

# Agenda Including Addeds

## Planning and Environment Committee

The 7th Meeting of the Planning and Environment Committee

April 27, 2020, 3:00 PM

Council Chambers

### Members

Councillors M. Cassidy (Chair), J. Helmer, A. Hopkins, S. Turner, A. Kayabaga, Mayor E. Holder

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The Committee will recess at approximately 6:30 PM for dinner, as required.

	Pages
<b>1. Disclosures of Pecuniary Interest</b>	
<b>2. Consent</b>	
2.1 4th Report of the London Advisory Committee on Heritage	3
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<b>3. Scheduled Items</b>	
<b>4. Items for Direction</b>	
<b>5. Deferred Matters/Additional Business</b>	
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<b>6. Confidential</b>	

6.1 Solicitor-Client Privilege

This report can be considered in a meeting closed to the public as the subject matter being considered pertains to advice that is subject to solicitor-client privilege, including communications necessary for that purpose from the solicitor and officers and employees of the Corporation; the subject matter pertains to litigation or potential litigation with respect to an appeal at the Local Planning Appeal Tribunal("LPAT"), and for the purpose of providing instructions and directions to officers and employees of the Corporation.

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**7. Adjournment**

# London Advisory Committee on Heritage

## Report

The 4th Meeting of the London Advisory Committee on Heritage  
March 11, 2020  
Committee Rooms #1 and #2

Attendance                   PRESENT: D. Dudek (Chair), S. Bergman, M. Bloxam, L. Fischer, S. Gibson, T. Jenkins, S. Jory, J. Manness, E. Rath, M. Rice, K. Waud and M. Whalley and J. Bunn (Committee Clerk)

ABSENT:    J. Dent

ALSO PRESENT: L. Dent, K. Gonyou, M. Greguol and L. Jones

The meeting was called to order at 5:33 PM.

### 1. Call to Order

#### 1.1 Disclosures of Pecuniary Interest

S. Bergman discloses a pecuniary interest in Item 3.3 of the 4th Report of the London Advisory Committee on Heritage, having to do with a Notice of Planning Application - Zoning By-law Amendment - 1146-1156 Byron Baseline Road, by indicating that her employer is involved in this matter.

L. Jones discloses a pecuniary interest in Item 3.3 of the 4th Report of the London Advisory Committee on Heritage, having to do with a Notice of Planning Application - Zoning By-law Amendment - 1146-1156 Byron Baseline Road, by indicating that her employer is involved in this matter.

### 2. Scheduled Items

#### 2.1 Proposal to Host the 2022 Ontario Heritage Conference

That the Proposal to Host the 2022 Ontario Heritage Conference, as appended to the agenda, BE ENDORSED by the London Advisory Committee on Heritage; it being noted that a verbal delegation by W. Kinghorn, with respect to this matter, was received.

### 3. Consent

#### 3.1 3rd Report of the London Advisory Committee on Heritage

That it BE NOTED that the 3rd Report of the London Advisory Committee on Heritage, from its meeting held on February 12, 2020, was received.

#### 3.2 Notice of Planning Application - Official Plan Amendment - London Plan Housekeeping Amendment

That it BE NOTED that the Notice of Planning Application, dated February 19, 2020, from J. Lee, Planner I, with respect to an Official Plan Amendment related to a London Plan Housekeeping Amendment, was received.

#### 3.3 Notice of Planning Application - Zoning By-law Amendment - 1146-1156 Byron Baseline Road

That the following actions be taken with respect to the Notice of Planning Application, dated February 12, 2020, from C. Lowery, Planner II, related

to a Zoning By-law Amendment with respect to the properties located at 1146-1156 Byron Baseline Road:

- a) the Civic Administration BE ADVISED that the London Advisory Committee on Heritage (LACH) is satisfied with the research, assessment and conclusions of the Heritage Impact Assessment (HIA) included with the above-noted Notice of Planning Application, and is satisfied that the proposed development will not have an adverse impact on adjacent cultural heritage resources; it being noted that the LACH supports the recommended mitigation measures outlined in the HIA; and,
- b) the possibility of designating the property located at 1158 Byron Baseline Road, under Part IV of the Ontario Heritage Act, BE REFERRED to the Stewardship Sub-Committee for review.

3.4 Notice of Planning Application - London Plan and Zoning By-law Amendments - City-Wide - Implementing Additional Residential Unit Requirements of the Planning Act

That the following actions be taken with respect to the Notice of Planning Application, dated March 5, 2020, from C. Parker, Senior Planner, related to London Plan and Zoning By-law Amendments with respect to implementing additional residential unit requirements of the Planning Act city-wide:

- a) the above-noted Notice of Planning Application BE REFERRED to the Policy and Planning Sub-Committee for review; and,
- b) C. Parker, Senior Planner, BE INVITED to the Policy and Planning Sub-Committee meeting, when this matter is discussed, and to the following London Advisory Committee on Heritage meeting to provide further information and respond to questions.

**4. Sub-Committees and Working Groups**

None.

**5. Items for Discussion**

5.1 Heritage Alteration Permit Application by the City of London at 723 Lorne Avenue, Old East Heritage Conservation District

That, on the recommendation of the Managing Director, City Planning and City Planner, with the advice of the Heritage Planner, the application under Section 42 of the Ontario Heritage Act seeking approval for a proposed park on the property located at 723 Lorne Avenue, located within the Old East Heritage Conservation District, BE PERMITTED with the following terms and conditions:

- the Heritage Planner be consulted on the restoration and installation details for the original school bell and aluminium lettering prior to installation;
- the London Advisory Committee on Heritage (LACH) be consulted on the cultural heritage interpretive sign to commemorate the former Lorne Avenue Public School prior to its production and installation; and,
- consideration be given to including more plant species identified in Table 5.1 of the Old East Heritage Conservation District Conservation Guidelines, as appended to the staff report dated March 11, 2020, in the planting plan for the Lorne Avenue Park;

it being noted that the LACH strongly recommends the use of decorative metal fencing along the south end of Lorne Avenue Park;

it being further noted that the attached presentation from K. Gonyou, Heritage Planner, with respect to this matter, was received.

5.2 Demolition Request for Heritage Listed Properties at 74 Wellington Road and 78 Wellington Road

That, on the recommendation of the Director, Planning and City Planner, with the advice of the Heritage Planner, the properties located at 74 Wellington Road and 78 Wellington Road BE REMOVED from the Register of Cultural Heritage Resources; it being noted that the attached presentation from K. Gonyou, Heritage Planner, was received with respect to this matter.

5.3 Heritage Planners' Report

That it BE NOTED that the attached submission from K. Gonyou, L. Dent and M. Greguol, Heritage Planners, with respect to various updates and events, was received.

**6. Adjournment**

The meeting adjourned at 6:48 PM.



# Heritage Alteration Permit application at 723 Lorne Avenue, Lorne Avenue Park

London Advisory Committee on Heritage  
March 11, 2020

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## 723 Lorne Avenue



- Old East HCD
- Lorne Avenue Public School (1875-2016)
- School building demolished (2018)
- Consultation and planning for future Lorne Avenue Park



## Demolition (2018)



- LACH Consultation (August 9, 2017)
- PEC (August 28, 2017)
- Direction: school bell, lettering



## Salvaged Elements

Original School Bell

Aluminum Lettering







## Community Engagement

- November 2018: Design Charette
- February 2019: Open House
- March 2019: Day Camp Consultation
- Consultation with Old East Village Community Association, Old East Village Business Association, Lions Club, Rotary Club, London Advisory Committee on Heritage



## LACH Engagement

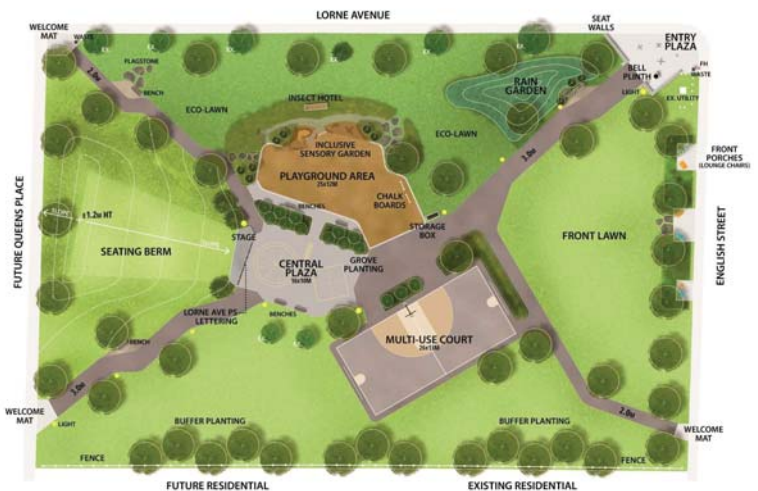
### LACH Meeting on November 13, 2019:

*J. Michaud, Landscape Architect, BE ADVISED that the London Advisory Committee on Heritage is satisfied with the current design for the Lorne Avenue Park Project and encourages a Cultural Heritage Interpretive Sign be implemented into the above-noted project; it being noted that the presentation appended to the 11<sup>th</sup> Report of the London Advisory Committee on Heritage from J. Michaud, Landscape Architect, with respect to the matter, was received;*



## Concept Plan for Park

- Play Area
- Sensory Garden
- Central Plaza
- Community Stage
- Passive Use Areas
- Rain Garden
- "Eco-Lawn"
- Insect Hotel
- Trees
- Site Furniture
- Lighting
- "Front Porches"
- Multi-use Court
- Painted Playground games
- School Bell
- School Lettering
- Cultural Heritage Interpretive Sign







Front Entry @ Lorne and English

"One summer night, in the midst of a violent thunderstorm, aroused by a piercing, shattering bolt of lightning, it shuddered, clanged, and spoke no more..."

Principal W.D.E Matthews, 1955



Front Entry @ Lorne and English

"One summer night, in the midst of a violent thunderstorm, aroused by a piercing, shattering bolt of lightning, it shuddered, clanged, and spoke no more..."

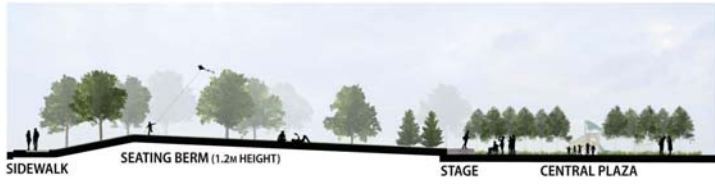
Principal W.D.E Matthews, 1955



Central Plaza

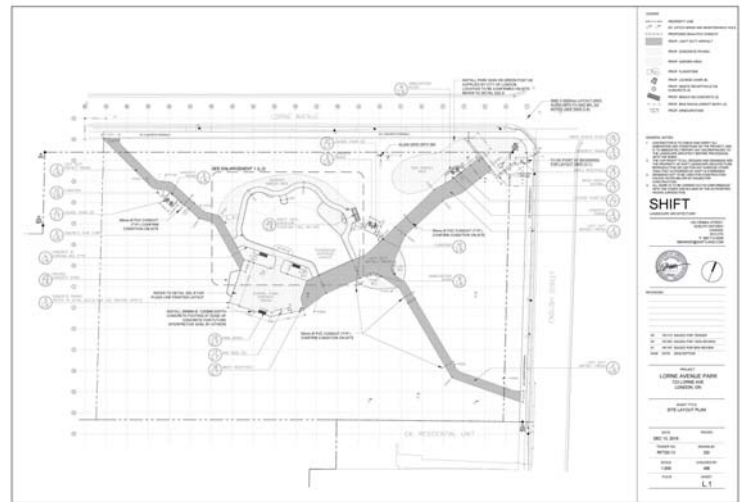
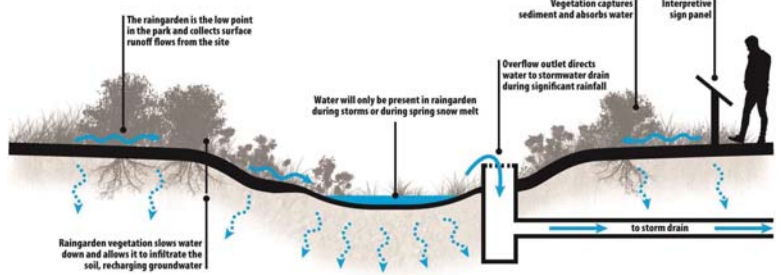


Front Porches on English Street

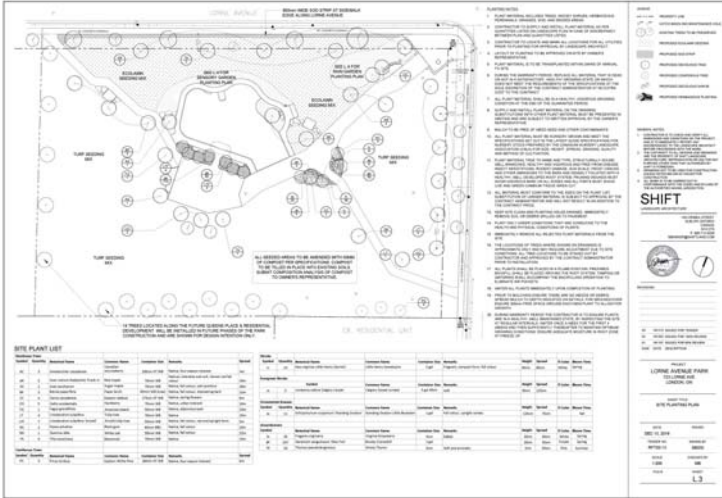


Section @ Berm

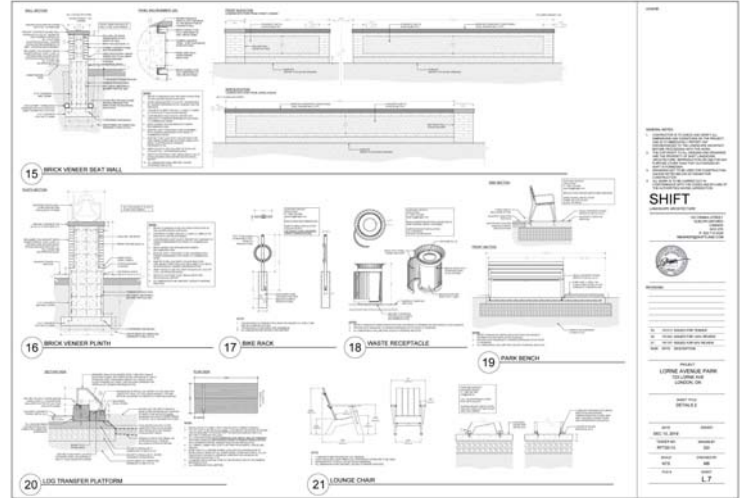
## Rain Garden



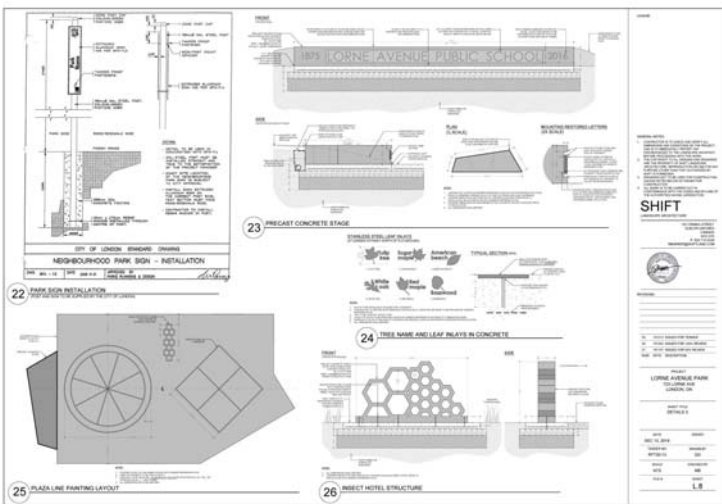
Site Layout Plan



Site Planting Plan



Details: Brick Plinth for Bell, Site Furniture, etc.



