

Report to/Rapport au :
Planning and Environment Committee
Comité de l'urbanisme et de l'environnement
and Council / et au Conseil

29 August 2006 / le 29 août 2006

**Submitted by/Soumis par : John L. Moser, Acting Deputy City Manager/
 Directeur municipal adjoint par intérim,
 Planning and Growth Management / Urbanisme et Gestion de la croissance**

*Contact Person/Personne ressource : Karen Currie, Manager / Gestionnaire, Development
 Approvals / Approbation des demandes d'aménagement (613) 580 2424, 28310
 Karen.Currie@ottawa.ca*

Gloucester (10)

Ref N°: ACS2006-PGM-APR-0168

**SUBJECT: ZONING - 4738 AND 4742 BANK STREET, PART OF 4734, 4784
 AND 4786 BANK STREET AND 244 MEADOWLILLY ROAD
 (FILE NO. DO2-02-06-0072)**

**OBJET : ZONAGE - 4738 ET 4742, RUE BANK, PARTIE DU 4734, 4784
 ET 4786, RUE BANK ET 244, CHEMIN MEADOWLILLY**

REPORT RECOMMENDATION

That the Planning and Environment Committee recommend Council approve an amendment to the former City of Gloucester Zoning By-law to lift the Holding designation for part of 4734 Bank Street and to change the zoning of 4738 and 4742 Bank Street, part of 4734, 4784 and 4786 Bank Street and 244 Meadowlilly Road as shown in Document 1 and as detailed in Documents 2 and 3.

RECOMMANDATION DU RAPPORT

Que le Comité de l'urbanisme et de l'environnement recommande au Conseil d'approuver une modification au Règlement de zonage de l'ancienne Ville de Gloucester permettant, d'une part, de lever l'utilisation différée pour une partie du 4734 de la rue Bank et, d'autre part, de changer le zonage du 4738 et du 4742 de la rue Bank, d'une partie du 4734, du 4784 et du 4786 de la rue Bank ainsi que du 244, chemin Meadowlilly, comme l'indique le document 1 et le précisent les documents 2 et 3.

BACKGROUND

The site which consists of three separate parcels is located west of Bank Street, south of Leitrim Road and north of Findlay Creek and the Leitrim Wetlands.

Document 1 illustrates the subject site and breaks it into Parcels 1, 2 and 3 for easier references throughout this report.

The applicant wishes to proceed with residential development of all the lands subject to this application.

Existing Zoning

The existing zoning of the site is Fg, Future growth, HMp (R), Holding Industrial Park (with water restriction), Re1, Residential Estate 1 and Ra2, Medium Density Apartment.

Proposed Zoning

The proposed Zoning By-law amendment is required to allow further development of the Leitrim Community as set out in the subdivision draft approvals for Stage 1 and 2 of Findlay Creek.

The intention of the rezoning can be summarized as follows: firstly, the west portion, Parcel 1, is requested to be zoned in keeping with the existing development using Rc3 (EXX), Ra2(EYY) and Os zones. The Os sets out both a large central park and additions to the Leitrim Buffer corridor. Secondly, for the north portion, Parcel 2, the holding provision is to be lifted and the same combination of residential zones plus the standard Ra2 zone are proposed. Lastly for the east portion, Parcel 3, a change to a Rc3(E23) zone is being requested to permit the construction of singles, semi-detached units or street row dwellings on a portion of land that is zoned for medium density apartments (Java units). The details of the proposed zoning are included in Document 2 and shown on Document 3.

The applicant has requested the creation of two exceptions zones. The first exception, Rc3(EXX), will permit the construction of singles, semis and street towns with site specific permitted projections dependent on road widths and a minimum residential density of 29 units per net hectare. The second exception, Ra2(EYY), will allow the construction of low apartments on specific blocks while permitting flexibility to build singles, semi-detached or street row dwellings with the same provisions as the Rc3(EXX).

