

Report to/Rapport au :

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

and Council / et au Conseil

March 20, 2013
20 mars 2013

Submitted by/Soumis par : Nancy Schepers, Deputy City Manager/Directrice municipale adjointe, Planning and Infrastructure/Urbanisme et Infrastructure

Contact Person / Personne ressource: *Derrick Moodie, Manager/Gestionnaire, Development Review-Rural Services/Examen des projets d'aménagement-Services ruraux, Planning and Growth Management/Urbanisme et Gestion de la croissance 613) 580-2424, 15134 Derrick.Moodie@ottawa.ca*

Rideau-Goulbourn (21)

Ref N°: ACS2013-PAI-PGM-0029

SUBJECT: ZONING - 329 JINKINSON ROAD

OBJET : ZONAGE – 329, CHEMIN JINKINSON

REPORT RECOMMENDATIONS

That the Agriculture and Rural Affairs Committee recommend Council approve:

1. **An amendment to the Zoning By-law 2008-250 to change the zoning of 329 Jinkinson Road as follows:**
 - a) **From Environmental Protection Subzone 3 (EP3) to Rural Countryside (RU) and from Rural Countryside (RU) to Environmental Protection Subzone 3 (EP3) to reflect Ministry of Natural Resources approved provincial significant wetland mapping;**
 - b) **From EP3 and RU to Rural Countryside with an exception and a holding provision RU[XXXr]-h, to permit “storage yard” as an additionally permitted use;**

as shown in Document 2 and detailed in Document 3; and
2. **That prior to the lifting of the holding zone, the owner shall provide a physical barrier between the proposed use and the existing wetland**

boundary, as well as a visual buffer between the proposed use and the road allowance, and enter into an agreement to ensure they are maintained, all of which shall be to the satisfaction of the General Manager, Planning and Growth Management or his designate.

RECOMMANDATIONS DU RAPPORT

Que le Comité de l'agriculture et des affaires rurales recommande au Conseil d'approuver ce qui suit :

1. Une modification au Règlement de zonage 2008-250 visant à modifier le zonage du 329, chemin Jinkinson de la manière suivante :
 - a) De Zone de protection de l'environnement, sous-zone 3 (EP3) à Zone d'espace rural (RU), et de Zone d'espace rural (RU) à Zone de protection de l'environnement, sous-zone 3 (EP3), afin de tenir compte de la cartographie des terres humides d'importance provinciale, approuvée par le ministère des Richesses naturelles;
 - b) De EP3 et RU à Zone d'espace rural assortie d'une exception et d'une désignation d'aménagement différé RU[XXXr]-h, afin de permettre une utilisation supplémentaire de « cour d'entreposage »;

Tel qu'illustré dans le document 2 et exposé en détail dans le document 3; et

2. Que, avant la suppression de la disposition relative à l'aménagement différé, le propriétaire aménage une barrière physique entre l'utilisation proposée et la limite actuelle des terres humides, ainsi qu'une zone tampon visuelle entre l'utilisation proposée et l'emprise routière, et qu'il conclue une entente garantissant leur entretien, ces conditions étant à la satisfaction du directeur général, Urbanisme et Gestion de la croissance ou de son représentant.

BACKGROUND

The subject property is located at 329 Jinkinson Road (historically known as 6910 Hazeldean Road), south of the Highway 7 / Hazeldean Road interchange.

The subject property at the time of application was zoned Wetland (W) and Rural (RU) in the Zoning By-law of the former Township of Goulbourn (By-law 40-99). However, since the former Township of Goulbourn Zoning By-law has been repealed and all grandfathering provisions expired, the resulting amendment approval will be in relation to the Comprehensive Zoning By-law 2008-250. These lands are now zoned Environmental Protection Subzone 3 (EP3) and Rural Countryside (RU). Adjacent lands to the west, east and south are also zoned EP3 and RU. The lands to the north are mainly zoned RU with a small portion to the northwest zoned Rural General Industrial (RG1). The lands to the north, across Jinkinson Road, have been altered

around the time this application was submitted, for the construction of the Highway 7 / Hazeldean Road interchange.

The subject property is approximately 39.5 hectares. A small strip fronting Jinkinson Road is in the RU Zone, a large EP3 segment divides the site, with another large RU segment to the rear of the property. The portion of subject property along Jinkinson Road has been used to store equipment and materials for a pool and patio business. The equipment and materials stored on the property include sea containers, vehicles, tractor-trailer units, and a storage van. Under the RU or EP3 zoning a "storage yard" is not a permitted use and the applicant has filed the application to bring the use on the property into zoning conformity. The property has been filled, altering the wetland.