Details: Stage with School Lettering, etc.



## Ontario Heritage Act

Section 42 of the *Ontario Heritage Act* requires that a property owner not alter, or permit the alteration of, the property without obtaining Heritage Alteration permit approval. The *Ontario Heritage Act* enables Municipal Council to give the applicant of a Heritage Alteration Permit:

- The permit applied for;
- Notice that the Council is refusing the application for the permit; or,
- The permit applied for, with terms and conditions attached. Section 42(4), *Ontario Heritage Act*.



# Recommendation

That, on the recommendation of the Managing Director, City Planning & City Planner, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* seeking approval for a proposed park on the property at 723 Lorne Avenue, located within the Old East Heritage Conservation District, **BE PERMITTED** with the following terms and conditions:

- a) That the Heritage Planner be consulted on the restoration and installation details for the original school bell and aluminium lettering prior to installation;
- b) The LACH be consulted on the cultural heritage interpretive sign to commemorate the former Lorne Avenue Public School prior to its production and installation; and,
- c) Consideration be given to including more plant species identified in Table 5.1 of the *Old East Heritage Conservation District Conservation Guidelines* in the planting plan for the Lorne Avenue Park.



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# Demolition Request for Heritage Listed Properties at 74 Wellington Road & 78 Wellington Road

London Advisory Committee on Heritage  
Wednesday March 11, 2020

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## 74 Wellington Road & 78 Wellington Road



## 74 Wellington Road



- Built 1940-1941
- Single-storey
- Vernacular
- Added to Register from CHSR (Rapid Transit, March 26, 2017)
- Evaluated in "Wellington 35" Group CHER in TPAP



## CHER 74 Wellington Road

City of London  
35 Properties, Wellington Road, London, Ontario  
London (Bus Rapid Transit) - Transit Project Assessment Process

5.4.5 Cultural Heritage Evaluation – Ontario Regulation 9/06

Criteria	Criteria	Meets Criteria (Yes/No)	Rationale
1) The property has design or physical value because it:	i) Is a rare, unique, representative or early example of a style, type, or expression, material, or construction method.	No	The building at 74 Wellington Road is vernacular in design and form. Although the building includes a relatively unusual exterior, the building's exterior has been modified and is not a rare, unique, representative, or early example of a style, type, or expression, material, or construction method. Therefore, it does not meet this criterion.
	ii) Displays a high degree of craftsmanship or artistic merit.	No	The building includes some artistic features including a set of windows with stained glass inserts. However, although an artistic element incorporated into the dwelling, the building does not display a high degree of craftsmanship or artistic merit. Therefore, it does not meet this criterion.
	iii) Demonstrates a high degree of technical or scientific achievement.	No	No evidence was found to suggest that the building demonstrates a high degree of technical merit or scientific achievement. Its construction appears to be typical of other residential buildings of its era. Therefore, it does not meet this criterion.
2) The property has historic or associative value because it:	i) Has direct associations with a theme, event, belief, person, activity, organisation, or institution that is significant to a community.	No	No information was found to suggest that any previous tenants or landowners were significant in the area. Significant associations were not determined. Therefore, the property does not meet this criterion.



# CHER 74 Wellington Road

City of London  
35 Properties, Wellington Road, London, Ontario  
London Bus Rapid Transit – Transit Project Assessment Process

Criteria	Criteria	Meets Criteria (Yes/No)	Rationale
	i) Yields, or has the potential to yield information that contributes to the understanding of a community or culture.	No	The building does not yield any information that contributes to an understanding of the community or its culture.
	ii) Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to the community.	No	No evidence was found related to the architect, builder, or designer of the building. No significant associations with an architect, artist, builder, designer, or theorist were determined. Therefore, the property does not meet this criterion.
3) The property has contextual value because it:	i) Is important in defining, maintaining, or supporting the character of an area	No	While consistent with the general character of this residential area, the property is one of many relatively modest residential buildings of varied styles in this area. It is not important in defining, maintaining, or supporting the area's character.
	ii) Is physically, functionally, visually or historically linked to its surroundings	No	The property is one of many mid-twentieth-century houses of varied styles that comprise this area along Wellington Road. It is not physically, functionally, visually, or historically linked to its surroundings. Therefore, it does not meet this criterion.
	iii) Is a landmark	No	No evidence could be found to suggest that this building is a landmark in the area.



# 78 Wellington Road



- Built 1948
- Single-storey
- Vernacular
- Added to Register from CHSR (Rapid Transit, March 26, 2017)
- Evaluated in “Wellington 35” Group CHER in TPAP



# CHER 78 Wellington Road

City of London  
35 Properties, Wellington Road, London, Ontario  
London Bus Rapid Transit – Transit Project Assessment Process

5.5.5 Cultural Heritage Evaluation – Ontario Regulation 9/06

Criteria	Criteria	Meets Criteria (Yes/No)	Rationale
1) The property has design or physical value because it:	i) Is a rare, unique, representative or early example of a style, type, or expression, material, or construction method.	No	The building at 78 Wellington Road is vernacular in design and form. The building's exterior has been modified with a late-20th century siding application, and the building is not a rare, unique, representative, or early example of a style, type, or expression, material, or construction method. Therefore, it does not meet this criterion.
	ii) Displays a high degree of craftsmanship or artistic merit.	No	The building does not appear to display any artistic merit or degree of craftsmanship above the usual standards for the period. Therefore, it does not meet this criterion.
	iii) Demonstrates a high degree of technical or scientific achievement.	No	No evidence was found to suggest that the building demonstrates a high degree of technical merit or scientific achievement. Its construction appears to be typical of other residential buildings of its era. Therefore, it does not meet this criterion.
2) The property has historic or associative value because it:	i) Has direct associations with a theme, event, belief, person, activity, organisation, or institution that is significant to a community.	No	No information was found to suggest that any previous tenants or landowners were significant in the area. Significant associations were not determined. Therefore, the property does not meet this criterion.



# CHER 78 Wellington Road

City of London  
35 Properties, Wellington Road, London, Ontario  
London Bus Rapid Transit – Transit Project Assessment Process

Criteria	Criteria	Meets Criteria (Yes/No)	Rationale
	i) Yields, or has the potential to yield information that contributes to the understanding of a community or culture.	No	The building does not yield any information that contributes to an understanding of the community or its culture.
	ii) Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to the community.	No	No evidence was found related to the architect, builder, or designer of the building. No significant associations with an architect, artist, builder, designer, or theorist were determined. Therefore, the property does not meet this criterion.
3) The property has contextual value because it:	i) Is important in defining, maintaining, or supporting the character of an area	No	While consistent with the general character of this residential area, the property is one of many relatively modest residential buildings of varied styles in this area. It is not important in defining, maintaining, or supporting the area's character.
	ii) Is physically, functionally, visually or historically linked to its surroundings	No	The property at 78 Wellington Road was developed in the mid-20th century, consistent with its surroundings. Further, the property is one several residential properties built in varying styles and forms along the east side of Wellington Road. The property is not physically, functionally, visually, or historically linked to its surroundings. Therefore, it does not meet this criterion.
	iii) Is a landmark	No	No evidence could be found to suggest that this building is a landmark in the area.



## Previous Consultation

### **Cultural Heritage Screening Report (CHSR) (WSP, final February 2019)**

- Stewardship Sub-Committee: February 28, 2018
- LACH: March 14, 2018

### **“Wellington 35” Group CHER (AECOM, February 2019)**

- Stewardship Sub-Committee: January 30, 2019
- LACH: February 13, 2019



## Recommendation

That, on the recommendation of the Director, Planning & City Planner, with the advice of the Heritage Planner, that the properties at 74 Wellington Road and 78 Wellington Road **BE REMOVED** from the Register of Cultural Heritage Resources.

## Heritage Planners' Report to LACH: March 11, 2020

1. Heritage Alteration Permits processed under Delegated Authority By-law:
  - a) 100 Albion Street (B/P HCD): window, door, porch alterations
  - b) 333 Dufferin Avenue (WW HCD): signage
  - c) 338 St. James Street (BH HCD): roofline alterations to side elevation
  - d) 25 Empress Avenue (B/P HCD): finial replication
  - e) 115 Dundas Street (DTHCD): façade alterations (re-tile)
  - f) 41 Empress Avenue (B/P HCD): rear addition, porch alterations, siding alteration
  - g) 391 South Street – (Part IV): alterations to Colborne Building (adaptive reuse)
  
2. London Endowment for Heritage – accepting applications for heritage conservation projects until April 7, 2020. More information: [www.lcf.on.ca/london-endowment-for-heritage](http://www.lcf.on.ca/london-endowment-for-heritage)
  - a) Ad-Hoc Allocation Committee – Thursday April 23, 2020, noon (lunch provided) at London Community Foundation Boardroom, Covent Garden Market (130 King Street)

## Upcoming Heritage Events

- London & Middlesex Historical Society – Wednesdays, 7:30pm at the Old Courthouse (399 Ridout Street North, second floor)
  - March 18: A Tale of Two Theatres, Arthur McClelland
  - April 15: Farmerettes, Bonnie Sitter
- Arthur Ford Public School Heritage Fair on Tuesday April 14, 2020
  - Heritage Presentations needed. Contact Kerby Waud
- ACO London Region Annual General Meeting on Wednesday April 22, 2020 at 7:00pm at Idylewyld Inn (36 Grand Avenue)
- London Region Heritage Fair on Wednesday April 29, 2020 at Fanshawe Pioneer Village (1424 Clarke Road) 9:30-3:00
  - Judges needed. Contact Kerby Waud



## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

**From:** Gregg Barrett  
Director, City Planning and City Planner

**Subject:** Urban Agriculture Strategy  
2019 Annual Report

**Meeting on:** April 27, 2020

## Recommendation

That, on the recommendation of the Director, City Planning and City Planner, the following report regarding the status of the implementation of the Urban Agriculture Strategy from the Urban Agriculture Steering Committee **BE RECEIVED** for information.

## Executive Summary

In November 2017 Council adopted the Urban Agriculture Strategy. The Strategy is largely driven by the urban agriculture community with some City assistance and guidance. Last year was the first full year of the implementation of the Strategy with Urban Agriculture Steering Committee direction.

This report provides an update on the implementation of the Urban Agriculture Strategy since late 2017.

## Background

### The Urban Agriculture Strategy

On November 14, 2017 Municipal Council endorsed London's Urban Agriculture Strategy. The strategy was developed over the course of 2016 and 2017 through significant community and City effort. At the November 14, 2017 meeting of council, Council resolved:

*That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the Urban Agriculture Strategy:*

- a) *the attached revised Urban Agriculture Strategy, consistent with the Food System policies of The London Plan, **BE ADOPTED** in order to guide and support the development of urban agriculture within the City of London as part of London's food system; it being noted that reference to the provision for backyard hens was deleted from the Strategy;*
- b) *the Terms of Reference for an Urban Agriculture Steering Committee appended to the staff report dated November 6, 2017 **BE ENDORSED**; and,*
- c) *the Managing Director, Planning and City Planner **BE DIRECTED** to implement the Urban Agriculture Steering Committee;*

*it being noted that the initiatives in this Strategy that are the responsibility of the City can be accommodated within existing budgets and any new initiatives may be considered in future multi-year budget cycles; and,*

*it being further noted that the Planning and Environment Committee reviewed and received a communication dated November 2, 2017, from M. Woods, Chief Operating Officer, Western Fair District, with respect to this matter.*

The **Goals of the Strategy** are to:

- *Develop a strategy to direct urban agriculture efforts in the City of London;*
- *Address all aspects of urban agriculture within the city and present policy and regulation amendments where necessary;*
- *Determine the roles and responsibilities of the City and community in the implementation of the strategy;*
- *Address gaps that may exist in providing for urban agriculture; and,*
- *Outline criteria for pilot site selection and/or urban agriculture projects*



**The Urban Agricultural Community Role**

The Urban Agriculture Strategy identified the roles of the City and the Community in the implementation of the Strategy. The City’s primary role was to support those initiatives and , where required, address municipal policy and regulation roadblocks to implement the strategy.

