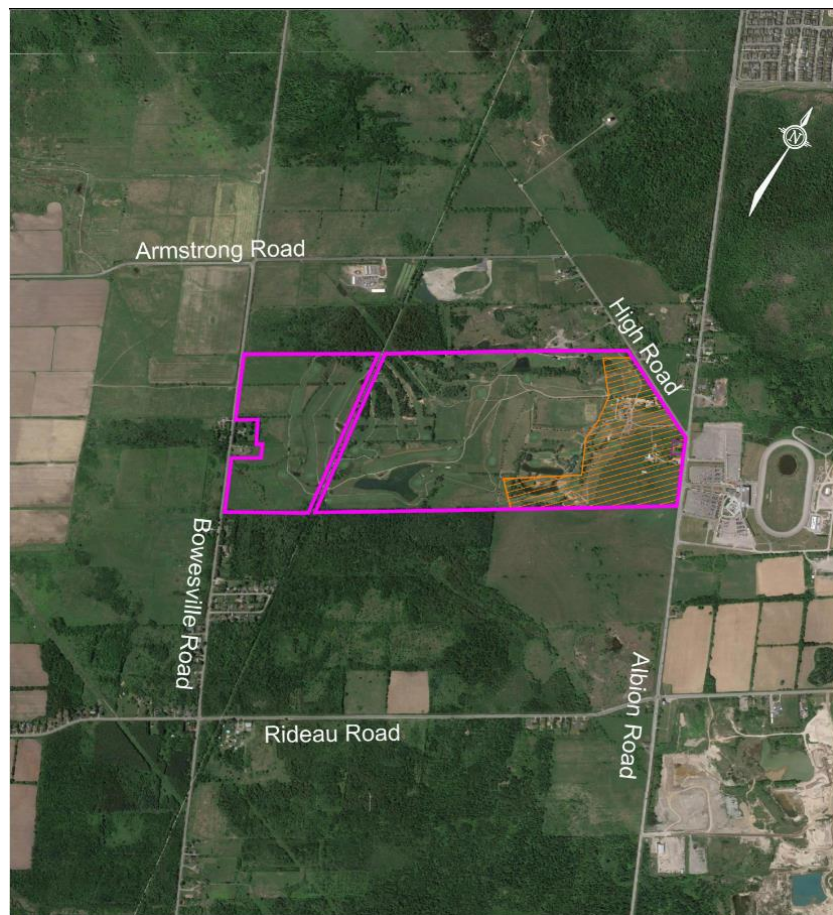


Figure 1: Aerial View of the Lands to be Re-Designated

1.2 Description of Aggregate Resources on Site

A Preliminary Aggregate Resource Assessment dated October 24th, 2016, was prepared by the Paterson Group for the subject property. The purpose of this assessment was to classify the material on the site and identify suitability of the resource. Ten test pits with a depth ranging from 3.9 to 4.3 meters were dug on the subject property. Samples were chosen that represented general coverage of the subject site. The testing locations are shown on the figure below.