The original purpose of the application was to correct any inconsistencies in the zoning boundaries and to permit the existing use on the property. It was requested that all of the subject property be rezoned from Wetland Zone (W) and Rural Zone (RU) to Rural Industrial Zone (MR) under the former Township of Goulbourn Zoning By-law 40-99, to permit the storage of equipment and materials for offsite work and a contractor's shop. The application was modified to request rezoning only a portion of the property, and to have the wetland boundary determine the extent of rezoning. Under Zoning By-law 2008-250, the requested rezoning is from Environmental Protection (EP3) and Rural Countryside (RU) to a Rural Countryside (RU), with an exception to permit "storage yard" as a use, which would also permit an accessory maintenance garage.

There is extensive history regarding the delay of processing this application that has been ongoing since December of 2007. This history is detailed chronologically and is provided in a separate memorandum held on file with the City Clerk's office.

DISCUSSION

It is recommended that the Zoning By-law be amended to reflect:

- the most recently Ministry of Natural Resources (MNR) approved wetland boundary; and
- the requested use only being permitted on lands that provide for a 10 metre buffer from the Provincially Significant Wetland (PSW) boundary.

In typical rezoning applications, Site Plan Control would be required in order to facilitate the proposed use. An Environmental Impact Statement (EIS), a requirement for site plan control, would identify conditions required to protect an environmental feature, such as the PSW. These would, in turn, be formalized through the Site Plan Control Agreement. While it would be typical for the EIS to identify a setback of 15 metres, staff recognize that this would essentially constrain the site. As a compromise, staff are prepared to support a 10 metre buffer. This buffer should include a physical barrier in order to delineate the buffer lands. Since the proposed use is "storage yard" there may never be a requirement for a Site Plan Agreement. In order to protect the wetland from further encroachments due to the storage use, a requirement for the applicant to enter into a development agreement, regulating the proposed buffer and physical barrier, to the satisfaction of the General Manager, Planning and Growth Management

Department, is recommended. The requirement for a Development Agreement is a practice often used in applications for Consent to Sever and Minor Variance to ensure that what has been proposed is in fact what is built. The recommendation for a Development Agreement in this instance is a unique circumstance, but is appropriate to ensure that the existing wetland is not further disturbed, and the scenic entry view is preserved. These are key considerations on which staff has based its recommendation for approval.

In addition, due to the subject property being along a scenic entry route, as designated in the Official Plan, a visual buffer is recommended to be provided between the storage use and the scenic entry view.

The applicant has indicated a desire to have approval of the proposed use in place prior to investing in the visual buffer and physical barrier. As an additional mechanism to ensure that the physical barrier and visual buffer are provided, staff recommend a holding designation (-h) be applied to those lands, which are to be rezoned with an exception not to allow the storage use, until such time as the physical barrier and visual buffer are provided and the Development Agreement entered into, to the satisfaction of the General Manager, Planning and Growth Management Department.

2005 Provincial Policy Statement (PPS)

The relevant policies of the PPS are the policies under Section 2.1 for Natural Heritage; specifically, policies:

- “ **2.1.1** Natural features and areas shall be protected for the long term.
- 2.1.2** The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.
- 2.1.3** Development and site alteration shall not be permitted in b. significant wetlands in Ecoregions 5E, 6E and 7E.”

The subject property is located in Ecoregion 6E.

Provincially Significant Wetlands are identified by the MNR using evaluation procedures established by the Province. In February 2011, the MNR approved a new PSW boundary on the subject property, based on a Wetland Evaluation conducted on behalf of the property owner. Although the wetland had been altered without the appropriate permissions and consideration for the wetland, the MNR approved a wetland boundary as it existed at the time of the wetland evaluation. This is reflected in the mapping on Document 2. While it is understood that further alterations to the wetland have taken place, no further wetland evaluations have been conducted since February 2011.

Official Plan

In the Official Plan, the property is designated “Significant Wetlands South and East of the Canadian Shield” and “Rural Natural Features Area”. The wetland complex on the property is known as the North Goulbourn Wetland Complex and is not part of the Flewellyn Special Study Area.