The Leitrim Community Design Plan is being met with the provision of a low rise, medium density apartment block, which is to be zoned Ra2, in the north west corner of Stalwart Drive and Bank Street in Parcel 2. The applicant is seeking the opportunity to provide additional apartments throughout Parcels 1 and 2 with the use of the Ra2(EYY) zone. The use of the blended Ra2 exception zone allows for fine-tuning of the medium density blocks.

DISCUSSION

City Council Approved Official Plan

The City Council Approved Official Plan places the site in the General Urban Area with a Developing Community Overlay. The overlay designation requires that a Community Design Plan be completed prior to any development being approved and that a minimum residential density for singles, semidetached and townhouses of 29 units per net hectare be provided, and that a minimum of ten per cent of the units being provided be apartments. The Leirim Community Design Plan was approved by City Council on July 13, 2005.

The site is also impacted by the Airport Vicinity Development Zone. All development within the Airport Vicinity Development Zone is to be protected from the effects of aircraft noise.

The intent of the "General Urban" designation is to provide a full range of housing types in combination with conveniently located employment, services, cultural, leisure, entertainment and institutional uses. This designation permits all types of densities of housing as well as park and institutional uses.

Former Regional Official Plan

The former Regional Official Plan designates Parcel 1 and 3 as General Urban Area and Parcel 2 as Business Park. There is a Airport Vicinity Development Zone impacting all parcels.

Former City of Gloucester Official Plan

The former City of Gloucester Official Plan designated Parcels 1 and 3 as Residential. Parcel 2 is designated Industrial. Some of the lands in Parcel 1 have an Unstable Lands environmental constraint overlay. The environmental constraint overlay will remain in place to give notice to potential purchasers regarding restrictions on development.

Details of Proposed Zoning

The applicant is requesting that the zoning of the subject lands be changed to reflect the Leitrim Community Design Plan. The subdivision draft approval for Leitrim - Stage 2 of which Parcels 1 and 2 form part was issued July 7, 2006. Parcel 3 is a housekeeping matter in the subdivision draft approval area known as Leitrim - Stage 1.

The following is a brief summary of the purposed new exception zones:

The Rc3(EXX) zone, Special Mixed Residential Dwelling zone (Exception XX) is requested for parts within Parcels 1 and 2. The exception zone permits site specific projections provisions for single dwellings, semi-detached dwellings and street row dwellings abutting various street widths. This will enable the dwelling units to have projections closer to the street lot line depending on the street width. This will also permit interesting architectural treatment along the exterior side yards. The minimum residential density is 29 units per net hectare.

The Ra2(EYY) zone, Medium Density Apartment zone (Exception YY) is requested for parts of Parcels 1 and 2 to permit construction of two and half storey apartment buildings known as Java units and provide the flexibility to build singles, semidetached units or street row dwellings. In the Ra2(EYY) zone, the provisions for the apartments will be the same as those within the Ra2 Medium Density Apartment zone and the provisions for the other dwelling units will be the same as those within the Rc3(EXX). Both these sets of zoning provisions shall be in the Ra2(EYY) zone.

The lands that are the subject of this application went through an extensive design exercise as part of the Leitrim Community Design Plan process. The subdivision plan received Draft Approval on July 7, 2006.

The proposed Zoning By-law amendment meets the guidelines for development established within the Leitrim Community Design Plan and is compatible with the existing residential area.

It provides for a mix of residential uses in a form which satisfies the density objectives of the City Council Approved Official Plan. The identification of sites for apartment units and the provision of the Rc2 zone guarantees this component of Leitrim will satisfy its share of the 10 per cent apartment development requirement. The Open Space Zones will provide for the necessary parks as well as the buffer lands to wetland. Staff supports this proposed Zoning Bylaw amendment as it meets the intent of all applicable policies, provides a mechanism to facilitate development and provides for a range of housing types and models in the Leitrim Community.

ENVIRONMENTAL IMPLICATIONS

Throughout the approval of the Leitrim Community Design Plan and the draft subdivision approvals, there have been concerns and objections expressed about the environmental sensitivity of the lands due to the Leitrim Wetlands and the Gloucester Landfill Site. The limits of the Leitrim Wetland were defined in an Ontario Municipal Board decision in 1991 and an Area Wide Risk Assessment for the Gloucester Landfill Site concluded that "environmental conditions associated with Gloucester Landfill did not represent either a human health or ecological risk to current and future land use in the community".