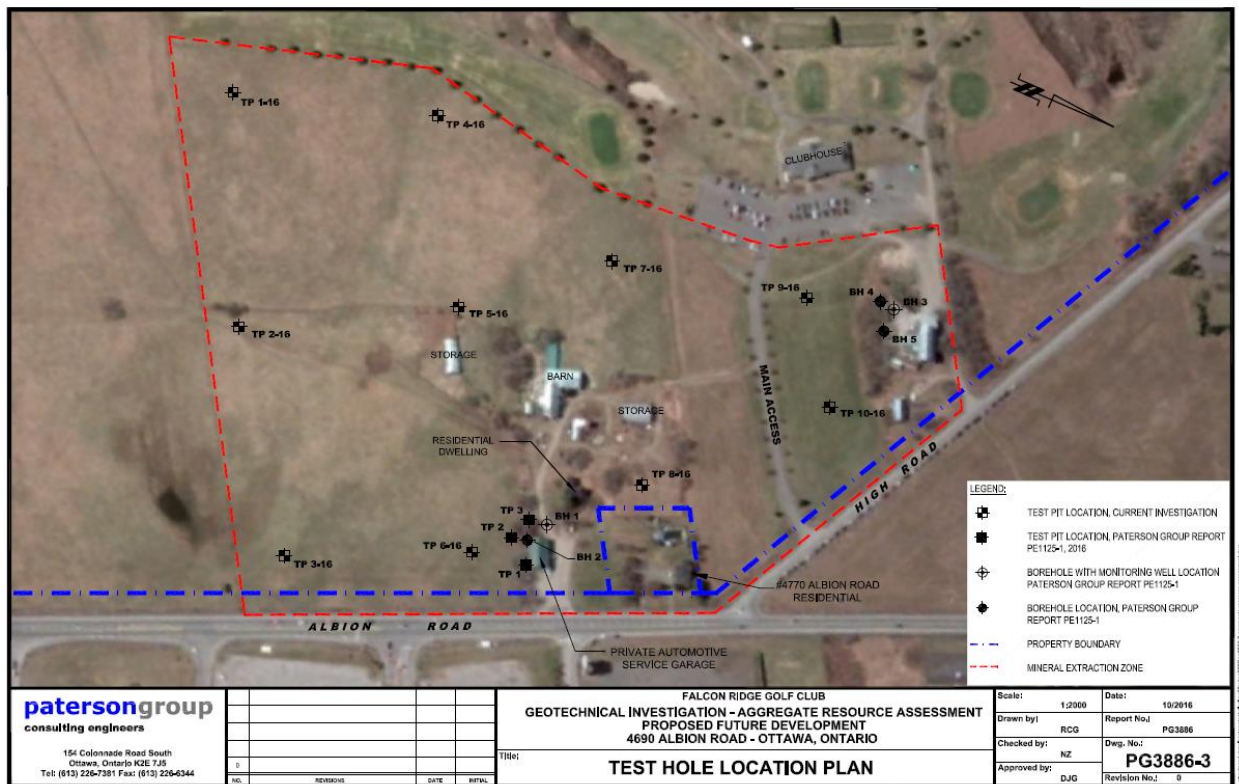


Figure 2: Aggregate Test Locations

The technical study, undertaken as directed at Section 3.7.4 of the Official Plan, concludes that the aggregate material within the defined mineral extraction zone of the subject site was generally considered too fine. The study concludes that the aggregate material is “not suitable for construction, industrial, or manufacturing purposes. As such, it is not considered economically viable as a mineral aggregate resource site”.

2.0 PLANNING CONTEXT

The subject property is subject to the Provincial Policy Statement 2020, the City of Ottawa Official Plan, and the City of Ottawa Zoning By-law 2008-250.

The proposed OPA is subject to the Provincial Policy Statement 2020 (PPS). The PPS comes into effect May 1st, 2020 and replaces the Provincial Policy Statement 2014. Section 2.5 of the PPS details the policies related to Mineral Aggregate Resources. The policies of the PPS will be explored further in section 2.1.

The majority of the property is designated in the City of Ottawa Official Plan (OP) as General Rural Area with a portion of the property designated as Sand and Gravel Resource Area. Section 3.7.2 of the OP details the policies related to the General Rural Area. Section 3.7.4 of the OP details the policies related to the Mineral Aggregate Resources, which include the Sand and Gravel Resource Area policies. The policies of the OP will be explored further in section 2.2.

The property is zoned O1A[451]r and ME1[1r]-h in the City of Ottawa Zoning By-law 2008-250. The O1A[451]r zone is the Parks and Open Space Zone. Sections 179 and 180 detail the provisions for the Parks and Open Space Zone. The ME1[1r]-h zone is the Mineral Extraction Zone. Section 213 and 214 detail the provisions of the Mineral Extraction Zone. The provisions of the Zoning By-law will be explored further in section 2.3.

2.1 Provincial Policy Statement

The proposed OPA is subject to the Provincial Policy Statement 2020 (PPS). The PPS comes into effect May 1st, 2020 and replaces the Provincial Policy Statement 2014.

Section 2.5 of the PPS details the policies related to Mineral Aggregate Resources.

Policy 2.5.1 states that:

Mineral aggregate resources shall be protected for long-term use and, where provincial information is available, deposits of mineral aggregate resources shall be identified.

Mineral aggregate resources are a defined term in the Provincial Policy Statement.

Mineral aggregate resources: means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the Aggregate Resources Act suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the Mining Act.

The aggregate resources within the Sand and Gravel Resource Area on the subject site have been identified in the Aggregate Resource Assessment prepared by Paterson Group as not suitable for

exploitation and do not meet the definition of mineral aggregate resources as set out by the Provincial Policy Statement 2020. Policies related to extraction and conservation of mineral resources in the Provincial Policy Statement 2020 do not apply to the aggregate found on the subject site.