Provincially Significant Wetlands

The policies of the Official Plan reiterate those of the PPS, specifically, Section 3.2.1 of the Official Plan states that no development or site alteration is permitted within significant wetlands (with specific exceptions that are not relevant to this situation). The “Significant Wetlands South and East of the Canadian Shield” designation reflected the Ministry approved boundary of the PSW at the time the Official Plan was adopted.

Of greatest relevance to this proposal is Policy 3.2.1 (8), which states that:

“the boundaries of land designated Significant Wetlands are based on a variety of more detailed mapping sources prepared by the MNR. However, when more up-to-date information becomes available through such means as detailed environmental studies an adjustment to the interpretation of the boundary may be warranted. The Zoning By-law will reflect the most up-to-date and accurate information and therefore any changes, whether minor or major, will require an amendment to the zoning by-law.”

In summary, the boundary of a PSW can only be modified by approval of the MNR. As noted previously, the only MNR approved boundary, since the adoption of the Official Plan, is the boundary reflected in Document 2 and is the only boundary that the City can consider for rezoning.

Rural Natural Feature

Additional relevant policies for this application reflect development within 120 metres of a PSW or a Rural Natural Feature. The Rural Natural Feature on the subject property, in addition to the significant wetland, is identified as a “significant woodlot.”

The Mississippi Valley Conservation (MVC) Authority has identified the Rural Natural Feature for this property as being “Stittsville West” which represents one of the most significant areas within the city for maintaining biodiversity and ecological functions.

This feature ranks high in:

- Common vegetation community / landform representation;
- Rare vegetation community / landform representation;
- Endangered, threatened and rare species; and
- Vegetation community / landform diversity

The MVC regulates development within 120 metres of PSWs within their watershed. In support of this, the Official Plan Section 3.2 for Natural Environment, states that any

change or interference within or adjacent to a Wetland may require a permit from the Conservation under Ontario Regulation 153/06.

In addition, fish habitat was identified on the property. The MVC has a Level II Fish Habitat Agreement with the Federal Department of Fisheries and Oceans (DFO) to review work in and around water for potential impacts in fish habitat. The harmful alteration, disruption or destruction (HADD) of fish habitat is prohibited unless authorized by the DFO pursuant to Section 35(2) of the *Fisheries Act*. MVC is the first stop to review impacts on fish habitat.

Policies under Section 2.4 for strategies for maintaining environmental integrity, Section 3.2 for land use designations and the natural environment, and Section 4.7 in regards to development applications and environmental protection, require an EIS for development proposed in or within 120 metres of rural natural features. Development and site alteration within or adjacent to these features will not be permitted unless it is demonstrated through an EIS that there will be no negative impact on the feature or its ecological functions.

Section 4.7, in regards to development applications and Environmental Protection, also requires an EIS where there is potential for significant habitat of endangered and threatened species, within 120 metres. The EIS in this regard, also requires review by the MNR.

The Rural Natural Feature abutting the PSW at the rear of the property is still intact (significant woodlot), however the small piece designated Rural Natural Feature abutting the recently approved PSW boundary and abutting Jinkinson Road is no longer intact, and therefore should have the same zoning as the altered wetland, being Rural Countryside (RU) and Rural Countryside with an exception and holding (RU[XXXr]-h) as noted above.

The above noted policies need to be considered to protect the PSW and Rural Natural Feature.

General Rural Designation - Proposed Uses

In terms of appropriate uses, under Section 3.7 Policy for the General Rural area, (which also apply to the Rural Natural Feature Area); when considering an application to amend the Zoning By-law to permit a new use, consideration is required in regards to:

- whether the use would not be better located in a village or the urban area;
- the development is in keeping with the surrounding rural character and landscape;
- noxious uses will only be considered where suitable screening and buffering can be provided; and
- the impact that the development will have on the protection of tree cover and local wildlife movement, as result of proposed site clearing and grading, fencing, security lighting, and other similar site plan matters.

In regards to the subject property;

- The use would not be better located in a village or the urban area, as it does not require easy access by the public;
- The surrounding rural character will not be significantly impacted if buffering is provided; and
- The EIS evaluates the property and the means to protect the Rural Natural Features and habitat for Endangered and Threatened Species and has demonstrated that those items can be protected and existing impacts of the site alterations mitigated. However, this document will be required to be revised and refined, at the time of Site Plan Control, to staffs satisfaction. In the event that a building is not constructed, and Site Plan Control not required, a buffer of 10 metres and physical barrier is deemed the greatest ability the City has to protect the natural feature.