The Urban Agriculture Steering Committee was tasked with guiding and monitoring the implementation of the City of London’s Urban Agriculture Strategy.

The Urban Agriculture Steering Committee was also tasked with providing on-going coordination and direction of City and community efforts. The approach taken establishes a steering committee to provide leadership, monitor implementation and report to Council on progress over the life of the Strategy. The committee is comprised of community members, including representation from Council’s advisory committees, and maintains

connections with the groups in London active in urban agriculture and the Urban Agriculture Strategy's development.

The first meeting of the Urban Agriculture Steering Committee was held March 9, 2018 and the committee elected Rebecca Ellis as committee chair and Jeff Lucas as vice chair. In keeping with the development of the Urban Agriculture strategy, the meetings are open to the public to allow for community attendance and input. Meeting agendas and minutes are posted on the City's Urban Agriculture Strategy webpage, which was established through the development of the strategy. Committee members are requested to disseminate and share the results of committee meeting with their respective community groups and organizations.

The Urban Agriculture Strategy was adopted by Council in November 2017 and the Committee met twice in 2018 and five times in 2019. This will be the first in a series of Annual Reports for Council. The report provides an update of what has happened since the Strategy was adopted in 2017. Appendix 1, attached to this report, provides a detailed update on each of the Strategies Actions with respect to the urban agriculture community progress, City/Agency progress, identified roadblocks to review, progress evaluation measures and the next steps/to do list.

### **The City Role**

The Urban Agriculture Strategy is a community driven process, driven by growers, processors and distributors in the industry and those with an interest in urban agriculture. The role of City staff is to:

- Co-ordinate agendas for the Steering Committee and provide technical support for the Committee;
- Create and maintain a City website for The Urban Agriculture Strategy, the Urban Agriculture Steering Committee and other urban agriculture interests;
- Attend Steering Committee meetings to answer questions and provide advice as requested; and,
- Review City Policies, Zoning By-laws and processes to support urban agriculture. Changes may include making it easier to sell fresh food to the general public, allow more "pop-up markets", allow urban farms etc. and generally implement the Urban Agriculture action items.

City staff include representatives from City Planning; Neighbourhood, Children and Fire Services; Parks and Recreation; and, Solid Waste Management from Environmental and Engineering Services. Building, By-law Enforcement and Zoning also provide information, as well as other City staff, through City Planning to the Committee.

The London and Middlesex- London District Health Unit also provides a staff resource person to the Committee. One City Planning staff member, plus the MLHU staff member from UASC, also sits on the Middlesex-London Food Policy Council to better co-ordinate consideration and discussion of issues related to urban agriculture.

The City of London Strategic Plan for 2019-2023 includes "*to promote and invest in urban agriculture initiatives*". These actions by City staff to support implementation of the Urban Agriculture Strategy are consistent with the Strategic Plan.

## **Urban Agriculture Strategy Implementation Progress and Results**

The Urban Agriculture Steering Committee and the urban agriculture community has reviewed the Strategy and provides the following update on the progress made in implementing the Strategy;

## Urban Agriculture Steering Committee Report – 2018-2019

*The Urban Agriculture Steering Committee (UASC) was created in 2018 to assist in the implementation of the Urban Agriculture Strategy, a document prepared by City of London staff in collaboration with a diverse group of community members with an interest in urban agriculture. The strategy and the UASC are supported by City Planning. Members of the community who do work within the urban agriculture sector sit on the UASC. Community members of the UASC represent grassroots organizations such as Friends of Urban Agriculture (FUAL) as well as representatives of agricultural institutions such as the Western Fair. UASC meetings are currently open to the public and representatives of organizations are encouraged to communicate with members about UASC meetings and activities.*

### **What was completed in 2018-2019**

*In 2018 and 2019 the UASC held seven meetings, the minutes of which can be found on the City of London's Urban Agriculture Strategy [website](#). During these meetings UASC members and city staff discussed ways to overcome some of the barriers and the challenge of urban agriculture as identified in the Urban Agriculture Strategy. The attached action chart (Appendix 1) outlines the action items identified in the Urban Agriculture Strategy and provides an update on the progress of implementation at the end of 2019.*

*In 2019 the UASC began reviewing City processes, policies and bylaws that are perceived by stakeholders to act as an obstacle to urban agriculture. Specifically, bylaws that prevent the direct selling of produce grown within the city was highlighted as a barrier, especially for Urban Roots, London's only urban farm. Several bylaws were reviewed by city staff and barriers identified and some changes have been made.*

*In summary below are the major accomplishments of both the Urban Agriculture Steering Committee and City to support Urban Agriculture;*

- 1. Council support for Urban Agriculture through the November 14, 2017 resolution;*
- 2. Community Food Assessment completed – London Middlesex Food Policy Council in place;*
- 3. Community Gardens Strategic Plan completed;*
- 4. A definition of "Farm Gate Sales" was included in Zoning By-law Z-1 to allow the retail sale of produce grown on urban farms located on areas zoned Urban Reserve (UR) site to be sold on site. Council approved the by-law on November 25, 2019;*
- 5. A site specific zoning by-law amendment was approved by Council on December 10, 2019 to allow Urban Roots at 21 Norlan Avenue to sell produce grown on the property to be sold on-site in an Open Space Zone;*
- 6. Groups such as TREA, Reforest London and the London Food Coalition started various projects (see Appendix 1);*
- 7. The Grove in the Western Fair District, an agricultural business incubator, was established and started to attract new tenants;*
- 8. Pollinator Boxes and Food forests were established;*
- 9. The Pollinator Pathway Project was started; and,*
- 10. The meetings of the Urban Agriculture Steering Committee continued the conversation between the various members of the urban agriculture community started during the development of the Urban Agriculture Strategy.*

### **Projects in Progress**

*The UASC is currently working with a team of students from the Masters of Environment and Sustainability program at Western University to create a comprehensive Urban Agriculture "How-To" Guide. The purpose of the guide is to allow residents to quickly access resources about urban agriculture in London, to inform the general public of the bylaws which may affect their urban agriculture projects, and to highlight successful*

*urban agriculture initiatives in the City of London. The guide will feature content from stakeholders who are experts in various aspects of urban agriculture in London to help the general public easily navigate the urban agriculture sector.*

*The UASC continues to review bylaws that impact urban agriculture production, both as content for the guide and in order to discuss possible bylaw changes with Planning staff.*

*One of the main grassroots organizations represented on UASC, Friends of Urban Agriculture London, has updated its website and is solidifying its organizational structure. UASC members hope this will significantly aid in communication between the Urban Agriculture community and City staff.*

### **Future Actions**

*In 2020, the UASC will finish the Urban Agriculture “How-To” Guide drawing on the Urban Agriculture (UR) strategy and action chart (Appendix 1). In particular the UASC will aim to resolve, before the guide is finished, the action items in the UA Strategy that are identified as ‘City Leads’. We hope this will help community members who are interested in urban agriculture to understand City bylaws and to approach the correct City Department and staff with questions. Upon completion of the guide, City staff will send the guide to Council for review. The guide will be a living document that will be continuously updated by UASC members in collaboration with city staff.*

*There are also a number of organizational projects to initiate. A comprehensive list of contacts for urban agriculture and their roles is needed. A list of all processes, policies and by-laws related to urban agriculture is also needed. A map showing possible land, either public or private, available for temporary use for urban agriculture is needed.*

## **Conclusion**

In November 2017 Council adopted the Urban Agriculture Strategy. The Strategy is largely driven by the urban agriculture community with some City assistance and guidance. Last year was the first full year of the implementation of the Strategy with Urban Agriculture Steering Committee direction.

This report provides an update on the implementation of the Urban Agriculture Strategy. It includes a status report on the implementation of the action items by the various groups involved in Urban Agriculture.

The Urban Agriculture Steering Committee has provided input for the report and updated Appendix 1 and the Chair of the Committee has indicated her concurrence with the staff recommendation.

<b>Prepared by:</b>	<b>W. J. Charles Parker, M.A. Senior Planner – City Planning/Planning Policy</b>
<b>Submitted by:</b>	<b>Justin Adema, MCIP, RPP Manager, Planning Policy</b>
<b>Recommended by:</b>	<b>Gregg Barrett, ACIP, Director, City Planning and City Planner</b>
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services	

April 20, 2020  
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**Appendix 1**

**Urban Agriculture Strategy Action Chart**

**Appendix 1: Urban Agriculture Strategy Action Chart**

<b>GROWING</b>					
<b>Urban Farms</b>					
<b>Action</b>	<b>Community Updates</b>	<b>City/Agency Updates</b>	<b>Identified Roadblocks</b>	<b>Progress Indicator</b>	<b>Next Steps – To-do List</b>
<i>Determine community interest in and capacity for involvement in an urban farm.</i>	One active urban farm at 21 Norlan Avenue (Urban Roots) operating very successfully.  Western Fair has interest in urban farming initiatives.		Available land. Soil test costs.	Number of urban farms established	Stephen Harrott to follow up on potential second urban farm.
<i>Develop a vision and model (including management structure) and identify lead partners for the farm project.</i>	Urban Roots operating under social enterprise vision.  Western Fair has a vision for an urban farm model on site, within the Grove Strategy.				
<i>Develop business plan to implement the proposed vision and model.</i>	Urban Roots operating using a 1/3 donation, 1/3 local affordable, 1/3 wholesale model				
<i>Determine the most appropriate location and size for an urban farm, and if the City could facilitate access to a suitable area of land.</i>			Long-term land security an issue for Urban Roots	Amount of land available for urban agriculture and amount in use	City explore possibility of allowing farming on undeveloped industrial/other City lands?



<p><b>Evaluate bylaws and zoning rules with respect to their role in enabling urban farms. (City Lead)</b></p>	<p>The Grove at Western Fair is zoned for growing.</p>	<p>London Plan policies and zoning regulations in place to allow urban farms in Urban Reserve, Open Space and Environmental Review areas provided no natural features are removed or modified.</p> <p>Rezoned 21 Norlan Ave to recognize existing Urban Roots urban farm.</p> <p><b>Hoop houses</b> - considered a tent/group of tents under Building Code as long as not attached to building, under 60 sq. meters and not within 3m of another tent, and therefore receives exception.</p>	<p>Will be identified over the course of time through the practice of urban farming.</p> <p>MLHU has asked for a broader definition of a garden to separate from rooftop gardens, container gardening, grow towers etc.</p>	<p>Number of questions raised and answered</p>	<p>City – continue updating bylaws as needed.</p>
<p><b>Ensure access to reasonably priced soil tests.</b></p>		<p>Basic testing available at under \$500 for nutrients, \$5000 range for boreholes and contaminated sites</p>			
<p><b>Urban “Foodscaping”</b></p>					
<p><b>Action</b></p>	<p><b>Community Updates</b></p>	<p><b>City/Agency Updates</b></p>	<p><b>Identified Roadblocks</b></p>	<p><b>Progress Indicator</b></p>	<p><b>Next Steps – To-do List</b></p>
<p><b>Distribute supportive resources such as topsoil, mulch, compost, and rain barrels to public food-growing projects along with education materials to ensure proper and safe usage of the resources.</b></p>	<p>TREA –Compost Day. Gardens groups run Spring Plant Sales, compost sales and rain barrels sales</p>	<p>City offers topsoil/mulch/compost through Try Recycling</p>	<p>Access is on an as requested basis</p>		<p>Vanessa to confirm – who is designated contact at City for requests of 10 yards or more for soil and mulch.</p>
<p><b>Coordinate seed exchanges through community centres, libraries, etc.</b></p>	<p>Seedy Saturday continues. Gardening groups offer plant and seed swaps in spring.</p>				<p>Confirm status of Byron Seed Library Connect with St Thomas seed library</p>

<p><b><i>Explore ways to encourage institutional involvement in foodscaping of landscapes at places such as churches, hospitals, etc.</i></b></p>		<p>Parks Planning has planned for container gardens in Old East-Queens Park</p>			<p>City will review of possibility of including more fruit trees in site plan landscaping standards and public projects.</p>
<p><b><i>Consider education, awareness, and information-exchange events between municipal staff and community volunteers regarding foodscaping opportunities in the city.</i></b></p>		<p>MLHU goal is to ensure food safety in urban farming by;</p> <ol style="list-style-type: none"> <li>1. Steps in place to maintain food safety during harvesting and distribution;</li> <li>2. Pesticide use should be as per Ministry of the Environment, Conservation and Parks requirements;</li> <li>3. MLFPC has a platform for disseminating information about urban ag. In London and is willing to publish material supplied by City staff, UASC and community;</li> <li>4. MLFPC is considering urban ag supporters for its 2020 Local Food Champions and showcasing urban ag at its 2020 Local Food Celebration Event</li> <li>5. MLFPC is exploring opportunities for an educational event at WFF's The Grove for 2021 which may include urban ag.</li> <li>6. The planned MLFPC 2020 website update will contain expanded info about urban ag. In London.</li> </ol>			
<p><b><i>Examine existing food forests for potential expansion.</i></b></p>	<p>West Lions food forest is planning for expansion</p>				

<p><b><i>Ensure good management practices are undertaken to prevent pests and locate edible trees in locations where they can be safely maintained over the long-term.</i></b></p>	<p>ReForest London continues to provide fruit trees to the community and offers annual fruit tree workshops.</p> <p>Various community led food forests exist (West Lions, Wood St, Meredith Park).</p>	<p>City accepts suggestions for fruit trees on city owned land (ex. boulevard) - but only has 1 fruit tree option (serviceberry).</p>			<p>City to investigate adding to list of acceptable trees that they will plant.</p> <p>Future locations for food forests to be determined.</p>
<p><b><i>Evaluate the potential of public land available in the city for public foodscaping. (City Lead)</i></b></p>					<p>City to follow up on City's urban food planting approach Review OMAFRA website.</p>
<p><b><i>Replace municipal planter box plantings with native fruit/nut/edible species where appropriate and where a maintenance program is in place.(City Lead)</i></b></p>	<p>Pollinator boxes in place at Civic Gardens. Pollinator flower beds and Covent Market.</p> <p>Pollinator beds and (2) food forest gardens on WFD grounds/Queens Park.</p>	<p>Some fruit tree plantings as part of Dundas East street renewal.</p>			