Conclusion:

The resource present on the subject site does not meet the definition of mineral aggregate resource in the Provincial Policy Statement 2020. The policies of the Provincial Policy Statement 2020 do not require the protection of the aggregate resources on the subject site. An OPA to re-designate the lands from Sand and Gravel Resource Area is consistent with the Provincial Policy Statement 2020 and has regard to the Provincial Interest.

2.2 City of Ottawa Official Plan

The majority of the property is designated in the City of Ottawa Official Plan (OP) as General Rural Area with a portion of the property designated as Sand and Gravel Resource Area. The Official Plan designations are shown on the figure below.

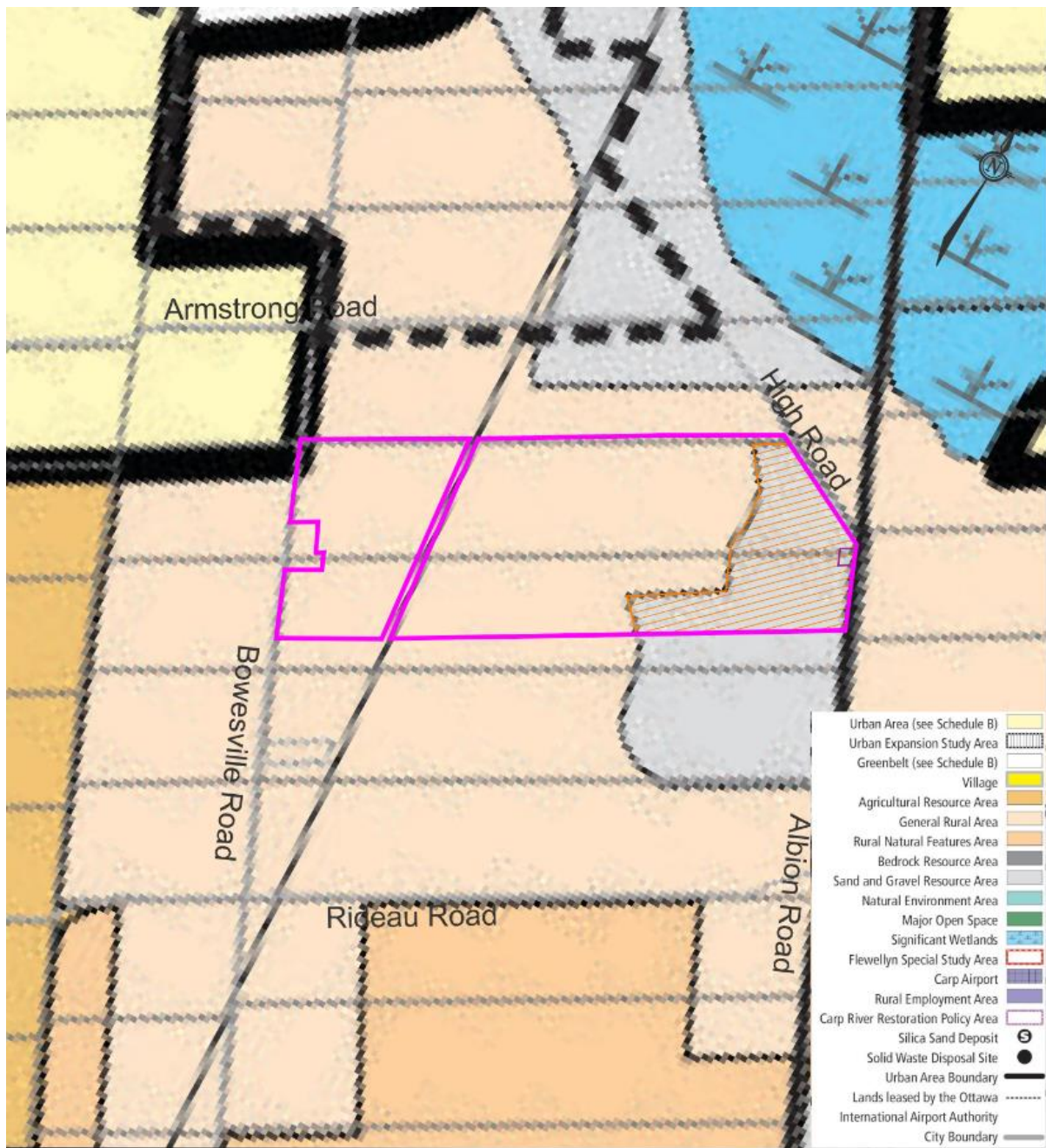


Figure 3: Official Plan Designations

2.2.1 Mineral Aggregate Resources

Section 3.7.4 of the OP details the policies related to the Mineral Aggregate Resources, which include the Sand and Gravel Resource Area policies.