In summary, there is not a concern with the existing use as long as it does not harm the abutting wetland and is visually buffered. It is for this reason that the Department recommends that the physical barrier and visual buffer are provided by the placing of a holding designation on the property and by having the property owner enter into a Development Agreement with the City.

In light of the above noted policies, it is recommended that:

- 1) Wetland boundaries be adjusted in the zoning to reflect the most recently approved MNR PSW boundary, despite the site alterations that contributed significantly to the change in status of the PSW with some portions being rezoned from EP3 to RU and vice versa.
- 2) Through an exception to permit the use of “storage yard”, which would also permit an accessory maintenance garage, in addition to other uses permitted within the Rural Countryside Zone, on lands that are 10 meters from the PSW;
- 3) A portion of Rural Natural Feature at front of the property be rezoned to Rural Countryside with exception and holding (RU[xxxxr]-h) to reflect the portion of woodlot no longer intact and outside the 10 metre buffer from the wetland; and
- 4) To put a holding designation on the zoning until such time as the applicant provides physical barrier from the storage use and the wetland, plus an additional 10 metre buffer and a visual buffer between the wetland and the scenic view and enter into an agreement to ensure their maintenance.

RURAL IMPLICATIONS

The recommended rezoning will allow for an existing rural business to continue operating while ensuring that environmental impacts are mitigated.

CONSULTATION

Notice of this application was carried out in accordance with the City's Public Notification and Consultation Policy. The details of the public comment can be seen in Document 5.

COMMENTS BY THE WARD COUNCILLOR

The Ward Councillor is aware of this report.

LEGAL IMPLICATIONS

Should the recommendations be adopted and the by-law appealed to the Ontario Municipal Board, it is anticipated that a hearing of one week's duration would result. It is expected that this hearing could be conducted within staff resources.

Should the application be refused, reasons must be provided. In the event that the refusal is appealed to the Board, it would be necessary to retain an outside planner and possibly a wetland evaluator. The estimated cost would be in the range of \$25,000 to \$40,000.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with this report.

FINANCIAL IMPLICATIONS

Should the recommendations be adopted and the by-law appealed to the Ontario Municipal Board, it is expected that this hearing could be conducted within staff resources. Should the application be refused, it would be necessary to retain an outside planner and possibly a wetland evaluator. The estimated cost would be in the range of \$25,000 to \$40,000. Funds are not available within existing resources and the expense would affect Planning and Growth Management's operating status.

ACCESSIBILITY IMPACTS

There are no accessibility implications associated with this report.

ENVIRONMENTAL IMPLICATIONS

Through the holding zone and development agreement being entered into, the rezoning will address issues relating to local, provincial and federal environmental mandates.

TECHNOLOGY IMPLICATIONS

Information Technology approved this report without comment.

TERM OF COUNCIL PRIORITIES

This report aligns to the following Term of Council priorities in that the development permitted by this Zoning Amendment will assist by:

- ES2 – enhancing and protecting natural systems; and
- ES3 – reducing environmental impact.

APPLICATION PROCESS TIMELINE STATUS

The application was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments as a result of a pending case with the Conservation Authority, the receipt of documentation, and revisions to that documentation.

SUPPORTING DOCUMENTATION

- Document 1 MNR Approved Wetland Evaluation and 2011 Aerial Map
- Document 2 Proposed Rezoning Map
- Document 3 Details of Recommended Zoning
- Document 4 Consultation Details