CONSULTATION

Notice of this application was carried out in accordance with the City's Public Notification and Consultation Policy. The Ward Councillor is aware of this application and the staff recommendation. The City has received comments and opposition to this application due to the environmental sensitivity of this area. Document 4 summarizes the public comments received.

FINANCIAL IMPLICATIONS

N/A

APPLICATION PROCESS TIMELINE STATUS

This application was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendment applications due to servicing issues.

SUPPORTING DOCUMENTATION

Document 1 Location Map
 Document 2 Details of Recommended zoning
 Document 3 Proposed Zoning Map
 Document 4 Consultation

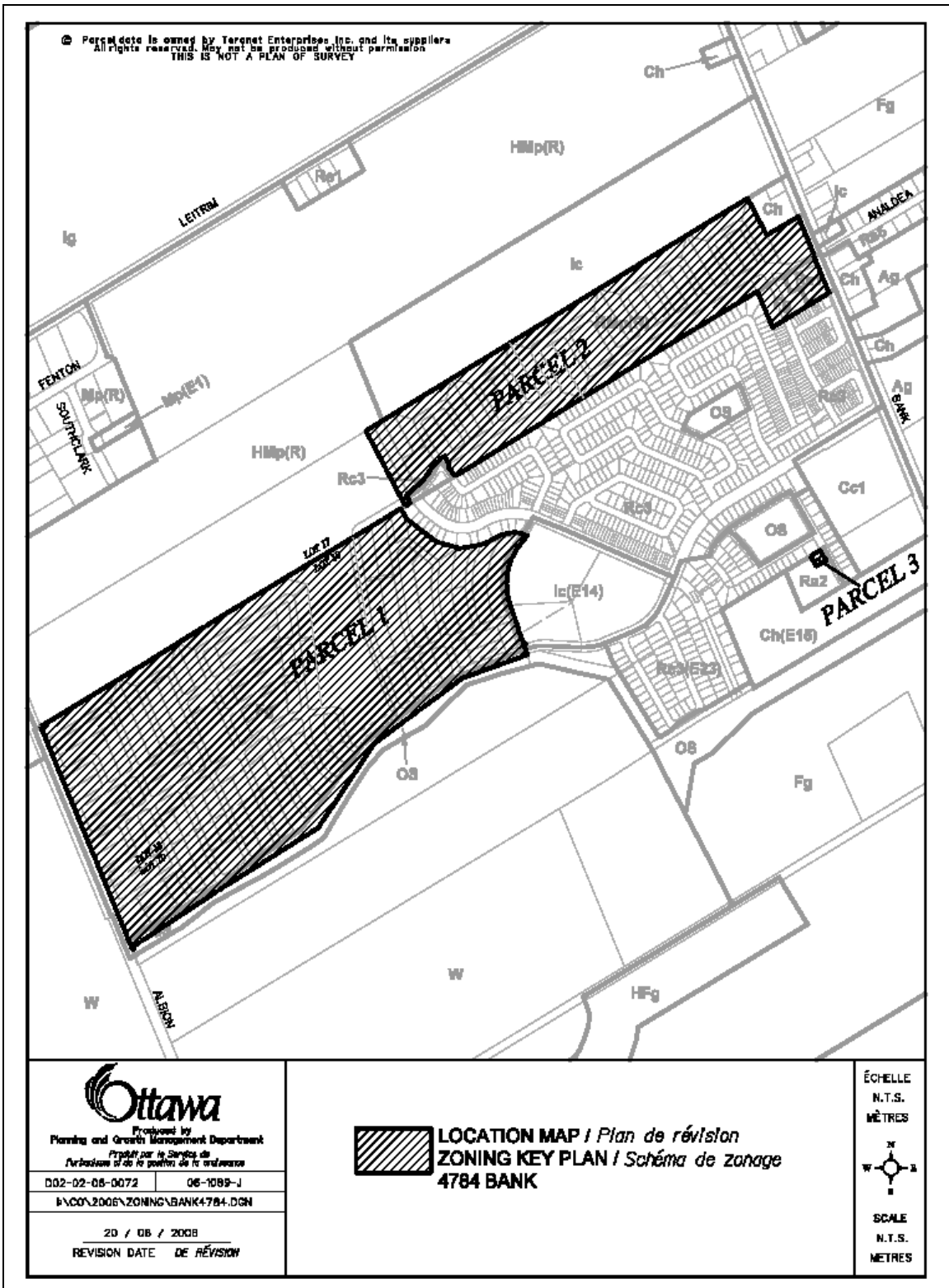
DISPOSITION

Corporate Services Department, City Clerk's Branch, Secretariat Services to notify the owner, 1374537 Ontario Ltd./Findlay Creek Properties, 237 Somerset Street, West, Ottawa, Ontario K2P 0J3, applicant, Melissa Dionne 237 Somerset Street, West, Ottawa, Ontario, K2P 0J3, Signs.ca, 866 Campbell Avenue, Ottawa, ON, K2A 2C5, Ghislain Lamarche, Program Manager, Assessment, Financial Services Branch (Mail Code: 26-76) of City Council's decision.

Planning and Growth Management Department to prepare the implementing by-law, forward to Legal Services Branch and undertake the statutory notification.

Corporate Services Department, Legal Services Branch to forward the implementing by-law to City Council

LOCATION MAP



DETAILS OF RECOMMENDED ZONING

The following changes are proposed to Zoning By-law 333 of 1999 of the former City of Gloucester:

The site located at 4738 and 4742 Bank Street, part of 4734, 4784 and 4786 Bank Street, 244 Meadowlilly Road on Document 2 to be rezoned as follows and that Map 23D of Zoning By-law 333 of 1999 be amend to reflect the following zones as shown in Document 3:

- Area A HMP(R) Holding Industrial Park (with water restriction) be rezoned to Rc3(EXX), Special Mixed Residential Dwelling (Exception XX);
- Area B HMP(R) Holding Industrial Park (with water restriction) be rezoned to Ra2(EYY), Medium Density Apartment (Exception YY);