The OP describes the Mineral Aggregate Resource Area as:

The major mineral aggregate resources in Ottawa are bedrock, sand and gravel. Aggregate resources are used to build and repair houses, schools, shopping centres, factories, roads, sewers, and water pipes.

The Official Plan further describes aggregate resources.

Lands designated as Sand and Gravel Resource Area or Bedrock Resource Area have deposits of aggregates that may be available because they are:

- *Of a good quality and quantity;*
- *Located sufficiently close to local markets;*
- *Situated in relation to existing residential development such that they can be extracted with minimal impacts on most residential land uses.*

The aggregate resources on the subject property have been identified as not being of a good quality and quantity based on the conclusions of the Aggregate Resource Report prepared by Paterson Group.

The Official Plan provides a distinction between Sand and Gravel Resource Areas and Bedrock Resource Areas.

In Ottawa, sand and gravel pits are generally smaller-scale and shorter-term operations than bedrock quarries. They do not involve drilling, blasting or rock crushing and therefore pits may not need to be as widely separated from incompatible uses as quarries. Sand and gravel pits are permitted in the Sand and Gravel Resource, the Bedrock Resource, the General Rural Area.

Policy 2 of Section 3.7.4 states:

Council will commit to establishing a stakeholder consultation group comprised jointly of industry and community representatives to assist in identifying resource areas throughout the municipality to ensure their protection for long-term use. It is Council's intent that mineral aggregate resource areas will be reviewed and updated in advance of the next comprehensive review of this Plan

Policy 2 provides a clear focus on reviewing mineral aggregate resource areas to determine their viability in advance of the next comprehensive Official Plan review. A comprehensive review of the Official Plan is underway. As a result, mineral aggregate resource areas are currently under review by the City of Ottawa. The staff report will make a number of recommendations including lands to be removed from mineral aggregate resource designation. It is understood as a result of the pre-consultation meeting with City staff that the forthcoming report will recommend the redesignation of the subject lands and adjacent Sand and

Gravel Resource lands to General Rural lands due to the threat to the safe operation of the Ottawa Macdonald Cartier International Airport.

Policy 8 of Section 3.7.4 requires that all lands in the Sand and Gravel Resource Area must be zoned in a way that highlights that mineral extraction can take place.

8. *The City will require that all lands in the Sand and Gravel Resource or Bedrock Resource Areas not presently licensed for a pit or quarry be zoned in the City's zoning by-law so that it is clear that extraction of mineral aggregate use may occur on these lands. Prior to the establishment of any new pit or quarry, the City will require that the lands be rezoned to specifically permit the mineral aggregate extraction use and other related uses. The rezoning requirement and policy 8 below apply to wholly new proposed pits or quarries or proposed expansions to existing ones. In certain circumstances, there may exist lands already zoned and licensed for a pit or quarry but none is yet in operation or not in operation on all portions of a property.*

Policy 8 provides rationale as to why the subject site is zoned for mineral extraction even though the aggregate resource is not suitable for extraction. The subject property is zoned to allow mineral extraction as required by the Official Plan regardless of the quantity and quality of the resource.

Policies 16 through 18 of Section 3.7.4 sets out policies with respect to sites not suitable for exploitation.

16. *Where lands are designated Sand and Gravel Resource Area or Bedrock Resource Area and alternative uses are proposed through amendment to the Official Plan or Zoning By-law the following will be required as part of a complete application:*
 - a) *A technical study demonstrating that the Sand and Gravel or Bedrock Resource Area for which the area has been designated is not suitable for exploitation. This study will be prepared by a person qualified to assess the condition and marketability of mineral aggregate resources and to provide an assessment of aggregate resources shall undertake the technical study.*
 - b) *A planning justification demonstrating that the proposed use will not hinder potential mineral aggregate extraction from other designated or licensed adjacent lands including the future expansion in depth or extent of any current or future licensed pit or quarry, issues of public health, public safety, environment impact and quality of life. This may necessitate the submission of other supporting information such as but not necessarily limited to, geo-technical and groundwater studies, noise, vibration and dust studies and, environmental impact assessment.*

The City will impose conditions to ensure the development provides adequate buffering, mitigation measures and/or separation between the proposed new uses and any mineral aggregate area/operation in addition to warning clauses on title as described in Section 4.8.7.