<b>Urban Pollinators</b>					
<b>Action</b>	<b>Community Updates</b>	<b>City/Agency Updates</b>	<b>Identified Roadblocks</b>	<b>Progress Indicator</b>	<b>Next Steps – To-do List</b>
<b><i>Support for urban beekeeping in appropriate locations in the City of London.</i></b>	London Urban Beekeepers Collective established two apiaries at Boler Mountain. LOLA Bees started in OEV. Urban Roots has bees. Beehive onsite at Western Fair District, with education opportunities at the Annual Western Fair.	MLHU comments that OMAFRA website be reviewed Re: Farming of Bees. Contact Apiary program for further information. 1.Ensure sanitary methods of bottling/providing honey. 2. If honey is provided to the public, notify MLHU. 3. If further processing of honey occurs, contact MLHU to ensure food safety is maintained. City has been planting pollinator beneficial gardens for over 20 years	Provincial regulations limit location options. OMAFRA is currently reviewing the Ontario Bees Act which may lead to expanded options for urban beekeeping.		
<b><i>Increased pollinator habitat within the City</i></b>	TREA Pollinator Garden designed at Grosvenor Lodge. Pollinator gardens at Western Fair District. Western University has Bee Canada certification. The Pollinator Pathway Project has created several public gardens as well as material to encourage homeowners to plant pollinator habitats.	Pollinator Pathways approach in the works. Website created. Community lead but City support.			City to report out pollinator plantings

<b>PROCESSING</b>					
<b>Community Kitchens</b>					
<b>Action</b>	<b>Community Updates</b>	<b>City/Agency Updates</b>	<b>Identified Roadblocks</b>	<b>Progress Indicator</b>	<b>Next Steps – To-do List</b>
<i>Work with public health to provide food handler training for community kitchen users.</i>		Need food handler certification-contact MLHU for not-for-profit pricing and options.	-Cost to user -Having to renew every 5 years -Wait time to write test		Contact with Health Unit for status
<i>Continue to make upgrades to kitchen facilities (in both City and community spaces) to enhance food safety.</i>		City Grants provided – details to follow	Consistent access to Family Centers and Churches		
<i>Investigate health regulations related to food safety in the context of community kitchens and other forms of food processing.</i>		MLHU- 1.Contact MLHU with plans for upgrades to community kitchens to ensure the Food Premises regulations are met. 2.Contact MLHU for inspections of kitchens, as all family centres and churches are currently inspected.			
<i>Inventory existing inspected facilities that could be used for community kitchens and community garden programs. Make this information available to the public.</i>	MLFPC investigating an approach Planned MLFPC 2020 website update will include community kitchen and garden info and programming. The Grove at WFD researching requirements and costs.	Health Unit to provide basis of this inventory Follow normal booking procedure for City facilities with kitchens.			MLFPC and City to co-ordinate with MLHU on inventory of community kitchens and community gardens

<b><i>Facilitate community access to appropriate kitchen spaces.</i></b>	MLFPC investigating an approach	City Grants provided – details to follow			MLFPC and City to co-ordinate with MLHU on process
<b>Resource Sharing</b>					
<b>Action</b>	<b>Community Updates</b>	<b>City/Agency Updates</b>	<b>Identified Roadblocks</b>	<b>Progress Indicator</b>	<b>Next Steps – To-do List</b>
<b><i>Investigate existing tool libraries and tool- and resource-sharing projects in other cities to see if these models could be used in London.</i></b>	TREA received a grant to build a tool library, has researched other cities and models	GB and CP met with Maureen to discuss options – community needs to identify possible locations and City will see if facilities are available	Minimum size of operation expected to be viable		
<b><i>Inventory possible locations and community partners to facilitate a site(s) for sharing of resources.</i></b>	These are 2 separate community initiatives. TREA has worked on establishing its location Will Older indicated possible interest, online resource also required The MLFPC is developing and increasing its capacity to serve as a repository and shared location for resources and info about urban ag.		Non-City grants available to help incorporate non-profits		
<b><i>Provide grants to support the purchase of key tools for shared use.</i></b>	TREA has been addressing its space, partnerships and tools	City grants would respond to a proposal			

<b>Mobile Assets</b>					
<b>Action</b>	<b>Community Updates</b>	<b>City/Agency Updates</b>	<b>Identified Roadblocks</b>	<b>Progress Indicator</b>	<b>Next Steps – To-do List</b>
<i>Investigate the feasibility of mobile cider presses, bake ovens, and other forms of mobile food processing that would also support community events.</i>	Kensington Village has a cider press. NDM application for mobile oven submitted in 2017	Community Events – notification of food provision at events to MLHU via Special Events Vendor Form			- Cindy Bircham contact, has a mobile oven in St Thomas
<i>Consider grants to facilitate the purchase of shared assets in the community.</i>		City already offers various granting opportunities (multiyear, innovation, NDM and small events fund)			

## DISTRIBUTION

<b>Farmers Markets</b>					
<b>Action</b>	<b>Community Updates</b>	<b>City/Agency Updates</b>	<b>Identified Roadblocks</b>	<b>Progress Indicator</b>	<b>Next Steps – To-do List</b>
<i>Work with community members and local farmers to assess the feasibility of starting new markets where there is a demand for new farmers' markets across London.</i>	Western Fair expanding to outdoor space. London ICHC looking at a mobile market approach Covent Garden Market staff conducting research on Farmers Market networks The planned MLFPC 2020 website update will include info about locations to purchase local foods. MLFPC to host pop up information kiosk at fall Western Fair Market.		SoHo and Southdale markets not a success. Permit costs can deter. Farmer require minimum traffic to attend.  Certain vendors require business license- City contact: Ethan Ling, Specialists, Municipal Policy 519-661-2489 x 7650 eling@london.ca	Western Fair Market researching regulations to qualify for outdoor seasonal farmers market	

<b><i>Provide support for farmers' markets in public places and community hubs.</i></b>	Stormstayed had a market in 2019.		Liability insurance for individuals selling product.		
<b><i>Expand the Middlesex-London Health Unit's Harvest Bucks program for use at more markets across the City.</i></b>	UASC member Maddy Wilson on the Harvest Bucks committee		New organizations need to join in 2020 (investigate model with MLHU)		-New farmers markets, food box programs, fresh food stores contact harvest bucks committee to become a retail recipient of harvest bucks - (Food Fund Inc. potential candidates)
<b><i>Assess the current zoning and bylaw requirements for markets and the potential for allowing temporary food and other pop-up markets at locations such as community gardens, etc. (City Lead)</i></b>	Covent indicates that insurance is centralized and assumed by the market organization rather than vendors.	Farmers markets are a permitted use in the zoning by-law in some Agricultural Zones but new ones in other areas require a zoning by-law amendment.			City to examine -Permitting costs -Use of community resources centres
<b>Local Food Procurement</b>					
<b>Action</b>	<b>Community Updates</b>	<b>City/Agency Updates</b>	<b>Identified Roadblocks</b>	<b>Progress Indicator</b>	<b>Next Steps – To-do List</b>
<b><i>Review how other municipalities and institutions have approached local food procurement policy development. (City Lead)</i></b>		Who will do review?			



<p><b><i>Partner with other groups and organizations interested in expanding local food procurement in the Middlesex-London region</i></b></p>	<p>MLFPC is examining other regional models MLFPC had a local food procurement workgroup in 2018. The MLFPC is prepared to explore and develop a relationship with other community organizations to advocate for and expand local food opportunities within the city. Western Fair looking into food procurement opportunities.</p>				
<p><b>Direct Food Sales</b></p>					
<p><b>Action</b></p>	<p><b>Community Updates</b></p>	<p><b>City/Agency Updates</b></p>	<p><b>Identified Roadblocks</b></p>	<p><b>Progress Indicator</b></p>	<p><b>Next Steps – To-do List</b></p>
<p><b><i>Investigate bylaw issues related to food sales on private property and community gardens. (City Lead)</i></b></p>	<p>Allowed to use entire backyard as a garden and sell at markets - no city bylaw impacts this. If processing the food - the Middlesex London Health Unit is involved.</p> <p>Guidelines for community gardens on City owned land typically indicate no sales are allowed; however, retail sales could be allowed through a special request to Parks &amp; Recreation and evaluated based on a series of criteria. Each request considered on a case by case basis.</p> <p>MLFPC prepared to assist with advocacy in joint work with City.</p>	<p>Farm Gate Sales zoning by-law amendment (Z-9060) added a definition of farmgate sales and allowed that use in all Urban Reserve Zones. Approved by Council Nov 25, 2019.</p> <p>Zoning by-law amendment to recognize Urban Roots Urban Farm) at 21 Norlan Ave. approved by Council Dec 10, 2019.</p> <p>Provided Committee with information on building permit required for structures</p>	<p>Will be identified over the course of time through the practice of urban farming.</p>	<p>Number of questions raised and answered</p>	<p>City looking at updating Garage Sale bylaw through a zoning by-law amendment (Z-9166) in 2020 to allow people to sell produce more often through Garage Sales (currently citizens only allowed 2 garage sales a year)</p>

<p><b><i>Investigate health and safety regulations related to food sales on private property and community gardens and methods of education on requirements applicable to direct food sales.</i></b></p>		<p>Same as above MLHU would need to get involved if food is processed (ie. made into jam). Consider end user</p> <ol style="list-style-type: none"> <li>1. Ensure laws and by-laws are met</li> <li>2. If produce is distributed what requirements and notifications are required.</li> <li>3. If produce goes to food premises, notify the MLHU</li> </ol>			<p>Adding information to guidelines that are accessible to the public, allowing for increased self-initiated movement in community</p>
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## FOOD LOSS AND RECOVERY

### Food Waste Reduction & Recovery

Action	Community Updates	City/Agency Updates	Identified Roadblocks	Progress Indicator	Next Steps – To-do List
<p><b><i>Investigate the feasibility of instituting a food waste reduction and recovery project with partners such as restaurants and grocery stores, including health and safety issues.</i></b></p>	<p>London Food Coalition has established an anti-food waste recovery mode; Foodbank following suit. New Organization: Food Fund Inc. Other Inspiration: Hidden Harvest</p>				
<p><b><i>Provide public education promoting the idea of reducing food waste.</i></b></p>	<p>Plan for WFD and MLFPC to work together for education at the Annual Western Fair/events. The MLFPC exploring opportunities with City and WFD The Grove for educational events.</p>	<p>City will review options to increase further waste diversion through food waste avoidance as part of larger waste diversion strategy</p>	<p>Challenges inherent in bringing about sustained behavioral change</p>	<p>Level of awareness of the issue and actual number of tonnes reduced/money saved.</p>	<p>The City's 60% Waste Diversion Action Plan proposes development of a food waste avoidance strategy.</p>

<b>Community Composting</b>					
<b>Action</b>	<b>Community Updates</b>	<b>City Updates</b>	<b>Identified Roadblocks</b>	<b>Progress Indicator</b>	<b>Next Steps – To-do List</b>
<i>Investigate potential linkages between rural compost production and urban users of compost in food-growing projects.</i>			Provincial regulations present challenge		Composting being explored at food premises and backyards as well as pest control.
<i>Promote backyard composting of residential food and garden waste, through an education campaign that includes information about proper composting methods to reduce the potential for pests.</i>	TREA has an onsite compost demonstration site and facilitates workshops as required. Over the last 2 years, has visited 3 neighbourhoods door-to-door to discuss waste issues and composting. Is interested to have a larger role in working with residents	City will review options to increase further waste diversion through home composting programs as part of larger waste diversion strategy	Obtaining support for program. Effectiveness of program based on progress indicator	Additional number of composters in use in London.	The City's 60% Waste Diversion Action Plan proposes encouraging more home composting by making composters more available and reducing the cost of them to the public.
<i>Provide public education regarding composting.</i>	TREA has developed compost materials and has a school program strategy underway	City will review options to increase education, subsidies, as part of larger waste diversion strategy	Obtaining support for program.	Additional number of composters in use in London.	The City's 60% Waste Diversion Action Plan proposes actions to encourage and support home and community composting.
<i>Investigate the potential for community, vermi- and mid-scale composting.</i>		City will review options to increase access to community composting as part of larger waste diversion strategy	Obtaining support for program.	Number of active community composting sites.	The City's 60% Waste Diversion Action Plan proposes providing support to set up community composting.