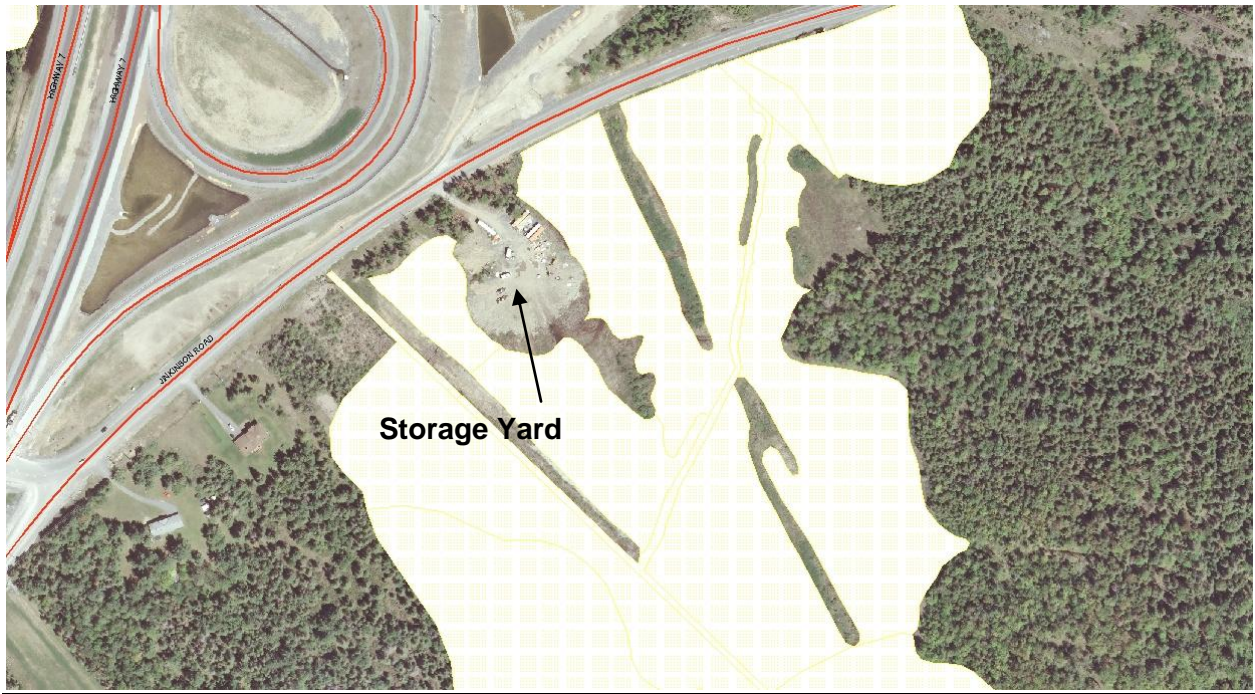
DISPOSITION

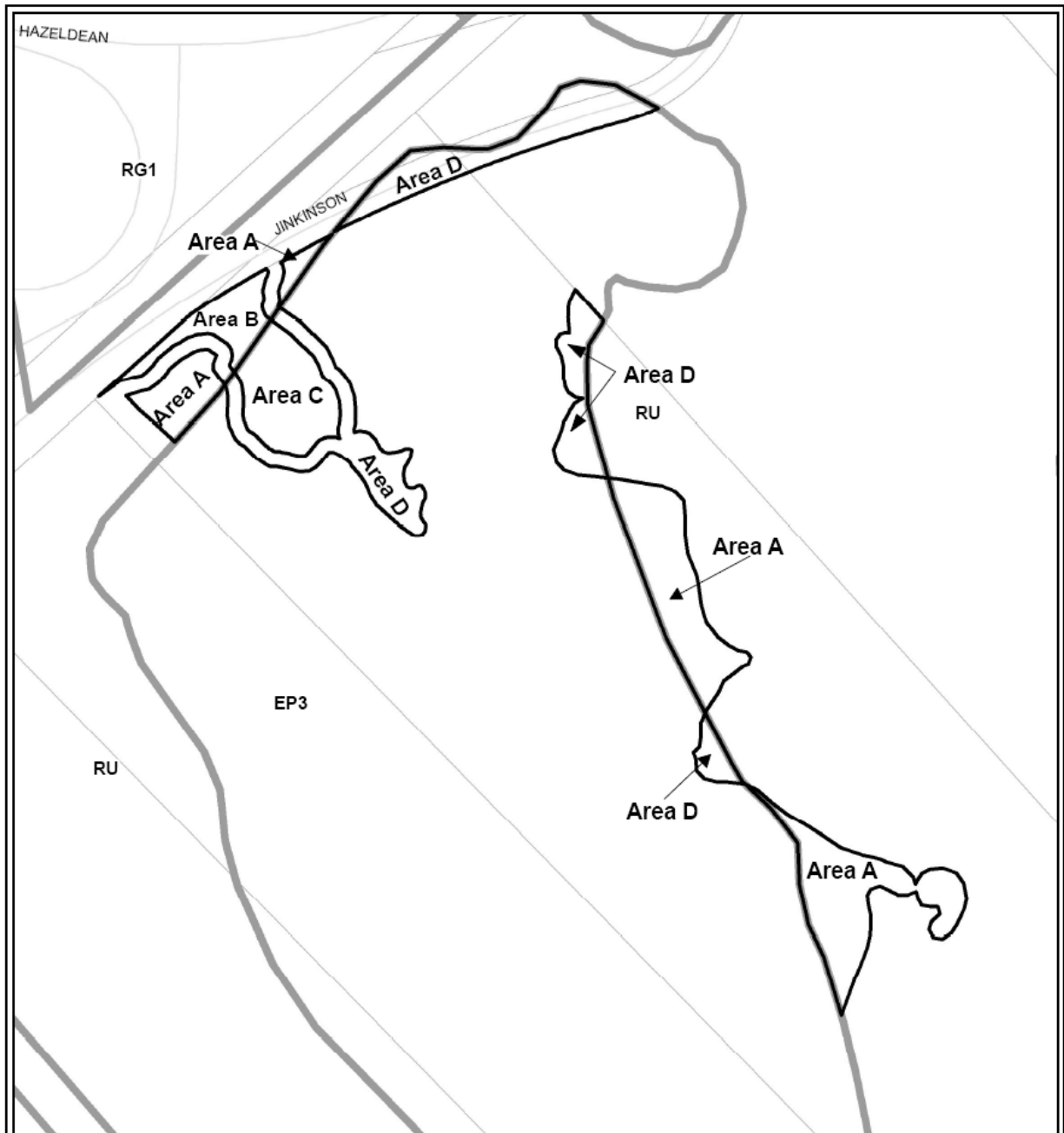
City Clerk and Solicitor Department, Legislative Services to notify the owner, applicant, OttawaScene Canada Signs, 1565 Chatelain Avenue, Ottawa, ON K1Z 8B5, Ghislain Lamarche, Program Manager, Assessment, Financial Services Branch (Mail Code: 26-76) of City Council's decision.