Policy 16 requires that where the lands are designated as Sand and Gravel Resource Area, and alternative uses are proposed, that a study demonstrating that the subject site is not suitable for exploitation, and a planning justification report demonstrating that the proposed use will not hinder potential mineral aggregate extraction from other designated or licensed adjacent lands will be provided. There is no

proposed alternative use on the subject property. While these two studies are not required to be provided at this time, the technical study prepared by the Paterson Group and as cited in policy 16a) is included with this submission to support the application. At the time of a proposed change in land use, the planning justification cited in policy 16b) will be provided.

Policy 17 of Section 3.7.4 details the permitted uses should the resources in a Sand and Gravel Resource area become depleted, or are not suitable for exploitation:

17. In Sand and Gravel Resource Areas where it is shown that resources are depleted or not suitable for exploitation, the property may be used for purposes listed in Section 3.7.3 or additional new uses as follows:

- a) If the lands are predominantly surrounded by an Agriculture Resource designation, the uses identified in Section 3.7.3 for Agricultural Resource Areas may be permitted. Where a pit licence has been surrendered and the pit was located on prime agricultural lands, the site will be rehabilitated for productive agricultural use except where extraction has occurred below the water table; or if the lands are predominantly surrounded by designations other than Agricultural Resource, the uses in Section 3.7.2 for the General Rural Area, including farming, may be permitted;*
- b) In all cases, a rezoning to an appropriate zone will be required;*

Policy 17 allows for the permitted uses of the General Rural Area designation on depleted or not suitable Sand and Gravel Resource Areas without changing the land use designation. Policy 17 requires a rezoning to a zone that is more appropriate. This policy is understood to apply at the time of a change of use. The requested Official Plan Amendment does not result in a change of use. Policy 17 will apply at the time that a new use is proposed for the subject site.

Conclusion:

The policies of the Sand and Gravel Resource Area provide policy direction for protecting aggregate resources. As demonstrated in the Aggregate Resource Assessment prepared by Paterson Group, the subject site contains no commercially viable aggregates. As well, since there is no proposed change of use currently, the proposed redesignation of the subject lands to General Rural poses no potential impact on the adjacent lands designated Sand and Gravel Resource. Any impact on these adjacent lands can be assessed at the time of a proposed zoning amendment to permit a change of use, should adjacent lands remain in the Sand and Gravel Resource Area designation. As mentioned previously, it is understood that staff will be recommending the redesignation of these adjacent designated resource lands given the threat to the safe operation of the Ottawa International Airport.

2.2.2 Airport and Aircraft Operations

Section 4.8.6 of the Official Plan details the policies regarding Land Use Constraints Due to Airport and Aircraft Operations. This section of the Official Plan regulates the area around the McDonald Cartier International Airport. The subject site is located within the Airport Zoning Regulations, and the policies of

this section apply. Specifically, the subject property is within the Airport Vicinity Development Zone (AVDZ) and the Airport Operating Influence Zone (AOIZ).