<p><b><i>Investigate the feasibility of composting at restaurants and grocery stores.</i></b></p>	<p>Jessica and Matthew Robertson have restarted Village Compost and are available for compost collection. Contact info matt@villagecompost.com</p>	<p>City will review options to increase further waste diversion through food waste avoidance as part of larger waste diversion strategy</p>	<p>Challenges inherent in bringing about sustained behavioral change</p>		<p>The Province of Ontario’s Food and Organic Waste Framework 2018 identifies organic waste reduction targets for establishments such as restaurants, grocery stores, etc.</p>
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**EDUCATION AND CONNECTION**

**Food Hubs**

Action	Community Updates	City Updates	Identified Roadblocks	Progress Indicator	Next Steps – To-do List
<p><b><i>Identify a leadership group that would manage the development and implementation of multiple food hubs.</i></b></p>	<p>London Food Incubator operating. The Grove at Western Fair has launched.</p>	<p>Parks Planning reviewing possible food hub in Cavendish Park.</p>	<p>LFI – exclusive to entrepreneurs</p>	<p>The Grove is working through its strategy and working with new partners in development.</p>	
<p><b><i>Research and prepare a food hub feasibility study and business plan.</i></b></p>	<p>Western Fair researching models and determining long-term role for WFA</p>				
<p><b><i>Investigate various food hub models and consider which models would work best in London and at what locations.</i></b></p>					

<b>School Gardens</b>					
<b>Action</b>	<b>Community Updates</b>	<b>City/Agency Updates</b>	<b>Identified Roadblocks</b>	<b>Progress Indicator</b>	<b>Next Steps – To-do List</b>
<i>Engage school boards to increase the number and capacity of school gardens.</i>	Erin Mutch contact @ TVDSB - various school gardens exist.				
<i>Understand food systems-related curriculum linkages relevant to elementary and secondary school education.</i>		MLHU – School gardens encompass outdoor, greenhouses and grow towers within schools.			
<i>Support the development of curriculum connections and teacher training materials related to school gardens.</i>	Growing Chefs teaching programs in schools on cooking skills and local food system. The MLFPC is working with growing chefs and WFD to improve and develop new resources for teachers and classrooms.		Seasonality of Schools Support from Staff		
<i>Support teachers and schools to bring agriculture into the classroom through connections with farmers.</i>	Western Fair works with AgScape for Fair- would be a good resource: <a href="https://agscape.ca/">https://agscape.ca/</a>				- Andrew Campbell contact; farmer who visits schools and skypes into schools regularly
<i>Create linkages between school boards, the City, community groups, and parent councils in order to promote the goal of a garden in every school.</i>	Sungold Organics Update: Western University and Fanshawe College have both reached out with interest in supporting more local food producers				-Contact Chad Stewart, Kyle Fee (Fanshawe College)

<p><i>Integrate school gardens with school food and nutrition programs so that food grown in schools is served and eaten in schools.</i></p>					
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<p><b>Community Education and Training</b></p>					
<p><b>Action</b></p>	<p><b>Community Updates</b></p>	<p><b>City/Agency Updates</b></p>	<p><b>Identified Roadblocks</b></p>	<p><b>Progress Indicator</b></p>	<p><b>Next Steps – To-do List</b></p>
<p><i>Develop city-wide community events focused on urban agriculture and food literacy in order to celebrate food growing and community gathering around cooking and eating together.</i></p>	<p>Western Fair District initiatives:</p> <ul style="list-style-type: none"> <li>- Community teaching and involvement garden along the Agriplex to display urban farm practices with signage</li> <li>- Annual Western Fair- looking to enhance education on Urban agriculture within the main agriculture “Barn”</li> <li>- Working with MLFPC to develop new outreach opportunities</li> <li>- Agri-Food Week- events for students to learn about the local food system and food literacy skills. Partner with Growing Chefs and assistance from MLFPC.</li> </ul>		<p>Plans and information currently exist, lack of personnel for support</p> <p>Costs to hold and run events.</p> <p>Need volunteers to educate (10 days)- Fair</p> <p>Agri-Food: High interest with students, but costs of food/supplied/event operations keep growing. Need more chefs/assistance with food prep for Growing Chefs.</p>		<p>Bring industry resources and tools to help WFD develop educational display at the Fair in September.</p>

<p><i>Develop workshop and training materials related to ecologically sustainable urban agriculture that promotes no-till production, biodiversity, heritage seeds, organic methods, and pollinator health, among other environmental issues, and their links to urban agriculture.</i></p>					
<p><i>Develop educational materials around composting, soil health, sustainable food production, and food processing in various languages, and distribute these materials to the community at large.</i></p>					

- Notes;**
- MLHU** means Middlesex London Health Unit.
  - MLFPC** means Middlesex London Food Policy Council.
  - UASC** means Urban Agriculture Steering Committee

**Appendix 2 – Relevant Background**

**Previous Reports and Meetings**

**Urban Agriculture Strategy Terms of Reference (PEC)**

**December 12, 2016**

**Urban Agriculture Strategy**

**November 6, 2017**



## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee  
**From:** Gregg Barrett  
Director, City Planning and City Planner  
**Subject:** Provincial Policy Statement (PPS) 2020  
**Meeting on:** April 27, 2020

## Recommendation

That, on the recommendation of the Director, City Planning and City Planner, this report regarding the 2020 Provincial Policy Statement **BE RECEIVED** for information

## Executive Summary

A draft of the new Provincial Policy Statement (PPS) was introduced in July 2019 to align with the changes to the *Planning Act* through Bill 108, *More Homes, More Choice Act, 2019*.

Following consultations with municipalities, stakeholders and the public, a final version of the PPS was released on February 28, 2020. The PPS will come into effect on May 1, 2020. In accordance with section 3 of the *Planning Act*, all decisions on land use planning matters made on or after that date are required to be consistent with the PPS 2020.

Highlights of the changes include:

- A new opportunity to provide a 25-year planning horizon extended from a 20-year horizon
- An extended minimum to accommodate residential growth from 10 to 15 years
- Additional flexibility for settlement area boundary expansion
- Market based housing policies with the addition of “affordable housing”
- New guidance related to transit-supportive development, including air rights development
- New references to “a changing climate,” with a focus on adaptation
- Increased flexibility for sewage, water and stormwater servicing
- The removal of the relationship between waste management and land use planning
- More flexibility regarding interpretation and implementation
- Changes between prescriptive language “shall” and suggestive language “should”
- Enhanced municipal engagement with Indigenous communities on land use planning matters
- Introduction of the new term “agricultural system” for agriculture-related economic growth
- Increased development opportunities in rural areas
- Enhanced direction on planning, protecting, and converting employment areas

A report was received by the Planning and Environment Committee on October 7, 2019 that included a description of the new draft PPS, and included a response that was submitted in response to the Environmental Registry of Ontario (ERO) posting. The final version has not addressed most of key concerns identified in that report.

## Relevant Background

October 7, 2019 – Provincial Policy Statement (PPS) 2019 Review – The Planning & Environment Committee received staff comments on the proposed changes to the Provincial Policy Statement and directed staff to forward the report as a response to the Environmental Registry of Ontario (ERO) posting.

## Analysis

### 1.0 Summary of Changes

#### 1.1 Increasing Housing Supply and Mix

- Extended maximum planning horizon from 20 to up to 25 years (policy 1.1.2)
- Extended minimum residential land supply from 10 to 15 years (policy 1.4.1)
- Addition of “market-based” range and mix of housing types (policy 1.1.1.b and 1.7.1.b)
- Added flexibility related to settlement area boundary expansions and adjustment (policies 1.1.3.8 and 1.1.3.9)
- Greater emphasis on transit-supportive development and intensification, including potential air rights development (policies 1.1.1, 1.3.3.3, 1.4.3, and 1.8.1)

#### 1.2 Protecting the Environment and Public Safety

- New references to a changing climate throughout the PPS
- More flexible infrastructure and public service facilities policies relating to sewage, water services and waste management
- A new policy for promoting on-site and local re-use of excess soil to prevent mismanagement of excess soil (policy 3.2.3)
- Positive changes to policies in relation to the protection of public health safety following the 2019 consultation

#### 1.3 Reducing Barriers and Costs

- Increased flexibility to interpretation and implementation of overall policies (section 4 of the PPS)
- Retention of a policy regarding an environmental assessment for infrastructure planning (new policy 4.7)
- Changes of language between “shall” and “should” (policies 1.1.3.6, 1.1.3.7, 1.2.6.2, and 1.6.7.2)
- Removal of a proposed policy pertaining to fast-tracking of priority applications

#### 1.4 Supporting Rural, Northern and Indigenous Communities

- Enhanced municipal engagement with Indigenous communities on land use planning matters, including cultural heritage and archaeological resources (policies 1.2.2 and 2.6.5)
- New definition and provisions with respect to the agricultural system (policy 2.3.2)
- More permitted uses in rural lands (policy 1.1.5.2)
- Deletion of a provision for promoting and protecting uses in relation to agriculture and normal farm practices (policy 1.1.5.8)

#### 1.5 Supporting Certainty and Economic Growth

- New provisions for better planning and protecting employment lands (policies 1.2.6.2, 1.3.2.2 and 1.3.2.3)
- Additional opportunities for conversion of employment areas (policy 1.3.2.5)
- New references to “regional economic development corporation” as a partner in determining regionally significant employment areas (policy 1.3.2.5)
- New direction to facilitate conditions for economic investment (policy 1.3.1.c)

For reference, a strikeout and underline version of the changes from the 2014 to the 2020 PPS is attached as Appendix A.

## **2.0 Analysis of the 2020 PPS**

### **2.1 Increasing Housing Supply and Mix**

#### **Extended planning horizon and period for land supply requirement**

The extension of the 20-year planning horizon allows municipalities to include lands within their urban growth boundaries that accommodates up to a 25-year supply of residential and employment lands (policy 1.1.2). It is noted that the new PPS states “up to 25 years”, referring to the maximum rather than the standard. Given that, the existing London Plan horizon of 20 years is consistent with the new PPS.

More significantly, the minimum residential land requirement is increased to 15 years from 10 years (policy 1.4.1). The time period is extended by 3 additional years from the proposed time period of 12 years in 2019. The change requires municipalities to maintain a 15 year residential land supply, which introduces new challenges as there is less certainty with regards to residential demand the further out we project. This will be considered in a comprehensive review of the London Plan that considers the need for potential changes to the urban growth boundary based on local demographic and economic factors.

A future comprehensive review of the London Plan will also need to be consistent with a revised policy 1.1.3.8.a, which adds satisfying market demand as a condition for urban growth boundary expansions. The addition of policy 1.1.3.9 also challenges the City to facilitate adjustment of its urban growth boundary outside of a comprehensive review, where the conditions in policy 1.1.3.9 are met. These conditions include that there is no net increase in land within the boundary.

#### **Market-based and affordable housing needs**

Primarily intended to increase a range and mix of housing supply, the PPS introduces the term “market-based”, which relates to a range and mix of residential types throughout the PPS. The full implications of this change are unclear as there is considerable room for interpretation. The inclusion of the term “market-based” may be used to differentiate it from affordable housing targets, or may be used as rationale to increase the supply of specific housing types. However, the addition of the term “affordable housing” alongside references to “market-based” supports some of our housing initiatives which is positive (policies 1.1.1 b and 1.4.3).

The inclusion of “market demand” as a criterion to justify a settlement area expansion needs to be balanced with other PPS policy that supports intensification and compact built form, so as to avoid forms of development that could result in sprawl and auto-oriented development (policy 1.1.3.8.a).

The 2011-2031 ReThink London Land Needs Background Study was part of the London Plan process, and it estimated that there would be sufficient land to accommodate growth for twenty years without adding additional land. Beyond 2031, it was estimated that there would be an additional 3 year supply for low-density development, 48 year supply for medium-density development, and 20 year supply for high-density development. The projections therefore appear to align with the new PPS. Through the next comprehensive review of the London Plan we will ensure that land is available through intensification and greenfield development to accommodate future residential growth.

#### **Transit-supportive development**

The revised PPS requires transit-supportive development to accommodate residential and employment needs. Strengthened directions on transit-supportive development support the London Plan to align place types with transit service. The inclusion of the term “station” in policies related to transit-supportive development (policies 1.2.4.d and 1.4.3.e) also supports Transit Villages and Rapid Transit Corridors to accommodate higher density development.

The PPS newly references “air-rights development” as part of transit-supportive development. However, there is no clear definition of air rights in the PPS, which could result in multiple interpretations. We have consulted with the Ministry of Municipal Affairs and our understanding is that the Province’s intent is to permit development opportunities over existing and planned transit infrastructure. Should the opportunity for air rights development arise we are supportive in principle.

## **2.2 Protecting the Environment and Public Safety**

### **New references to “a changing climate”**

Intended to enhance direction on municipalities’ proactive emergency preparedness, the term “a changing climate” is introduced throughout the PPS. The language is largely focused on climate change adaptation or resiliency, rather than mitigation.

Furthermore, the policies with respect to the use of renewable energy and alternative energy system are removed throughout the PPS. The City still has the ability through policy and practice to address climate change mitigation and infrastructure planning, even if it isn’t directed by the PPS.

A new paragraph in Section 3.0 – Protecting Public Health and Safety of the PPS requires municipalities to work with the Province and conservation authorities on mitigating risk from natural hazards and the impacts of a changing climate. The cooperation with conservation authorities would enhance municipalities’ ability to assess and address potential risks from natural hazards and extreme weather events such as flooding. This change was made in response to a recommendation of the Province’s Special Advisor on Flooding. The London Plan currently values considerations on climate change impacts to minimize the risks associated with natural hazards in consistency with the new PPS.

The new language related to climate change aligns with the City of London’s Climate Emergency Declaration.

### **Increased flexibility to sewage, water, stormwater and waste management**

Several revisions throughout policy 1.6.6 allow for additional flexibility to alternate servicing options, including private communal services, individual on-site services, and particle services where municipal sewage and water services are not available, planned or feasible. For example, policy 1.6.6.3 now states that private communal services are the preferred form of servicing for multi-unit/lot development where municipal services are not available, planned, or feasible, whereas the PPS previously said that may be used in cases where services are not provided. This policy and several others could support private servicing for development, which is inconsistent with comprehensive infrastructure planning. At the same time, language is added to ensure that planning for sewage and water services prepares for the impacts of a changing climate and policy 1.6.6.2 has new language stating that municipal services are the preferred form of servicing for settlement areas “to support protection of the environment and minimize potential risks to human health and safety.” Finally, additional language is added in policy 1.6.6.4 to direct planning authorities to assess the long-term impacts of individual on-site services on the environmental health and character of rural settlement areas.

Direction on the relationship between waste management and land use patterns is weakened as a result of a removed sentence in policy 1.6.10.1, which stated: “Planning authorities should consider the implications of development and land use patterns on waste generation, management and diversion.” Although this policy is discretionary, the London Plan supports sustainable waste management and careful considerations for the locational relationship of waste management facilities with other land uses in terms of compatibility and mitigation of adverse impacts on the environment.