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

Legal Services to forward the implementing by-law to City Council.

MNR APPROVED WETLAND EVALUATION AND 2011 AERIAL MAP DOCUMENT 1







 Produced by Planning and Infrastructure Portfolio
 Produit par le Portefeuille urbanisme et infrastructure

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2013 / 02 / 28	
REVISION DATE	DE RÉVISION

Location Map / Plan de révision
Zoning Key Plan / Schéma de zonage
329 Jinkinson Rd

Area A to be rezoned from RU to EP3
 Area B to be rezoned from RU to RU[xxxx]-h
 Area C to be rezoned from EP3 to RU[xxxx]-h
 Area D to be rezoned from EP3 to RU

 Existing zoning

044461995 Denotes Teranet-Polaris Parcel Identification Number

Échelle
 N.T.S.
 Mètres



Scale
 N.T.S.
 Metres

DETAILS OF RECOMMENDED ZONING

DOCUMENT 3

Proposed Changes to the Comprehensive Zoning By-law

1. Rezone the subject lands shown in Document 1 as follows:
 - Area A - RU to EP3
 - Area B - RU to RU[XXXr]-h
 - Area C - EP3 to RU[XXXr]-h
 - Area D - EP3 to RU
2. A new exception, RU[XXXr]-h, will be added to Section 240 including provisions similar in effect to the following:

In Column II

- RU[XXXr]-h

In Column III - Additional Land Uses Permitted:

- Storage Yard

In Column IV:

- All uses except existing uses until the holding symbol is removed

Column V - Provisions to be added;

- The holding symbol may not be removed until such time as;
 - (i) Physical barrier between the RU[xxxxr] and RU zones, to the satisfaction of the General Manager, Planning and Growth Management, is provided at a minimum of 10 metres from the wetland boundary.
 - (ii) A physical barrier and visual buffer, to the satisfaction of the General Manager, Planning and Growth Management, is provided between the road allowance and the storage use and extending to the westerly property line, except where a driveway crosses.
 - (iii) A plan of survey detailing the location of the physical barriers, demonstrating a minimum 10 metre setback from the revised EP3 zone.
 - (iv) A development agreement has been entered into to regulate the maintenance of the physical and visual buffer.
- A physical barrier must be provided along the exterior of a storage yard, and no closer than 10 meters to the EP3 zone boundary.
- A physical barrier must be provided between the storage yard and the road allowance and extending to the westerly property line, except where a drive way crosses.

CONSULTATION DETAILS

DOCUMENT 4

NOTIFICATION AND CONSULTATION PROCESS

Notification and public consultation was undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments.