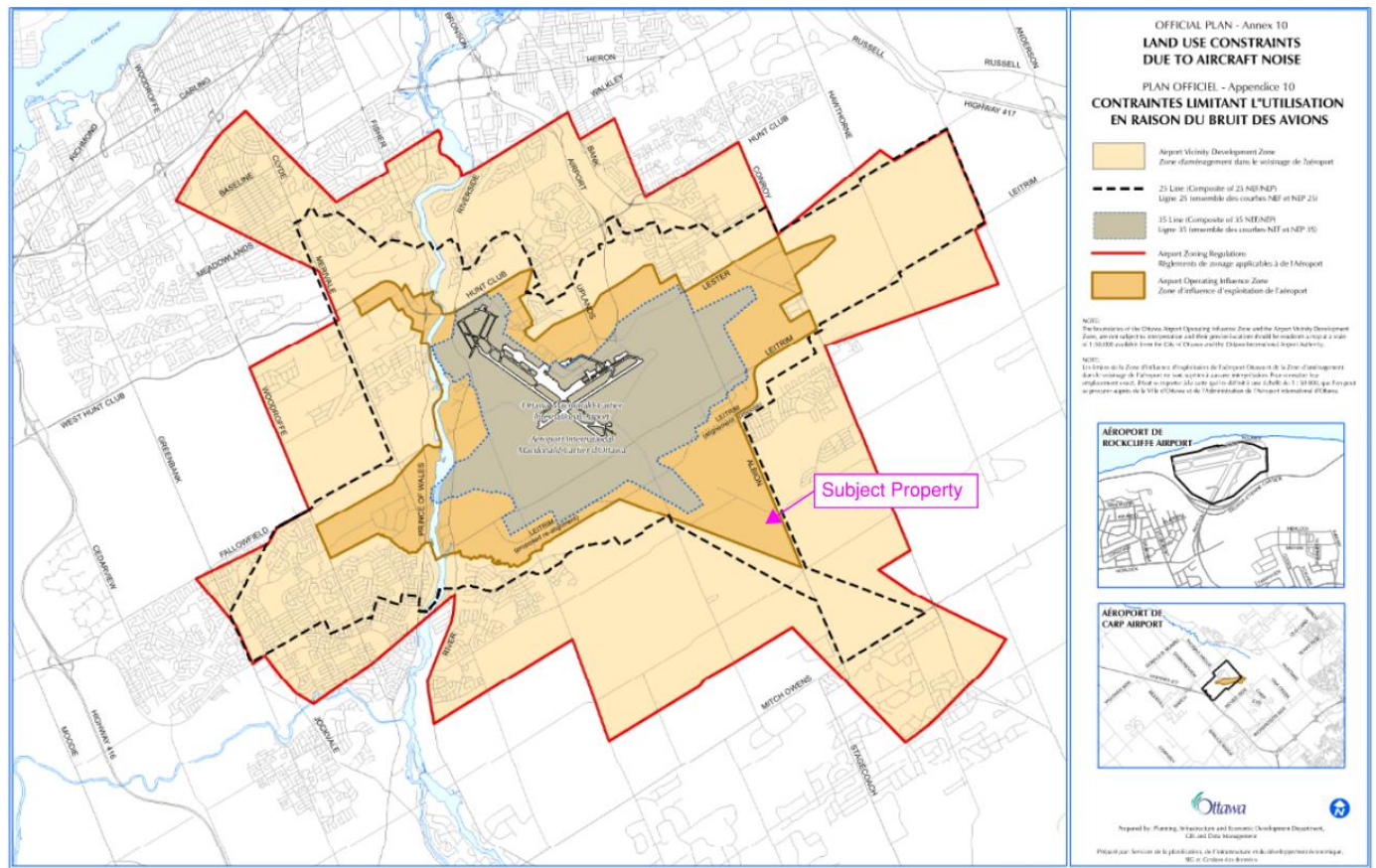


Figure 4: Location of the Subject Property with Respect to Annex 10

Policy 5 of Section 4.8.6 details the policies for wildlife risk within the Airport Zoning Regulations.

5. *Development conditions and best practices may be required to reduce the risk of wildlife conflict with airport operations. Proposed land uses, municipal infrastructure projects and activities in the vicinity of the Ottawa International Airport will have regard to the Ottawa MacDonald-Cartier International Airport Authority Wildlife Management Plan.*

The subject site is located within the Airport Zoning Regulations area. This policy encourages development conditions and best practices to reduce the conflict between wildlife and the airport operations. It states that proposed land uses will have regard to the Ottawa MacDonald Cartier International Airport Authority Wildlife Management Plan. The Sand and Gravel Resource Area designation encourages the establishment of pits within the Ottawa Airport Zoning Regulations Area. Pits can create environments that are attractive for waterfowl, as the pits can become filled with water if dug below the groundwater table. These bodies

of water attract waterfowl to the area, which can cause dangerous conflicts with the operation of the airport.

The Ottawa MacDonald Cartier International Airport Authority Wildlife Management Plan dated December 31st, 2006 identifies implementation measures for wildlife management within the vicinity of the Ottawa Airport. This plan lists “*Influencing land use decisions around the airport that may affect hazards to aircrafts*” as a focus area for the airport. The Airport Authority Wildlife Management Plan lists several waterfowl that pose high risk to the Airport. The Ring Billed Gull is the species of highest concern for the safety of the Ottawa Airport. The Wildlife Management Report States:

In addition to the Ring-billed Gulls using the airfield, there are a number of off-airport habitat hazards that are attractive to gulls. These attractants include storm water management ponds, adjacent agricultural lands, and a number of recreational facilities (i.e., soccer fields) within Elizabeth Park and Highland Golf Club

Although the pits are not stormwater management ponds/faculties, the open water associated with pits below the water table will have the same effect with respect to attracting waterfowl.