- Area C HMP(R) Holding Industrial Park (with water restriction) be rezoned to Os, Open Space;
- Area D HMP(R) Holding Industrial Park (with water restriction) be rezoned to Ra2, Medium Density Apartment;
- Area E Re1, Residential Estate be rezoned to Ra2(EYY), Medium Density Apartment (Exception YY);
- Area F Fg, Future growth be rezoned to Ra2(EYY), Medium Density Apartment (Exception YY);
- Area G Fg, Future growth be rezoned to Rc3(EXX), Special Mixed Residential Dwelling (Exception XX);
- Area H Fg, Future growth be rezoned to Os, Open Space;
- Area I Ra2, Medium Density Apartment be rezoned to Rc3(E23), Special Mixed Residential Dwelling (Exception 23);

Despite any provision of this by-law to the contrary, in the Rc3(EXX) zone the following provisions apply:

1. The required minimum residential density is 29 units per hectare;
2. The required provisions relating to Projections are set out in 'Table 1'

Table 1 – Projections in the Rc3(EXX) zone

Zone	Required yard in which Projection is Permitted	Permitted Uses	Projection Structure or Building Form	Roadway Width	Street lot line setback for Projection
Rc3(EXX)	Street Yard, Exterior Yard	Rc3 permitted uses	Covered but unenclosed porch not being part of the main building foundation, that is erected on sonotubes or some other self-supporting mechanism, step or veranda or gazebo	Not less than 18 metres	1.5 metres
				Not less than 14 metres Not greater than 17.5 metres	3.0 metres
			Uncovered step, ramp, deck or porch, not being part of the main building foundation, that is erected on sonotubes or some other self-supporting mechanism, except for a ramp designed to be used by persons with disabilities, where no minimum setback is required	Not less than 18 metres	1.5 metres
				Not less than 14 metres Not greater than 17.5 metres	3.0 metres
			Balcony, Bay Window, Belt Courses, Chimney Breasts, Cornices, Eaves, Gutters, Pilasters or other similar architectural features and Sills	Not less than 18 metres	1.5 metres
				Not less than 14 metres Not greater than 17.5 metres	3.0 metres