### **Promoted on-site and local re-use of excess soil**

The PPS now encourages municipalities to support on-site and local re-use of excess soil while protecting human health and the environment (policy 3.2.3). This provision is positive to the City to consider potential procedures or actions for management of

excess soil as mitigation measures to minimize potential adverse effect to the environment, including ground or surface water. Further, the City could recognize mismanagement of excess soil as human-made hazard, and pay more attention to the management to minimize potential risk to public health and safety.

### **New changes based on the 2019 consultation**

The revised PPS reflects positive changes to policies regarding the protection of the environment and public safety as a result of the consultation in 2019.

The PPS removes the proposed provision for extraction permitted in natural heritage features outside the Greenbelt Area where habitation plans demonstrate that the extraction will have no negative impacts on natural heritage features.

Further, the PPS removes proposed policy 2.1.10, which is a discretionary policy for management of wetlands not considered significant as per the PPS. This removal alleviates potential implementation challenges to identify, assess, and manage wetlands not considered to be provincially significant. The new PPS maintains the protection of natural heritage features, as policies under section 2.1 – Natural Heritage remain unchanged, which is positive from the City’s perspective.

## **2.3 Reducing Barriers and Costs**

### **Increased flexibility for interpretation and implementation**

A number of changes to Section 4 – Implementation and Interpretation allows for additional flexibility to interpret and implement the 2020 PPS. Many policies are moved to the introduction parts of the PPS, particularly Parts I to III.

The recognition of other provincial legislation and regulations, such as the Greenbelt Act and the Niagara Escarpment Plan, to read and implement in conjunction with the PPS is removed.

New policy 4.9 encourages municipalities to report on the implementation of their official plan policies in accordance with provincial standards. Policy 4.9 in the 2014 PPS stated that the PPS represents minimum requirements and does not prevent planning authorities from exceeding the requirement of the PPS. This policy was removed and the provision is now found in Part III: How to Read the Provincial Policy Statement.

Policy 4.11 is now retained with new language as new policy 4.7, rather than being deleted as proposed in 2019. The PPS places greater emphasis on an environmental assessment process for existing and planned infrastructure in order to reinforce infrastructure planning under the Planning Act and applicable legislation or regulations.

### **Language changes between “shall” and “should”**

Supportive language “should” in a policy (1.2.6.1) is replaced with the prescriptive phrase “shall”, making them mandatory. Planning for major facilities and sensitive land uses is now required to ensure that adverse effect are minimized and mitigated and their long-term operational and economic viability. This change supports the London Plan, which emphasizes planning for major facilities and sensitive land uses.

However, the word “should” implies discretionary direction and replaces the word “shall” in several policies, which are critical to implement. The language change contradicts other policies in the revised PPS that encourage the integration of infrastructure, servicing, and transportation into planning.

- Policy 1.1.3.6 will no longer require municipalities to facilitate compact growth.
- Policy 1.1.3.7 will no longer requiring phasing policies, which are critical to ensuring timely provision of infrastructure and services.
- Policy 1.6.7.2 will no longer require municipalities to make efficient use of existing and planned transportation infrastructure.

### **Removed direction on streamlining priority applications**

The revised PPS does not require fast-tracking of priority applications, as proposed in the 2019 draft. The removal of the proposed policy, which lacked clarity on definition and criteria of the applications has ameliorated our concerns with respect to compact growth and sustainable development.

## **2.4 Supporting Rural, Northern and Indigenous Communities**

### **Engagement with Indigenous communities**

The PPS emphasizes section 35 Aboriginal or treaty rights of the *Constitution Act* through prescriptive direction on municipal engagement with Indigenous communities on land use planning matters. Identifying, protecting and managing cultural heritage and archaeological resources also now require engagement. The London Plan supports and recognizes building relationships with Indigenous communities through meaningful engagement on cultural heritage (policy 571) and archaeological resources (policies 613, 614, and 1631). However, staff should consider a framework for engagement to ensure that the City best consider the interests and involvement of Indigenous communities on the matters.

Changes have been made to the definition of cultural heritage landscape that would limit those heritage resources to those that meet provincial, federal or international criteria.

### **New agricultural system planning**

New references to and provisions for the “agricultural system” represent positive changes to support long-term protection of prime agricultural areas (policies 1.7.1.i and 2.3.2). Municipalities outside the Greater Golden Horseshoe (GGH), including the City of London, can use the system as a best practice to protect local food production and promote the local and regional agri-food sector including farm markets and on-farm buildings.

The London Plan supports the protection of prime agricultural areas, as the City has prime agricultural land comprising 80% of the land outside its urban growth boundary. The agricultural system could encourage the City to better maintain and protect the agricultural land base and to promote the City as an agricultural and agri-food industrial hub.

### **More development opportunities in rural areas**

Following the consultation in 2019, the PPS extends the range of uses that may be permitted in rural lands through additional flexibility with regards to development opportunities (policy 1.1.5.2). For greater certainty, the PPS identifies agricultural uses, agricultural-related uses, and on-farm diversified uses and normal farms as permitted uses, as these uses are generally common uses of rural lands. In addition to these uses, the PPS encourages locally appropriate residential development, including lot creation, rather than limiting the development (policy 1.1.5.2).

However, the changes to the policies do not apply to the rural land in London, which is prime agricultural land. The land, therefore, is subject to section 2.3 that provides direction to protect prime agricultural areas. There are minimal changes to the section, and the City’s process regarding prime agricultural land is only impacted by the change to policy 2.3.2. The reference to the minimum distance separation formulae requirement for non-residential uses in prime agricultural areas was proposed to be removed (2.3.6.1 b 2). The reference is now restored as a criterion, thereby reinforcing the importance of its use. This retention has alleviated our concerns, which included potential inconsistency with related policies and implementation problems in terms of land use compatibility and protection of prime agricultural areas.

Further, a policy regarding mitigation of potential impacts from non-agricultural uses on surrounding agricultural operations and lands remains unchanged. The proposed wording “avoided, and where avoidance is not possible” to policy 2.3.6.2 lacks clarity on assessing potential applications for non-agricultural uses on these lands.

The London Plan designates the prime agricultural land as the Farmland Place Type, and the general policies for the Place Type are consistent with the new PPS.

## **2.5 Supporting Certainty and Economic Growth**

### **Employment areas planning and protection**

The updated PPS allows for additional guidance on planning and protecting local employment areas through new policies. The guidance is intended to better protect industrial and manufacturing uses where adjacent non-employment uses, such as residential uses, are planned.

New policy 1.3.2.2 is added for municipalities to assess employment areas at the time of an official plan review or update to determine that the land use designation is appropriate.

The addition of policy 1.3.2.3 prohibits a wider range of uses that are not ancillary to primary employment uses, including residential uses, within employment areas for industrial and manufacturing uses. The proposed term “institutional uses” was replaced with the wording “other sensitive land uses” to increase flexibility. Both policies 1.3.2.2 and 1.3.2.3 speak to the locational relationship between industrial and manufacturing uses and sensitive land uses to ensure that separation or mitigation from the sensitive land uses is provided to protect the viability of the industrial and manufacturing uses.

The proposed policy 1.2.6.2 is now strengthened to better protect industrial and manufacturing uses with more concrete conditions with respect to sensitive land uses, in keeping with the emphasis on land use compatibility in revised policy 1.2.6.1. Municipalities are required to permit proposed sensitive land uses only if there is a demonstrated need and no reasonable alternative locations for the uses, and potential adverse effects to both the proposed uses and industrial uses are minimized and mitigated.

The PPS supports the goals of the City of London’s Industrial Land Development Strategy (ILDS). The London Plan also aligns with the PPS to ensure protection of industrial uses and sensitive uses and land use compatibility between them in accordance with the Province’s D-series Guidelines.

### **Conversion of employment lands**

Policy 1.3.2.5 is added to allow the conversion of employment areas to permit non-employment uses in advance of a comprehensive review, provided the areas are not determined as provincially or regionally significant. This policy states that municipalities would work with a regional economic development corporation to determine significant areas in the regional context, however, the term “regional economic development corporation” is not defined in the PPS.

The policy does not also provide clear limitation on employment area conversion in the absence of a comprehensive review. The City should consider conditions or criteria to control the conversion.

### **New conditions for economic investment**

The updated PPS provides new direction regarding economic investment (policy 1.3.1). The policy is supportive of the promotion of investments in new jobs and employment opportunities, however, does not provide clarification on how to identify strategic sites for investment and any criteria or requirements to implement. Given this, staff should internally collaborate to identify appropriate conditions for economic investment, including evaluation criteria for strategic sites, monitoring indicators, and measures.

### **3.0 Conclusion**

This report is provided for information and includes an overview of the updated PPS, focusing on significant changes.

The PPS will come into effect on May 1, 2020 without further consultation and any modifications. Given that, staff will further review potential implication to the City, and identify appropriate policies and procedures in consistency with the new PPS.

In general the changes made in the 2020 PPS add flexibility or reduce the provincial requirement on planning matters. Given this characterization of the changes, the London Plan is generally consistent with the PPS.

There is no transition provisions for the new PPS, so in accordance with the Planning Act all decisions on planning matters made after May 1, 2020 shall be consistent with the new PPS. All reports moving forwards will include analysis of consistency with the new PPS.



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<p>Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services</p>	

April 20, 2020  
JL/jl

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Underlined strikeout indicates deleted text, but simply moved and remained in the revised PPS, while the moved text is underlined.

~~Strikeout~~ denotes deleted text and **bold text** represents added text.

## **Part I: Preamble**

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the Provincial Policy Statement sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for all Ontarians.

The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The Provincial Policy Statement supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The policies of the Provincial Policy Statement may be complemented by provincial plans or by locally-generated policies regarding matters of municipal interest. Provincial plans and municipal official plans provide a framework for comprehensive, integrated, place-based and long-term planning that supports and integrates the principles of strong communities, a clean and healthy environment and economic growth, for the long term.

Municipal official plans are the most important vehicle for implementation of this Provincial Policy Statement and for achieving comprehensive, integrated and long-term planning. Official plans shall identify provincial interests and set out appropriate land use designations and policies.

Official plans should also coordinate cross-boundary matters to complement the actions of other planning authorities and promote mutually beneficial solutions. Official plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas. In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with this Provincial Policy Statement.

Zoning and development permit by-laws are also important for implementation of this Provincial Policy Statement. Planning authorities shall keep their zoning and development permit by-laws up-to-date with their official plans and this Provincial Policy Statement.

Land use planning is only one of the tools for implementing provincial interests. A wide range of legislation, regulations, policies and programs may **also apply to decisions with respect to *Planning Act* applications and** affect planning matters, and assist in implementing these interests.

Within the Great Lakes – St. Lawrence River Basin, there may be circumstances where planning authorities should consider agreements related to the protection or restoration of the Great Lakes – St. Lawrence River Basin. Examples of these agreements include Great Lakes agreements between Ontario and Canada, between Ontario and Quebec and the Great Lakes States of the United States of America, and between Canada and the United States of America.

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## **Part II: Legislative authority**

The Provincial Policy Statement is issued under the authority of section 3 of the *Planning Act* and came into effect on ~~April 20, 2014~~ **May 1, 2020**.

In respect of the exercise of any authority that affects a planning matter, section 3 of the *Planning Act* requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act.

Comments, submissions or advice that affect a planning matter that are provided by the council of a municipality, a local board, a planning board, a minister or ministry, board, commission or agency of the government “shall be consistent with” this Provincial Policy Statement.

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## **Part III: How to read the Provincial Policy Statement**

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The Provincial Policy Statement supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

### **Read the entire Provincial Policy Statement**

The Provincial Policy Statement is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation. When more than one policy is relevant, a decision-maker should consider all of the relevant policies to understand how they work together. The language of each policy, including the Implementation and Interpretation policies, will assist decision-makers in understanding how the policies are to be implemented.

While specific policies sometimes refer to other policies for ease of use, these cross-references do not take away from the need to read the Provincial Policy Statement as a whole.

There is no implied priority in the order in which the policies appear.

## **Consider specific policy language**

When applying the Provincial Policy Statement it is important to consider the specific language of the policies. Each policy provides direction on how it is to be implemented, how it is situated within the broader Provincial Policy Statement, and how it relates to other policies.

Some policies set out positive directives, such as “settlement areas shall be the focus of growth and development.” Other policies set out limitations and prohibitions, such as “development and site alteration shall not be permitted.” Other policies use enabling or supportive language, such as “should,” “promote” and “encourage.”

The choice of language is intended to distinguish between the types of policies and the nature of implementation. There is some discretion when applying a policy with enabling or supportive language in contrast to a policy with a directive, limitation or prohibition.

## **Geographic scale of policies**

The Provincial Policy Statement recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld.

While the Provincial Policy Statement is to be read as a whole, not all policies will be applicable to every site, feature or area. The Provincial Policy Statement applies at a range of geographic scales.

Some of the policies refer to specific areas or features and can only be applied where these features or areas exist. Other policies refer to planning objectives that need to be considered in the context of the municipality or planning area as a whole, and are not necessarily applicable to a specific site or development proposal.

## **Policies represent minimum standards**

The policies of the Provincial Policy Statement represent minimum standards.

Within the framework of the provincial policy-led planning system, planning authorities and decision-makers may go beyond these minimum standards to address matters of importance to a specific community, unless doing so would conflict with any policy of the Provincial Policy Statement.

## **Defined terms and meanings**

Except for references to legislation which are italicized, other italicized terms in the Provincial Policy Statement are defined in the Definitions section. For non-italicized terms, the normal meaning of the word applies. Terms may be italicized only in specific policies; for these terms, the defined meaning applies where they are italicized and the

normal meaning applies where they are not italicized. Defined terms in the Definitions section are intended to capture both singular and plural forms of these terms in the policies.

### **Guidance material**

Guidance material and technical criteria may be issued from time to time to assist planning authorities and decision-makers with implementing the policies of the Provincial Policy Statement. Information, technical criteria and approaches outlined in guidance material are meant to support but not add to or detract from the policies of the Provincial Policy Statement.