The Wildlife Management Plan indicates that Canadian Geese also pose a threat to the operations of the airport and are attracted to storm water management facilities.

While the geese do not use the airport grounds, the airport lies under a migratory flyway resulting in high flying of migratory flocks arriving in the Ottawa area during peak migratory periods (March-April and October-November). In addition, the temperate breeding geese are associated with the breeding habitat provided by the Ottawa and Rideau Rivers as well as local storm water management facilities.

Although the pits are not stormwater management ponds/faculties, the open water associated with pits below the water table will have the same effect with respect to attracting waterfowl.

In addition to the species-specific information listed above, the Wildlife Management Plans sets out a number of management techniques that should be implemented. Section 3.4 of the Wildlife Management Plan details the General Procedures for wildlife management. Policy 9 and 10 of this section provide direction on water within the Airport Zoning Regulations.

(9) Any ponds necessary for storm water management in the designated Bird Hazard Zones, as identified in the DRAFT AZRs should be discussed with City planners and be subject to design and exclusion methods to limit their attractiveness to wildlife.

10) Any ponds outside of the designated bird hazard zones that could create a hazard to aircraft should be discussed with City planners and a request will be made for the ponds to be designed to limit the attractiveness to wildlife.

Although these policies do not ban ponds within the Airport Regulatory Zone, they discourage ponds within them.

Policy 6 in Section 4.7.8 states that:

6. Within the AVDZ the creation of open water habitat areas will be prohibited.

Policy 6 prohibits the creation of open water habitat areas. The sand pits could lead to the creation of open water habitat areas. The subject property should be re-designated from Sand and Gravel Resource Area to reduce the potential water habitat areas from exhausted pits that will result in a dangerous safety hazard to airport operations.

Conclusion:

The subject property is subject to the policies of the Land-Use Constraints Due to Airport and Aircraft Operations. These policies seek to protect airport operations from conflicting land uses. The establishment of a pit within the Airport Zoning Area would result in a dangerous hazard to the operations of the McDonald Cartier International Airport. The proposed Official Plan Amendment would further reduce the potential for dangerous conflict with operations of the Ottawa Airport.

2.2.3 General Rural Area

Section 3.7.2 of the Official Plan details the policies related to the General Rural Area. The Official Plan describes the General Rural Area as:

The General Rural Area contains a variety of land uses, such as farms, rural housing, wood lots and forests, small industries, golf courses, and in many places, existing clusters of residential subdivisions and severances and commercial development. The intent of this designation is to accommodate a variety of land uses that are appropriate for a rural location and to limit the amount of residential development such that development will not preclude or resist continued agricultural and or other non-residential uses.

The purpose of the General Rural Area is to provide:

- a) *A location for agriculture and for those non-agricultural uses that, due to their land requirements or the nature of their operation, would not be more appropriately located within urban or Village locations;*
- b) *For a limited amount of residential development by severance and other rural and tourist service uses that do not conflict with a) above*

The proposed Official Plan Amendment seeks to re-designate a portion of the lands from Sand and Gravel Resource Area to General Rural Area. There is no proposed change of use.

Policy 5c of Section 3.7.2 permits aggregate operations on lands within the General Rural Area.

5.c) New sand and gravel pits and underground mining for any mineral resources, subject to Section 3.7.4;

The General Rural Area permits sand and gravel pits subject to Section 3.7.4 of the Official Plan. Both the General Rural Area and the Sand and Gravel Resource Area designation permit aggregate operations. There is no proposed change of use at this time. There is no need to amend the current ME1[1r]-h zone at this time.

Conclusion:

The purpose of the Sand and Gravel Resource Area designations is to protect aggregate resource for future extraction. It is inappropriate to protect the subject site for future extraction of aggregate resources as the resource is not considered economically viable. The establishment of a pit within the Airport Zoning Area could also result in a dangerous hazard to the operations of the McDonald Cartier International Airport.

The proposed application to re-designate the lands from Sand and Gravel Resource Area to General Rural Area conforms to the relevant policies of the Official Plan with respect to General Rural Area, Sand and Gravel Resource Area, and the Land Use Constraints Due to Airport and Aircraft Operations.

2.3 City of Ottawa Zoning By-law 2008-250

The property is zoned O1A[451]r and ME1[1r]-h in the City of Ottawa Zoning By-law 2008-250. The zoning of the subject property is shown on the figure below.