Despite any provision of this by-law to the contrary, in the Ra2(EYY) zone the following provisions apply:

1. Single dwelling, semi-detached dwelling and street row dwelling will be additional permitted main uses;
2. Single dwelling, semi-detached dwelling and street row dwelling will be subject to the provisions of those uses in the Rc3 Zone, subsection 6.12 with the exception of density, where the required minimum residential density is 29 units per hectare;
3. The required provisions relating to Projections are set out in ‘Table 2’

Table 2 – Projections in the Ra2(EYY) zone

Zone	Required yard in which Projection is Permitted	Permitted Uses	Projection Structure or Building Form	Roadway Width	Street lot line setback for Projection
Ra2(EYY)	Street Yard, Exterior Yard	Ra2 permitted uses	Covered but unenclosed porch not being part of the main building foundation, that is erected on sonotubes or some other self-supporting mechanism, step or veranda or gazebo	Not less than 18 metres	1.5 metres
				Not less than 14 metres Not greater than 17.5 metres	3.0 metres
		Single Dwelling, Semi-detached Dwelling,	Uncovered step, ramp, deck or porch, not being part of the main building foundation, that is erected on sonotubes or some other self-supporting mechanism, except for a ramp designed to be used by persons with disabilities, where no minimum setback is required	Not less than 18 metres	1.5 metres
				Not less than 14 metres Not greater than 17.5 metres	3.0 metres
		Street Row Dwelling	Balcony, Bay Window, Belt Courses, Chimney Breasts, Cornices, Eaves, Gutters, Pilasters or other similar architectural features and Sills	Not less than 18 metres	1.5 metres
				Not less than 14 metres Not greater than 17.5 metres	3.0 metres

CONSULTATION

1. Sierra Club of Canada (July 19, 2006)

The Sierra Club of Canada is primarily concerned with Parcel 1 in this zoning application because of its environmental and hydro-geological importance (see Appendix A).

Parcel 1 is located to the west of the existing homes along Kelly Farm Drive. The Leitrim Wetlands buffer lands are along its southerly boundary, Albion Road is its westerly limit and additional development lands are located to the north.

IMPORTANT RELEVANT ISSUES

Due to the extensive damage to the core or "protected" portion of the Leitrim Wetland caused by developer construction activities in Findlay Creek Village, the ongoing violations of the conditions of the DFO Fisheries Authorization Act, the City's disregarding of its commitment to maintain pre-construction water levels in the "protected" wetland and the City's unwillingness, as lead proponent, to act forcefully on the numerous developer violations, the Sierra Club of Canada is opposing the zoning for Parcel 1. The zoning should be deferred until the City has demonstrated by concrete, credible actions that it will abide by its commitment to maintain pre-construction water levels in the "protected" wetland, and enforce the conditions of the DFO Fisheries Authorization Act, and an independent panel has had time to review all the proponents' consultants' reports and determines the likelihood of additional negative impacts.

The various approvals given for this project, were predicated on the commitments/guarantees by the proponents that the water levels and plant communities in the core of the wetland as well as Findlay Creek's temperature regime and base flows, would be maintained in the pre-construction state. To date, the proponents have failed to abide by their commitments as well as many of the conditions of the DFO Fisheries Act Authorization.

Contrary to commitments, a significant portion of the core wetland has been back flooded by a berm (earthen dam) constructed along the development boundary and an improperly installed culvert. The area has been subjected to elevated water levels for over a year resulting in the loss of many plants, including a stand of 120-year-old cedars. Dead and dying trees can easily be seen from Bank Street, almost a kilometre away. Several plant communities containing Regionally Significant plants have been destroyed. Since the damage is done and certain plant communities will take decades (if ever) to reach the pre-inundation state, compensation is required.

Findlay Creek is now receiving an abundance of water warmed by the large by-pass ditch, the north-south drainage channel and the back flooded parts of the core wetland. This stream will, in all likelihood, never regain its cool-cold water status.