### **Relationship with provincial plans**

**The Provincial Policy Statement provides overall policy directions on matters of provincial interest related to land use planning and development in Ontario, and applies province-wide, except where this policy statement or another provincial plan provides otherwise.**

Provincial plans, such as the Greenbelt Plan, ~~the~~ **A Place to Grow: Growth Plan for the Greater Golden Horseshoe** and the Growth Plan for Northern Ontario, build upon the policy foundation provided by the Provincial Policy Statement. They provide **additional** land use planning policies to address issues facing specific geographic areas in Ontario.

Provincial plans are to be read in conjunction with the Provincial Policy Statement. They take precedence over the policies of the Provincial Policy Statement to the extent of any conflict, except where the relevant legislation provides otherwise.

**Where the policies of provincial plans address the same, similar, related, or overlapping matters as the policies of the Provincial Policy Statement, applying the more specific policies of the provincial plan satisfies the more general requirements of the Provincial Policy Statement. In contrast, where matters addressed in the Provincial Policy Statement do not overlap with policies in provincial plans, the policies in the Provincial Policy Statement must be independently satisfied.**

Land use planning decisions made by municipalities, planning boards, the Province, or a commission or agency of the government must be consistent with the Provincial Policy Statement. Where provincial plans are in effect, planning decisions must conform or not conflict with them, as the case may be.

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## **Part IV: Vision for Ontario's land use planning system**

The long-term prosperity and social well-being of Ontario depends upon planning for strong, sustainable and resilient communities for people of all ages, a clean and healthy environment, and a strong and competitive economy.

Ontario is a vast province with diverse urban, rural and northern communities which may face different challenges related to diversity in population, economic activity, pace of growth and physical and natural conditions. Some areas face challenges related to maintaining population and diversifying their economy, while other areas face challenges related to accommodating and managing the development and population growth which is occurring, while protecting important resources and the quality of the natural environment.

Ontario's **The Province's** rich cultural diversity is one of its distinctive and defining features. ~~The Provincial Policy Statement reflects Ontario's diversity, which includes the histories and cultures of Aboriginal peoples, and is based on good land use planning principles that apply in communities across Ontario.~~ **Indigenous communities have a unique relationship with the land and its resources, which continues to shape the history and economy of the Province today. Ontario recognizes the unique role Indigenous communities have in land use planning and development, and the contribution of Indigenous communities' perspectives and traditional knowledge to land use planning decisions.** The Province recognizes the importance of consulting with Aboriginal communities on planning matters that may affect their ~~rights and interests~~ **section 35 Aboriginal or treat rights. Planning authorities are encouraged to build constructive, cooperative relationships through meaningful engagement with Indigenous communities to facilitate knowledge-sharing in land use planning processes and inform decision-making.**

The Provincial Policy Statement focuses growth and development within urban and rural settlement areas while supporting the viability of rural areas. It recognizes that the wise management of land use change may involve directing, promoting or sustaining development. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety. **Planning authorities are encouraged to permit and facilitate a range of housing options, including new development as well as residential intensification, to respond to current and future needs.**

Efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities. These land use patterns promote a mix of housing, including affordable housing, employment, recreation, parks and open spaces, and transportation choices that increase the use of active transportation and transit before other modes of travel. They ~~also~~ support the financial well-being of the Province and municipalities over the long term, and minimize the undesirable effects of development, including impacts on air, water and other resources. **They also permit better adaptation and response to the impacts of a changing climate, which will vary from region to region.**

Strong, liveable and healthy communities promote and enhance human health and social well-being, are economically and environmentally sound, and are resilient to climate change.

The Province's natural heritage resources, water resources, including the Great Lakes, agricultural resources, mineral resources, and cultural heritage and archaeological resources provide important environmental, economic and social benefits. The wise use and management of these resources over the long term is a key provincial interest. The Province must ensure that its resources are managed in a sustainable way to conserve biodiversity, protect essential ecological processes and public health and safety, provide for the production of food and fibre, minimize environmental and social impacts, **provide for recreational opportunities (e.g. fishing, hunting and hiking)** and meet its long-term needs.

It is equally important to protect the overall health and safety of the population, **including preparing for the impacts of a changing climate**. The Provincial Policy Statement directs development away from areas of natural and human-made hazards. This preventative approach supports provincial and municipal financial well-being over the long term, protects public health and safety, and minimizes cost, risk and social disruption.

Taking action to conserve land and resources avoids the need for costly remedial measures to correct problems and supports economic and environmental principles.

Strong communities, a clean and healthy environment and a strong economy are inextricably linked. Long-term prosperity, human and environmental health and social well-being should take precedence over short-term considerations.

The fundamental principles set out in the Provincial Policy Statement apply throughout Ontario. To support our collective well-being, now and in the future, all land use must be well managed.

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## **Part V: Policies**

### **1.0 Building strong healthy communities**

Ontario is a vast province with urban, rural, and northern communities with diversity in population, economic activities, pace of growth, service levels and physical and natural conditions. Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

Accordingly:



## 1.1 Managing and directing land use to achieve efficient and resilient development and land use patterns

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate **affordable and market-based** range and mix of residential **types** (including **single-detached**, ~~second~~ **additional residential** units, **multi-unit housing**, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) avoiding development and land use patterns that would prevent the efficient expansion of *settlement areas* in those areas which are adjacent or close to *settlement areas*;
- e) promoting **the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve** cost-effective development patterns, **optimization of transit investments**, and standards to minimize land consumption and servicing costs;
- f) improving accessibility for persons with disabilities and older persons by ~~identifying, preventing and removing~~ **addressing** land use barriers which restrict their full participation in society;
- g) ensuring that necessary ~~infrastructure, electricity generation facilities and transmission and distribution systems~~, and *public service facilities* are or will be available to meet current and projected needs; ~~and~~
- h) promoting development and land use patterns that conserve biodiversity; ~~and consider the~~
- i) **preparing for the regional and local** impacts of a changing climate.

1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to ~~20-25~~ years, **informed by provincial guidelines**. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a *provincial plan*, that time frame may be used for municipalities within the area.

Within *Settlement areas*, sufficient land shall be made available through *intensification* and *redevelopment* and, if necessary, *designated growth areas*.

Nothing in policy 1.1.2 limits the planning for ~~infrastructure, and public service facilities~~ **and employment areas** beyond a ~~20-25~~-year time horizon.

### 1.1.3 Settlement areas

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

The vitality **and regeneration** of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

1.1.3.1 ~~Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.~~

1.1.3.2 Land use patterns within *settlement areas* shall be based on a) densities and a mix of land uses which:

1. a) efficiently use land and resources;
2. b) are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
3. c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
4. **d) prepare for the *impacts of a changing climate*;**
4. e) support *active transportation*;
5. f) are *transit-supportive*, where transit is planned, exists or may be developed; and
6. g) are *freight-supportive*; and

b) **Land use patterns within *settlement areas* shall also be based on** a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for ***transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment*** where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs.

~~*Intensification and redevelopment* shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.~~

1.1.3.4 Appropriate development standards should be promoted which facilitate *intensification*, *redevelopment* and compact form, while avoiding or mitigating risks to public health and safety.

1.1.3.5 Planning authorities shall establish and implement minimum targets for *intensification* and *redevelopment* within built-up areas, based on local conditions. However, where provincial targets are established through *provincial plans*, the provincial target shall represent the minimum target for affected areas.

1.1.3.6 New development taking place in *designated growth areas* should occur adjacent to the existing built-up area and ~~shall~~**should** have a compact form, mix of uses and densities that allow for the efficient use of land, *infrastructure* and *public service facilities*.

1.1.3.7 Planning authorities ~~shall~~**should** establish and implement phasing policies to ensure:

- a) that specified targets for *intensification* and *redevelopment* are achieved prior to, or concurrent with, new development within *designated growth areas*; and
- b) the orderly progression of development within *designated growth areas* and the timely provision of the *infrastructure* and *public service facilities* required to meet current and projected needs.

1.1.3.8 A planning authority may identify a *settlement area* or allow the expansion of a *settlement area* boundary only at the time of a *comprehensive review* and only where it has been demonstrated that:

- a) sufficient opportunities ~~for~~**to accommodate** growth **and to satisfy market demand** are not available through *intensification*, *redevelopment* and *designated growth areas* to accommodate the projected needs over the identified planning horizon;
- b) the *infrastructure* and *public service facilities* which are planned or available are suitable for the development over the long term, are financially viable over their life cycle, and protect public health and safety and the natural environment;
- c) in *prime agricultural areas*:
  1. the lands do not comprise *specialty crop areas*;
  2. alternative locations have been evaluated, and
    - i. there are no reasonable alternatives which avoid *prime agricultural areas*; and
    - ii. there are no reasonable alternatives on lower priority agricultural lands in *prime agricultural areas*;
- d) the new or expanding *settlement area* is in compliance with the *minimum distance separation formulae*; and
- e) impacts from new or expanding *settlement areas* on agricultural operations which are adjacent or close to the *settlement area* are mitigated to the extent feasible.

~~In determining the most appropriate direction for expansions to the boundaries of *settlement areas* or the identification of a *settlement area* by a planning authority, a planning authority shall apply the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.~~

**In undertaking a *comprehensive review* the level of detail of the assessment should correspond with the complexity and scale of the settlement boundary expansion or development proposal.**

**1.1.3.9 Notwithstanding policy 1.1.3.8, municipalities may permit adjustments of settlement area boundaries outside a *comprehensive review* provided:**

- a) there would be no net increase in land within the *settlement areas*;**
- b) the adjustment would support the municipality's ability to meet *intensification* and *redevelopment* targets established by the municipality;**
- c) *prime agricultural areas* are addressed in accordance with 1.1.3.8 (c), (d) and (e); and**
- d) the *settlement area* to which lands would be added is appropriately serviced and there is sufficient reserve *infrastructure* capacity to service the lands.**

#### **1.1.4 Rural areas in municipalities**

Rural areas are important to the economic success of the Province and our quality of life. Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. Rural areas and urban areas are interdependent in terms of markets, resources and amenities. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.

Ontario's rural areas have diverse population levels, natural resources, geographies and physical characteristics, and economies. Across rural Ontario, local circumstances vary by region. For example, northern Ontario's natural environment and vast geography offer different opportunities than the predominately agricultural areas of southern regions of the Province.

**1.1.4.1 Healthy, integrated and viable *rural areas* should be supported by:**

- a) building upon rural character, and leveraging rural amenities and assets;**
- b) promoting regeneration, including the redevelopment of *brownfield sites*;**
- c) accommodating and appropriate range and mix of housing in rural *settlement areas*;**
- d) encouraging the conservation and redevelopment of existing rural housing stock on *rural lands*;**
- e) using rural *infrastructure* and *public service facilities* efficiently;**

- f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management **or use** of resources;
- g) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;
- h) conserving biodiversity and considering the ecological benefits provided by nature; and
- i) providing opportunities for economic activities in *prime agricultural areas*, in accordance with policy 2.3.

1.1.4.2 In *rural areas*, *rural settlement areas* shall be the focus of growth and development and their vitality and regeneration shall be promoted.

1.1.4.3 When directing development in *rural settlement areas* in accordance with policy 1.1.3, planning authorities shall give consideration to rural characteristics, the scale of development and the provision of appropriate service levels.

1.1.4.4 Growth and development may be directed to *rural lands* in accordance with policy 1.1.5, including where a municipality does not have a *settlement area*.

### 1.1.5 Rural lands in municipalities

1.1.5.1 When directing development on *rural lands*, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

1.1.5.2 On *rural lands* located in municipalities, permitted uses are:

- a) the management or use of resources;
- b) resource-based recreational uses (including recreational dwellings);
- c) ~~limited~~-residential development, **including lot creation, that is locally appropriate;**
- d) ***agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;***
- e) ~~d)~~ **e)** home occupations and home industries;
- f) ~~e)~~ **f)** cemeteries; and
- g) ~~f)~~ **g)** other rural uses.

1.1.5.3 Recreational, tourism and other economic opportunities should be promoted.

1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

1.1.5.5 Development shall be appropriate to the *infrastructure* which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this *infrastructure*.

1.1.5.6 Opportunities should be retained to locate new or expanding land uses that require separation from other uses.

1.1.5.7 Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.

~~1.1.5.8 Agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices should be promoted and protected in accordance with provincial standards.~~

1.1.5.98 New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the *minimum distance separation formulae*.

## **1.1.6 Territory without municipal organization**

1.1.6.1 On *rural lands* located in territory without municipal organization, the focus of development activity shall be related to the sustainable management or use of resources and resource-based recreational uses (including recreational dwellings).

1.1.6.2 Development shall be appropriate to the *infrastructure* which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this *infrastructure*.

1.1.6.3 The establishment of new permanent townsites shall not be permitted.

1.1.6.4 In areas adjacent to and surrounding municipalities, only development that is related to the sustainable management or use of resources and resource-based recreational uses (including recreational dwellings) shall be permitted. Other uses may only be permitted if:

- a) the area forms part of a planning area;
- b) the necessary *infrastructure* and *public service facilities* are planned or available to support the development and are financially viable over their life cycle; and
- c) it has been determined, as part of a *comprehensive review*, that the impacts of development will not place an undue strain on the *public service facilities* and *infrastructure* provided by adjacent municipalities, regions and/or the Province.

## **1.2 Coordination**

1.2.1 A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies and boards including:

- a) managing and/or promoting growth and development **that is integrated with infrastructure planning**;
- b) economic development strategies;
- c) managing natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources;
- d) ~~infrastructure, electricity generation facilities and transmission and distribution systems, multimodal transportation systems, public service facilities and waste management systems~~;
- e) ecosystem, shoreline, watershed, and Great Lakes related issues;
- f) natural and human-made hazards;
- g) population, housing and employment projections, based on *regional market areas*; and
- h) addressing housing needs in accordance with provincial policy statements such as the ~~Ontario Housing Policy Statement~~: **Service Manager Housing and Homelessness Plans**.