Figure 5: Zoning of the Surrounding Property

Sections 179 and 180 detail the provisions for the Parks and Open Space Zone. The purpose of the Parks and Open Space Zone is to:

1. *permit parks, open space and related and compatible uses to locate in areas designated as General Urban Area, General Rural Area, Major Open Space, Mixed Use Centre, Village, Greenbelt Rural and Central Area as well as in Major Recreational Pathway areas and along River Corridors as identified in the Official Plan, and*
2. *ensure that the range of permitted uses and applicable regulations is in keeping with the low scale, low intensity open space nature of these lands.*

The following uses are permitted in the O1A[451]r zone:

- Golf course
- Amusement park limited to a mini-putt golf course
- Environmental preserve and education area
- Park
- Urban agriculture
- A retail food store limited to a farmer's market (subject to Section 179, 1. B)

Section 213 and 214 detail the provisions of the Mineral Extraction Zone.

The purpose of the Mineral Extraction Zone is to:

1. *permit licensed mineral extraction operations in areas mainly designated as Sand and Gravel Resource Area or Limestone Resource Area in the Official Plan;*
2. *allow a limited range of permitted uses which are related to or compatible with mineral extraction operations, as well as interim uses that would not sterilize the potential of future mineral extraction operation on the lands within the ME zones;*
3. *Impose regulations to minimize the impact of mineral extraction operations on the surrounding area.*

The following uses are permitted in the ME1[1r]-h zone:

- Agricultural use
- Environmental preserve and education area
- Equestrian establishment
- Forestry operation
- Kennel
- On farm diversified use limited to a place of assembly
- Leaf and yard waste composting facility
- Mineral extraction operation (subject to the exception 1r)

Exception 1r applies the following provisions.

The holding symbol applies only to the mineral extraction operation permitted use. The holding symbol may only be removed by amendment to this by-law upon compliance with the following:

- (a) a completed application has been made to the province for a license to extract mineral aggregates;*
- (b) the City has approved an Environmental Impact Statement submitted when the proposed mineral extraction operation is adjacent to lands zoned EP3- Environmental Protection or lands designated Rural Natural Feature in the Official Plan.*

The holding symbol imposes conditions that must be met to establish a mineral extraction operation.

Conclusion:

There are no proposed changes in use of the subject site. The requested Official Plan Amendment re-designates the subject property to General Rural Area. Policy 5c) of Section 3.7.2 permits mineral aggregate operations in the General Rural Area. The requested Official Plan designation and the current zoning of the subject site do not conflict. A rezoning of the subject site is not required at this time.

3.0 CONCLUSIONS

The proposed Official Plan Amendment seeks to re-designate a portion of the lands on 4730 High Road and the residential property on 4770 High Road from Sand and Gravel Resource Area to General Rural Area. A preliminary Aggregate Resource Assessment prepared for 4730 High Road indicates that the sand that is present on the site is not commercially viable.

The Provincial Policy Statement 2020 seeks to protect the viability of Aggregate Resources. The Provincial Interest lies in maintain a supply of aggregate resources within close proximity to the demand. The subject property does not contain commercially viable aggregate resources. The resource on the site does not meet the definition of Mineral Aggregate Resource in the Provincial Policy Statement as it is not suitable for construction, industrial, manufacturing, or maintenance purposes. The proposed Official Plan Amendment is consistent with the Provincial Policy Statement.

The policies of the Sand and Gravel Resources Area provide policy direction for protecting aggregate resources. As demonstrated in the Aggregate Resource Assessment prepared by Paterson Group, the subject site contains no commercially viable aggregates. As well, since there is no proposed change of use currently, the proposed redesignation of the subject lands to General Rural poses no potential impact on the adjacent lands designated Sand and Gravel Resource. Any impact on these adjacent lands can be assessed at the time of a proposed zoning amendment to permit a change of use, should adjacent lands remain in the Sand and Gravel Resource Area designation. As mentioned previously, it is understood that staff will be recommending the redesignation of these adjacent designated resource lands given the threat to the safe operation of the Ottawa International Airport.

The City of Ottawa Zoning By-law 2008-250 provides provisions that regulate the use of land. A Zoning By-law Amendment is not required, as there is no change of land use, and the permitted uses of the Zoning By-law do not conflict with the permitted uses in the General Rural Area.

The proposed Official Plan Amendment to re-designate a portion of the lands from Sand and Gravel Resource Area to General Rural Area is consistent with the Provincial Policy Statement and represents good land use planning.