Due to a lack of the required **pre-construction** baseline monitoring, the actual base flows of Findlay Creek are unknown and the most recent study, started after the commencement of

construction activities, is seriously flawed, lacking data from two key points - the culvert at Bank Street and just below the outlet from the new stormwater pond next to Blais Road.

The historic Leitrim Wetlands forms the headwaters of Findlay Creek. Consequently, the long-term health of both is inextricably intertwined. The likely severe degradation or destruction of the Leitrim Wetland from the proposed urban development will negatively impact Findlay Creek and could ultimately result in the stream going dry in the summer.

The Leitrim Wetland is a sloped, discharge wetland, highly sensitive to drainage as evidenced by the extensive negative impacts of past ditching in the wetland area. The scientific literature indicates that draining a discharge wetland would likely result in a regional lowering of the water table and a change in plant communities.

At least five independent experts, including Natural Resources Canada and Dr. Clarke Topp, one of Canada's foremost soil physicists, have severely criticized the proponents' consultants' reports. To circumvent the suggested necessary studies, the lead proponent, the City of Ottawa, promoted an Environmental Management Plan (EMP) that was to ensure that water levels in the core portion of the wetland would be maintained at pre-construction levels. This plan has proven to be totally inadequate as evidenced by the extensive back flooding in the core wetland, and the City's lack of due diligence in monitoring and correcting negative impacts from construction activities before plant communities were destroyed.

The Department of Fisheries and Oceans (DFO) accepted the Environmental Management Plan and included it in the 2003 Canadian Environmental Assessment Act Screening Report. This deficient report's conclusions have already proven to be unreliable as evidenced by the necessity to move the stormwater ponds to the east of Bank Street and the obvious fact that water levels in the core wetland have not been maintained at pre-construction levels.

In conclusion, in order to ensure that there will be no further damage to the core portion of the Leitrim Wetland and Findlay Creek, zoning for Parcel 1 should be deferred until:

- 1) The City has demonstrated a credible, concrete, willingness to abide by its commitment to maintain water levels in the "protected" wetland;
- 2) The City enforces the conditions of the DFO Fisheries Authorization Act; and
- 3) A panel of independent experts can properly evaluate the negative impacts of the development that has already taken place, and determine the likely risks of the proposed development. Such an assessment should determine:
 - Whether or not to permit current proposals;
 - What development modifications should be made;
 - Whether or not mitigation is feasible; and
 - What compensation and monitoring should be implemented.

Dr. Frederick Michel, Director of Environmental Science at Carleton University, who is familiar with the area and respected by Natural Resources Canada and environmental groups, would be the ideal person to head such a panel.

APPENDIX A -PARCEL 1 - ENVIRONMENTAL CONCERNS

Development of this western block will engender adverse environmental effects including:

- a. Loss of important vascular plant species. There are **10** species of Regionally Significant plants in this block. These include Sandberg's Birch (*Betula x sandbergii**), Downy Willow-herb (*Epilobium strictum**), Spiny Coontail (*Ceratophyllum echinatum**), Long-leaved Chickweed (*Stellaria longifolia*), Common Beggarticks (*Bidens vulgatus**), Canada Manna Grass (*Glyceria canadensis*), Prairie Sedge (*Carex prairea*), Broom Sedge (*Carex scoparia*), Autumn Willow (*Salix serissima*), and Hairy Buttercup (*Ranunculus pensylvanicus*).

As you are probably aware, it is the **responsibility** of the **City** to **protect** Regionally Significant plants as defined in APPENDIX A - Vascular Plants of the City of Ottawa, with Identification of Significant Species (by Daniel Brunton) of the URBAN NATURAL AREAS ENVIRONMENTAL EVALUATION STUDY

At least 35 species of Uncommon native plants also occur in this block, a rather impressive number and an indicator of an important natural area. As Daniel Brunton states in Appendix A of the Urban Natural Areas Environmental Evaluation Study " 'Uncommon' taxa are found only occasionally within suitable habitat, often in small numbers. The habitat of 'Uncommon' species is often geographically limited as well".