The circulation of the application was conducted in January of 2010 and a sign posted on the property. Included in the circulation were the Northwest Goulbourn Community Association, the Stittsville Village Association, the Ward Councillor, and property owners within 120 metres of the entire subject property.

SUMMARY OF PUBLIC INPUT

- 1) Concern that application was filed after major drainage work and addition of fill had been undertaken in contravention of the Zoning By-law and Conservation Authority regulations. Thought that fill may have been added during the construction of the HWY 7 interchange (part of same wetland complex) under the permission of the property owner to allow temporary storage of equipment used in the construction of the interchange. Noted that air photos show that in 2002 that there is no use of lands for storage of equipment; in 2005 that there is clear cutting for new interchange; and that in 2008 that there is fill and storage of equipment coinciding with building of interchange.

As detailed in this report, the City and the Conservation Authority is aware of the activities in contravention of the Zoning By-law and Conservation Authority regulations. The Conservation Authority was unable to enforce their authority for alteration of a PSW in this case and so the alterations to the PSW, and the MNR approval of the revised boundary were what the City was required to review for consideration.

On a minor note, it has been verified by MTO that there was no agreement with them and the property owner for any offsite storage of equipment.

- 2) Interest in the Environmental Assessment for the interchange construction, particularly any environmental mitigation measures that had been recommended/ordered.

It has been verified by MTO that all of the required improvements relating to environmental mitigation were within the highway and roadway ROW and that any EA issues relating to the property would have been incorporated into the design. Only MTO lands were modified (including those lands expropriated from the subject property owner) and therefore no agreements were created with other property owners in regards to environmental mitigation.

- 3) Concern that there is no Conservation Authority permit that allows drainage work and placing of fill on these wetlands and that the Conservation Authority should be contacted.

As noted above, the Conservation Authority is aware of the activities in violation of their regulations.

- 4) Observed, from the "preliminary" environmental site evaluation done on August 26, 2009 by Ecotec, that there was evidence that the subject property has wetland characteristics consistent with plants and soil and water conditions of a wetland and that alteration on the subject property cannot hide the basic nature of the land. And despite these actions, pools of standing water and shallow excavations (20 cm) were noted to have sub-surface water on significant parts of the property. Report is not sufficient.

City is in agreement that report was not sufficient and required the applicant to provide a revised Environmental Impact Statement and a proper wetland evaluation.

- 5) Recommend that the property owner not be rewarded with a change in zoning, but rather, that appropriate action be taken subject to the findings of the EA done by MTO to the findings regarding the legality of actions taken by the property owner. Recommend consideration be that the owner be ordered to restore the lands to their natural state.

By-law services noted that the property was in contravention of the Zoning By-law due to the "open storage" use not being permitted and fill being added. They also noted that the filling in of wetlands would fall into the jurisdiction of the Conservation Authority because of the environmental impact. The order by By-law Services has been put on hold pending this application. If the recommendation is approved by Council, the property owner will need to bring his property in compliance with that rezoning or face further enforcement.

- 6) The excavation of the main drainage ditch prevents that percolation from continuing in support of wetland plant species. Recommends that the two drainage ditches be filled in.

Alterations to PSWs falls under the jurisdiction of the Conservation Authority because of the environmental impact. The MVCA is aware of activities that have occurred on the property.

- 7) Concern with actions on the part of the landowner, to destroy a large part of a Wetland Complex and alter a watercourse with no corrective government response to date from any level of government. The following history of the property was observed:

1999 – Before any site alteration, the property included a water course on it.

