

**ONTARIO MUNICIPAL BOARD
COMMISSION DES AFFAIRES MUNICIPALES DE L'ONTARIO**

IN THE MATTER OF subsection 17 (36) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended

Appellants: Greater Ottawa Homebuilders Association, Zbigniew Hauderowicz, Karson Holdings Inc., Ken McRae; and others
Subject: Proposed Official Plan Amendment No. OPA #76
Property Location: All lands within the City of Ottawa
Municipality: City of Ottawa
OMB Case No.: PL100206
OMB File NO.: PL100206


REPLY WITNESS STATEMENT OF ROMAN DIDUCH, P.ENG

I, Roman Diduch, of the City of Ottawa, state as follows:

1. Statements 7.1.6 and 7.1.11 of the Witness Statement of Michael S. Goldberg imply that ARA land adjacent to the urban boundary is in a precarious location and subject to intrusion or elimination as a result of need for SWM facilities. This is not the case and any intrusion on ARA lands was limited and requiring an EA process. For example:
 - a) The Avalon Storm Water Management (SWM) Pond (Neighbourhood 4) was approved through a Class EA process in 2001 (Supplementary Report to the Master Drainage Plan and Environmental Study Report, City of Cumberland, East Urban Community Expansion Area, May, 2001).
 - b) The Neighbourhood 5 SWM pond (approved in May 2006 through the Mer Bleue CDP process) is constructed on lands designated as General Rural Area through an OMB decision concerning the 1997 OP. The Mer Bleue Infrastructure Servicing Study, which included the SWM facilities, was approved by Council and satisfied the Municipal EA process.
 - c) The SWM pond at the northwest corner of Brian Coburn Blvd and Trim Road controls drainage from Brian Coburn Blvd that was approved under a Class EA. The SWM pond is built on existing City property (i.e. no SWM Block had to be

created), and involves infrastructure approved under an environmental assessment process.

- d) The storm drainage works associated with the adjacent subdivisions have been approved under approved planning processes (Class EAs or Planning Act). The storm drainage system constructed east of the Mattamy's Summerside Subdivision is part of a temporary sedimentation control facility constructed by Mattamy to control sediment during the construction of the Summerside Subdivision, and from the "Borrow Area" used by Mattamy during its development of the Summerside Subdivision. Mattamy required approval for the sediment control facility under Section 53 of the Ontario Water Resources Act. This process involved Mattamy preparing its application, and submitting it to the City for review, before passing it on to the MOE under the Transfer of Review program. It was through this process that Mattamy was reminded by City staff that their "Borrow Lands" were not designated as future development lands.
- e) The construction compound to the east of Tenth Line Road is related to the Avalon development. Use of the area as a construction compound is a temporary use. The earliest stage of the construction compound creation (on privately owned land by the developer) was in 2004, which pre-dates the current PPS / Section 3 of the Planning Act.
- The construction compound to the east of the Summerside subdivision (i.e. Mattamy's construction compound) is considered a temporary use.


NAME Duduch
DATE Dec 22 / 2011