** These important species only occur in this part of the actual wetland. Their loss will entail a diminishment of the biodiversity of this remarkable wetland ecosystem.*

- b. Loss of prime wetland. The wetland area in this block contains a good diversity of wetland plant communities and a rich flora. It is an integral part of the scientific Leitrim Wetland (as defined by the OMNR in 1989) and its loss will adversely affect the wetland's functions, biodiversity and animal populations.
- c. Loss of natural transition zone. From the standpoint of wetland protection, the boundary determined by the OMNR and OMB represents the loss of a natural transition zone between the wetland core and the surrounding drier lands. As Dr. William Nuttle, an expert wetland hydrologist, stated in a letter to me: "Experience in the Great Lakes Wetlands, where the transition zone brackets the annually shifting boundary between wet and dry conditions, suggests that this zone is the location of the greatest diversity of species in the wetland". This also appears to be the case for the Leitrim Wetland.
- d. Implication of long-term adverse health effects due to migrating toxic wastes from the old Gloucester Landfill. Daniel Green, the Scientific Advisor to the Sierra Club of Canada, carefully analyzed the Area Wide Risk Assessment prepared for Transport Canada and determined that it was seriously flawed, echoing concerns voiced by other experts. Does the City adhere to the Precautionary Principle??
- e. Severe degradation or possible destruction of the "protected" wetland. Experts had warned of serious consequences from the by-pass ditch, namely widespread water table draw down due to excessive water leakage through the permeable substrates and back flooding behind the berm. There has already been extensive back flooding of the "protected" wetland caused

by the berm along the ditch dug in the by-pass ditch area. Many trees and undoubtedly most of the herbaceous plants in the flooded area have already been killed. The plan to put a new channel for Findlay Creek in the area slated for the by-pass ditch will cause widespread water table lowering. This concern also has an historical basis. Ditching schemes prior to 1920 caused a rapid shrinkage of the once extensive, open northern fen. The deepening of Findlay Creek affected the water table for over 300 metres to the south. The new Findlay Creek channel will most likely have the same effect, causing massive negative impacts to this unique wetland.

The Leitrim Wetland is an inclined wetland, sloping primarily from south to north and west to east. The subdivisions within the actual wetland boundaries (as defined by the OMNR in 1989 and 1991) are located in the lowest parts. The drainage required to construct the housing will, in effect, create a giant sump pump hole. As water flows down hill (unless the laws of physics have been changed by the City), and as the substrates are reasonably permeable, excessive leakage from the wetland is to be expected (similar to or worse than what happened after the ditching schemes prior to 1920).

- f. Loss of carbon sinks and "greenhouse" gas absorption capability. The destruction of wetlands releases large amounts of carbon dioxide, methane and nitrous oxides --- all greenhouse gases! Much of the wetland areas slated for destruction are underlain by peat --- a carbon sink. Woodlands are also carbon sinks and their destruction will release more carbon dioxide into the atmosphere. Removal of these carbon sinks decreases the City's ability to remove "greenhouse" gases. Kyoto Protocol? Smart Growth??
- g. Decline in abundance of wildlife species. The destruction of the wetland and woodland areas will result in a noticeable decline in local wildlife, especially birds, and the biodiversity of the area will be diminished because certain species are restricted to the areas slated for urbanization.
- h. Loss of forest cover. An objective of the Official Plan calls for an increase in forest cover. How can this be achieved when the City is actively promoting woodland destruction here and across the municipality?

Staff Response

The Leitrim Wetland boundary was established by a 1991 Ontario Municipal Board decision. The boundary was enacted through a 1992 Gloucester Official Plan Amendment and maintained in the 1999 Regional Official Plan. The City's Council Approved Official Plan confirmed the boundary in May 2003. Additional planning approvals over the past several years in Leitrim have examined and continued to hold the Leitrim Wetland boundary. The Leitrim – Stage One Draft Subdivision Approval was re-issued in 2003. A zoning application was approved for a major portion of these lands in February 26, 2006. The Leitrim Community Design Plan was approved July 13, 2005. A subdivision to the south of Blais Road was draft approved in October 25, 2005. The draft approval for Leitrim – Stage Two was recommended by the Planning and Environment Committee on June 13, 2006 and issued by staff on July 7, 2006 with an Ontario Municipal Board Appeal received on July 27, 2006.