- 2002 – Overlay of aeriels and boundary mapping, indicates that the (MNR) boundaries for the wetland are actually smaller than they should be.
- large part wetland on the subject lands, has been clear-cut, tree stumps and surface soils bulldozed, and two large drainage ditches excavated. The drainage ditches have significantly altered the hydrology of the wetland on the site.
 - wetland vegetation (shown to be mainly cattails in photos) growing back on the previously denuded site. This growing back of wetland vegetation and the property owner's removal of it has been repeated several times.
- 2005 – no indication of storage yard.
- 2006 - excavated drainage ditches show no sediment and erosion control along those drainage ditches.
- very significant extensive denuding of vegetation in large parts of the wetland on the subject property.
 - storage yard established before the Mississippi Valley Conservation Authority's Ontario Regulation 153/06 (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) came into effect in May of 2006.
 - there were at least some tile drain pipes on the property.
- 2007 - expansion of fill in wetland and vegetation being cleared, including cattails.
- 2008 - all of the property that was cleared of vegetation in the fall of 2007 was again covered with tall, lush green vegetation. Sometime between August 17, 2008 and Sept. 10, 2008 much of that new growth had been cut again. By July of 2009 the site was again covered with lush, green vegetation.
- 2010 - in October, almost all of the trees that previously bounded the illegal storage yard had been removed and the storage yard and usage expanded further southerly into the wetland and further westward towards the main drainage ditch.
- 2011 - significantly altered surface drainage. The surface water draining from the subject lands is part of the headwaters that feed parts of the PSGWC (Upper Poole Creek Wetland portion) and Poole Creek (a Brown Trout stream) downstream.
- 2012 – In June, more vegetation stripping. MVC notified and investigating

With this application, staff was tasked with consideration of bringing the existing use into conformity. Although many delays have occurred, most of which were beyond the City's control, this review has been conducted and recommendations made.

COMMUNITY ORGANIZATION COMMENTS

North West Goulbourn Community Assn Inc.

“As a general rule, our Association is opposed to any activity that would have a negative impact on the aquifer re-charge areas in this North West area of the former Goulbourn Township.

While we do not generally seek to restrict the right of an individual to utilize land owned by them in a manner that is beneficial to their way of life, we do not agree with a change in land use designation that would, in fact, remove a significant portion of long standing, and well recognized Provincially Significant Wetland, in order for this to occur. It is obvious from viewing the subject property, and adjacent property, that this has been well known wetland for many years. We feel that these wetlands are important to the groundwater resources in this area, and as development continues to encroach upon these wetlands, their value as aquifer re-charge areas becomes even more and more important.”

As noted above, it is the Ministry of Natural Resources that approves the mapping for PSWs and in turn is what the City utilizes for their wetland mapping. In the recommendation of this report staff is utilizing that mapping and attempting to mitigate any harm from the adjacent use.

ADVISORY COMMITTEE COMMENTS

The Ottawa Forests and Greenspace Advisory Committee and Environmental Advisory Committees were circulated the application but are no longer assembled.

The Ottawa Forests and Greenspace Advisory Committee concerns, in March 2010, were that the owner made site alterations that included adding fill without a fill permit as required by the MVC. Unfortunately the MVC had not become aware until the owner applied for a zoning change, and by that time the statutes of limitations had run out.

Example as to why the City of Ottawa needs a 'Site Alteration by-law'. It is clear that draining operations had been taking place as well as the addition of fill to provide a stable base for the commercial operations in advance of seeking appropriate zoning from the city. These site alteration works took place in 2006 as confirmed in the Beacon Environmental Impact Statement. Recommend that the PEC/ARAC recommend Council direct Staff to fast track a site alteration bylaw to stop the practices of altering lands in advance of zoning applications to substantially alter the lands in a manner to support a new zoning application.

In review of the EIS, OFGAC is deeply concerned that land owners can continue, with impunity, make substantial changes to the land including the addition of fill, draining of wet lands and otherwise disturbing the lands sufficiently to have the effect of supporting further changes from environmental protected designations of the subject lands to one that permit development.

OFGAC recommends that the EIS recommendation for Ottawa Pool and Patio Ltd. to construct a physical barrier such as Paige Wire Fencing or armor stone or equivalent to delineate the limits of the storage yard pad be made a requirement for immediate implementation.

OFGAC recommends that to reduce potential indirect effects of night light impacts to wildlife, light installations should be limited to the extent required to address security requirements only. With respect to noise impacts, operation of machinery should be limited to allowed uses as identified by the land use zoning.

OFGAC recommends that no further site alteration of the subject lands be permitted in advance of co-ordinated approvals from Conservation Authority, Ministry of the Environment, and the City of Ottawa.

It is not the objective of this report to speak to the need for a 'Site Alteration By-law'. However, through the sharing of these comments, Committee and Council have been made aware of the request.

Staff have taken note regarding a physical barrier, night light impacts and noise impacts and have considered these recommendations and will further consider these recommendations in the review of any Site Plan Application.

Staff have continuously requested that the property owner perform no further site alterations on his property and have informed the Conservation Authority and By-law Services when indications of alterations have occurred.

EAC

Environmental Advisory Committee reviewed submission but did not provide comments.