

From: sherry.revesz@apgAssetCare.com [mailto:sherry.revesz@apgassetcare.com]
Sent: Wednesday, February 13, 2013 7:58 AM
To: Caterini, Rose
Subject: Zoning Change Application ZAC-12-010-2,4,6
Importance: High

5.9

Please distribute to council today.

RE: For Your Immediate Review

Dear Members of Council,

I received a letter in the mail from my neighbors with great concern over the above Zoning Change Application. I have not been involved in most of these discussions but do have some of my own concerns with the entire development of this neighborhood.

First being the development so close to the ponds that are ESA and some that should be designated ESA. When I reviewed the maps that was circulated, I noticed that they did not include the creeks. I inquired and was given this answer from City Staff:

Please note that the Planning Act does not require that natural heritage features be shown on the location map with respect to Notice of Complete Application and Precirculation.

In addition, please be advised that a report to the June 20, 2012, General Issues Committee of the City of Hamilton (PED11018(a)) evaluated the natural heritage value of the subject lands. Upon review, City of Hamilton Natural Heritage Staff concluded that the subject lands were isolated and disturbed and accordingly were removed from Schedule "B" - Natural Heritage System of the Urban Hamilton Official Plan.

This is probably one of the most ludicrous remarks I have read. The Planning Act does not state that it is ok to remove it but merely does not state that it needs to be included. How in good faith can council make a decision with vital information being withheld. We have collected hundreds of pictures of flooding in this area (from the QEW to Lake Ontario and from Grays Road to Fruitland Road). There is a creek that I read from City staff that was dried up – well the pictures we have collected as of October 29, 2012, show a vibrant running creek (pictures will follow).

There is no way council should approve any further development in this area unless a full environmental assessment is complete. If you do and there are other major issues, I am afraid you are leaving the City vulnerable to major infrastructure repairs and possible law suits since the development is occurring on properties that are known to have flooding.

It seems to me that the decision it should be removed from the linkage designation was wrong and that nothing that isn't absolutely required by provincial law must be allowed to get in the way. In addition, this change doesn't appear to have considered the ecological health of the adjacent ESA, and it appears the planning justification report being prepared doesn't do that either. That could be a significant flaw.

I am happy to discuss this area with any council member that requires more information.

Regards,

Sherry