The work that has been undertaken in the Leitrim area has received all the necessary permits and approvals from the various authorities. The federal Department of Oceans and Fisheries (DFO), the Canadian Wildlife Services (CWS), the provincial Ministry of the Environment (MOE), South Nation Conservation (SNC) and the City's Public Works and Services, Construction Inspections have continued to monitor the site, to request on-site improvements when necessary and to report if violations occur. The developer has received approval from DFO to lower the culvert in the berm as the spawning and nesting season is over. SNC has since notified the developer that a permit will be required for this work.

On August 16, 2006, South Nation Conservation did issue Violation Notice to Findlay Creek Properties Ltd. The order has been complied with and the issues have been resolved.

2. Comment from Past Chair of Environmental Advisory Committee (July 20, 2006)

It is very clear that commitments made by both the City and the developer to protect the wetland has not and are not being met. The developer's own business practices of monitoring activity on the site to ensure protection are clearly inadequate. While I understand that the developer has addressed specific problems when they have been pointed out, it should not be necessary to have a citizen act as the policeman in order for this to take place.

I understand that the City does not have the power to enforce Federal or Provincial regulations and in theory should not have to question their reports related to the site.

However, in this case there is significant evidence that evaluations carried out by other authorities are either inadequate or in error and the City as the approver of this development has a responsibility to take appropriate action.

Therefore, speaking on behalf of the EAC which does not meet again until September 14th, I want to suggest that in your upcoming report to the EAC and other officials that you recommend this application be deferred until a panel of independent experts as outlined by Mr. Dugal has been put in place and files its report and recommendations.

I am afraid that failure by the City to do this will continue to erode the City's credibility among the environmental community and it sends the message to developers that they don't have to show due diligence and responsibility in fulfilling their commitments once development applications are approved.

Sadly, it would appear that the Leitrim Wetland is destined to die by a thousand cuts. This will be a tragedy.

3. Comment from Chair of Ottawa Forests and Greenspace Advisory Committee (July 20, 2006) supports comments received from Past Chair, Environmental Advisory Committee.

Staff Response to Comments 2 and 3

All approval authorities, such as DFO, CWS, MOE, SNC and the City, conduct site inspection on a regular basis for Leitrim.

The developer provides these agencies with a weekly Findlay Creek Village – Best Management (BMP) Report prepared by the IBI Group. The IBI BMP Report of July 20, 2006 did state that the some of the silt fences do need work and the contractor will restore all silt fences. There is a note that IBI met with a DFO representative on site to review the Erosion and Sedimentation Controls. These reports are review by the City’s Construction Services Inspectors and any action that has been recommended in the report are checked to ensure the work is done in the field.

SNC staff has also conducted site visits on a regular basis. The silt fences have been highlight as an on going maintenance issue and the developer has been asked to make improvements. Each of the requests, which could include other works, has been complied with to the satisfaction of the SNC.

The Subdivision Draft Approval for this area was issued July 7, 2006. The zoning application was received May 18, 2006. There are no lands within this zoning that about the Leitrim Wetland boundary. The purpose of this zoning is not only to ready additional lands for residential development but also to add to the established and zoned buffer open space area abutting the Leitrim Wetlands. The enlargement of sections of the buffer area will ensure that a 30 metres strip is situated along the northerly limit of the Leitrim Wetlands providing future protection of the wetlands.

4. Public Comment (July 19, 2006)

Considering the potential health risks and damage, if not destruction of the Wetland, Stage 2 of this development should not be allowed to proceed.

Staff Response

This development is close to the former Gloucester Landfill Site. A peer-reviewed Area Wide Risk Assessment concluded, “environmental conditions associated with the Gloucester Landfill do not represent either a human health or an ecological risk to current and future land owners in the community”.

The Leitrim Wetlands is protected by provincial legislation and its wellbeing continues to be monitored by all.