1.2.2 Planning authorities ~~are encouraged to~~ **shall engage with Indigenous communities and** coordinate **on land use** planning matters ~~with Aboriginal communities~~.

1.2.3 Planning authorities should coordinate emergency management and other economic, environmental and social planning considerations to support efficient and resilient communities.

1.2.4 Where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with lower-tier municipalities shall:

- a) identify, ~~coordinate~~ and allocate population, housing and employment projections for lower-tier municipalities. Allocations and projections by upper-tier municipalities shall be based on and reflect *provincial plans* where these exist **and informed by provincial guidelines**;
- b) identify areas where growth or development will be directed, including the identification of nodes and the corridors linking these nodes;
- c) identify targets for *intensification* and *redevelopment* within all or any of the lower-tier municipalities, including minimum targets that should be met before expansion of the boundaries of *settlement areas* is permitted in accordance with policy 1.1.3.8;
- d) where **major** transit corridors exist or are to be developed, identify density targets for areas adjacent or in proximity to these corridors **and stations**, including minimum targets that should be met before expansion of the

boundaries of *settlement areas* is permitted in accordance with policy 1.1.3.8;  
and

- e) ~~identify and~~ provide policy direction for the lower-tier municipalities on matters that cross municipal boundaries.

1.2.5 Where there is no upper-tier municipality, planning authorities shall ensure that policy 1.2.4 is addressed as part of the planning process, and should coordinate these matters with adjacent planning authorities.

### 1.2.6 Land use compatibility

1.2.6.1 ~~Major facilities and sensitive land uses should~~ **shall** be planned to ensure they are appropriately designed, buffered and/or separated from each other **and developed to prevent avoid or if avoidance is not possible, minimize and mitigate any potential adverse effects** from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term **operational and economic** viability of *major facilities in accordance with provincial guidelines, standards and procedures*.

**1.2.6.2 Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing, or other uses that are particularly vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:**

- a) **there is an identified need for the proposed use;**
- b) **alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;**
- c) **adverse effects to the proposed sensitive land use are minimized and mitigated; and**
- d) **potential impacts to industrial, manufacturing or other uses are minimized and mitigated.**

### 1.3 Employment

1.3.1 Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment ~~and~~, institutional **uses, and broader mixed uses** to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) **facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of**



**employment sites, including market-ready sites, and seeking to address potential barriers to investment;**

- ⇒ **d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4; and**
- ⇒ **e) ensuring the necessary *infrastructure* is provided to support current and projected needs.**

### **1.3.2 Employment areas**

1.3.2.1 Planning authorities shall plan for, protect and preserve *employment areas* for current and future uses and ensure that the necessary *infrastructure* is provided to support current and projected needs.

**1.3.2.2 At the time of the official plan review or update, planning authorities should assess *employment areas* identified in local official plans to ensure that this designation is appropriate to the planned function of the *employment area*.**

***Employment areas* planned for industrial and manufacturing uses shall provide for separation or mitigation from *sensitive land uses* to maintain the long-term operational and economic viability of the planned uses and function of these areas.**

**1.3.2.3 Within *employment areas* planned for industrial and manufacturing uses, planning authorities shall prohibit residential uses and prohibit or limit other *sensitive land uses* that are not ancillary to the primary employment uses in order to maintain land use compatibility.**

***Employment areas* planned for industrial and manufacturing uses should include an appropriate transition to adjacent non-employment areas.**

1.3.2.24 Planning authorities may permit conversion of lands within *employment areas* to non-employment uses through a *comprehensive review*, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.

**1.3.2.5 Notwithstanding policy 1.3.2.4, and until the official plan review or update in policy 1.3.2.4 is undertaken and completed, lands within existing *employment areas* may be converted to a designation that permits non-employment uses provided the area has not been identified as provincially significant through a provincial plan exercise or as regionally significant by a regional economic development corporation working together with affected upper and single-tier municipalities and subject to the following:**

- a) there is an identified need for the conversion and the land is not required for employment purposes over the long term;**

- b) **the proposed uses would not adversely affect the overall viability of the *employment area*; and**
- c) **existing or planned *infrastructure* and *public service facilities* are available to accommodate the proposed uses.**

1.3.2.36 Planning authorities shall protect *employment areas* in proximity to *major goods movement facilities and corridors* for employment uses that require those locations.

1.3.2.47 Planning authorities may plan beyond ~~20~~**25** years for the long-term protection of employment areas provided lands are not designated beyond the planning horizon identified in policy 1.1.2.

## 1.4 Housing

1.4.1 To provide for an appropriate range and mix of *housing types*~~types~~**options** and densities required to meet projected requirements of current and future residents of the *regional market area*, planning authorities shall:

- a) maintain at all times the ability to accommodate residential growth for a minimum of ~~10~~**15** years through *residential intensification* and *redevelopment* and, if necessary, lands which are *designated and available* for residential development; and
- b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate *residential intensification* and *redevelopment*, and land in draft approved and registered plans.

**Upper-tier and single-tier municipalities may choose to maintain land with servicing capacity sufficient to provide at least a five-year supply of residential units available through lands suitably zoned to facilitate *residential intensification* and *redevelopment*, and land in draft approved and registered plans.**

1.4.2 Where planning is conducted by an upper-tier municipality:

- a) the land and unit supply maintained by the lower-tier municipality identified in policy 1.4.1 shall be based on and reflect the allocation of population and units by the upper-tier municipality; and
- b) the allocation of population and units by the upper-tier municipality shall be based on and reflect *provincial plans* where these exist.

1.4.3 Planning authorities shall provide for an appropriate range and mix of *housing types*~~types~~**options** and densities to meet projected ~~requirements~~**market-based and affordable housing needs** of current and future residents of the *regional market area* by:

- a) establishing and implementing minimum targets for the provision of housing which is *affordable to low and moderate income households*; **and which aligns with applicable housing and homelessness plans**. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;
- b) permitting and facilitating:
  - 1. all ~~forms of~~ *housing options* required to meet the social, health, **economic** and well-being requirements of current and future residents, including *special needs* requirements **and needs arising from demographic changes and employment opportunities**; and
  - 2. all ~~forms types~~ of *residential intensification*, including ~~second~~ **additional residential** units, and *redevelopment* in accordance with policy 1.1.3.3;
- c) directing the development of new housing towards locations where appropriate levels of *infrastructure* and *public service facilities* are or will be available to support current and projected needs;
- d) promoting densities for new housing which efficiently use land, resources, *infrastructure* and *public service facilities*, and support the use of *active transportation* and transit in areas where it exists or is to be developed; ~~and~~
- e) **requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and**
- e) ~~f)~~ **f)** establishing development standards for *residential intensification*, *redevelopment* and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

## 1.5 Public spaces, recreation, parks, trails and open space

1.5.1 Healthy, active communities should be promoted by:

- a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate *active transportation* and community connectivity;
- b) planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for *recreation*, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;
- c) providing opportunities for public access to shorelines; and
- d) recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas.

## 1.6 Infrastructure and public service facilities

1.6.1 *Infrastructure, electricity generation facilities and transmission and distribution systems*; and *public service facilities* shall be provided in a ~~coordinated,~~ **an** efficient and

~~cost-effective~~ manner that ~~considers~~ **prepares for the impacts from** ~~of a changing climate change~~ while accommodating projected needs.

Planning for ~~infrastructure, electricity generation facilities and transmission and distribution systems,~~ and *public service facilities* shall be coordinated and integrated with land use planning **and growth management** so that they are:

- a) financially viable over their life cycle, which may be demonstrated through asset management planning; and
- b) available to meet current and projected needs.

1.6.2 Planning authorities should promote *green infrastructure* to complement *infrastructure*.

1.6.3 Before consideration is given to developing new *infrastructure* and *public service facilities*:

- a) the use of existing *infrastructure* and *public service facilities* should be optimized; and
- b) opportunities for adaptive re-use should be considered, wherever feasible.

1.6.4 *Infrastructure* and *public service facilities* should be strategically located to support the effective and efficient delivery of emergency management services, **and to ensure the protection of public health and safety in accordance with the policies in Section 3.0: Protecting Public Health and Safety.**

1.6.5 *Public service facilities* should be co-located in community hubs, where appropriate, to promote cost-effectiveness and facilitate service integration, access to transit and *active transportation*.

## 1.6.6 Sewage, water and stormwater

1.6.6.1 Planning for *sewage and water services* shall:

- a) ~~direct and accommodate expected~~ **forecasted** growth or development in a manner that promotes the efficient use and optimization of existing:
  - 1. *municipal sewage services* and *municipal water services*; and
  - 2. *private communal sewage services* and *private communal water services*, where *municipal sewage services* and *municipal water services* are not available **or feasible**;
- b) ensure that these systems are provided in a manner that:
  - 1. can be sustained by the water resources upon which such services rely;
  - 2. **prepares for the impacts of a changing climate**;
  - 2. **3.** is feasible, **and** financially viable ~~and complies with all regulatory requirements~~ **over their lifecycle**; and
  - 3. **4.** protects human health and **safety**, **and** the natural environment;

- c) promote water conservation and water use efficiency;
- d) integrate servicing and land use considerations at all stages of the planning process; and
- e) be in accordance with the servicing hierarchy outlined through policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5. **For clarity, where *municipal sewage services and municipal water services* are not available, planned or feasible, planning authorities have the ability to consider the use of the servicing options set out through policies 1.6.6.3, 1.6.6.4, and 1.6.6.5 provided that the specified conditions are met.**

1.6.6.2 *Municipal sewage services and municipal water services* are the preferred form of servicing for *settlement areas to support protection of the environment and minimize potential risks to human health and safety*. ~~*Intensification and redevelopment*~~ **Within settlement areas on-with existing *municipal sewage services and municipal water services* should, *intensification and redevelopment* shall be promoted, wherever feasible to optimize the use of the services.**

1.6.6.3 Where *municipal sewage services and municipal water services* are not provided ~~available~~, ~~municipalities may allow the use of~~ **planned or feasible *private communal sewage services and private communal water services* are the preferred form of services for multi-unit/lot development to support protection of the environment and minimize potential risks to human health and safety.**

1.6.6.4 Where *municipal sewage services and municipal water services* or *private communal sewage services and private communal water services* are not provided ~~available~~, **planned or feasible**, *individual on-site sewage services and individual on-site water services* may be used provided that site conditions are suitable for the long-term provision of such services with no *negative impacts*. In *settlement areas*, these ***individual on-site sewage services and individual on-site water services*** may ~~only~~ be used for infilling and minor rounding out of existing development.

**At the time of the official plan review or update, planning authorities should assess the long-term impacts of *individual on-site sewage services and individual on-site water services* on the environmental health and the character of rural *settlement areas*. Where planning is conducted by an upper-tier municipality, the upper-tier municipality should work with lower-tier municipalities at the time of the official plan review or update to assess the long-term impacts of *individual on-site sewage services and individual on-site water services* on the environmental health and the desired character of rural *settlement areas* and the feasibility of other forms of servicing set out in policies 1.6.6.2 and 1.6.6.3.**

1.6.6.5 *Partial services* shall only be permitted in the following circumstances:

- a) where they are necessary to address failed *individual on-site sewage services and individual on-site water services* in existing development; or

- b) within *settlement areas*, to allow for infilling and minor rounding out of existing development on *partial services* provided that site conditions are suitable for the long-term provision of such services with no *negative impacts*.

**Where *partial services* have been provided to address failed services in accordance with subsection (a), infilling on existing lots of record in rural areas in municipalities may be permitted where this would represent a logical and financially viable connection to the existing *partial service* and provided that site conditions are suitable for the long-term provision of such services with no *negative impacts*. In accordance with subsection (a), the extension of *partial services* into *rural areas* is only permitted to address failed *individual on-site sewage* and *individual on-site water services* for existing development.**

1.6.6.6 Subject to the hierarchy of services provided in policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5, planning authorities may allow lot creation only if there is confirmation of sufficient *reserve sewage system capacity* and *reserve water system capacity* within *municipal sewage services* and *municipal water services* or *private communal sewage services* and *private communal water services*. The determination of sufficient *reserve sewage system capacity* shall include treatment capacity for hauled sewage from *private communal sewage services* and *individual on-site sewage services*.

1.6.6.7 Planning for stormwater management shall:

- a) **be integrated with planning for *sewage and water services* and ensure that systems are optimized, feasible and financially viable over the long term;**
- a) ~~b)~~ **b) minimize, or, where possible, prevent increases in contaminant loads;**
- b) ~~c)~~ **c) minimize *erosion* and changes in water balance, and ~~erosion~~ prepare for the *impacts of a changing climate* through the effective management of stormwater, including the use of *green infrastructure*;**
- e) ~~d) not increase~~ **d) mitigate risks to human health, and safety, and property damage and the environment;**
- d) ~~e)~~ **e) maximize the extent and function of vegetative and pervious surfaces; and**
- e) ~~f)~~ **f) promote stormwater management best practices, including stormwater attenuation and re-use, *water conservation and efficiency*, and low impact development.**

## **1.6.7 Transportation systems**

1.6.7.1 *Transportation systems* should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.

1.6.7.2 Efficient use ~~shall~~ **should** be made of existing and planned *infrastructure*, including through the use of *transportation demand management* strategies, where feasible.

1.6.7.3 As part of a *multimodal transportation system*, connectivity within and among *transportation systems* and modes should be maintained and, where possible, improved including connections which cross jurisdictional boundaries.

1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and *active transportation*.

~~1.6.7.5 Transportation and land use considerations shall be integrated at all stages of the planning process.~~

### **1.6.8 Transportation and infrastructure corridors**

1.6.8.1 Planning authorities shall plan for and protect corridors and rights-of-way for *infrastructure*, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs.

1.6.8.2 *Major goods movement facilities and corridors* shall be protected for the long term.

1.6.8.3 Planning authorities shall not permit *development* in *planned corridors* that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.

New *development* proposed on *adjacent lands* to existing or *planned corridors* and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities.

1.6.8.4 The preservation and reuse of abandoned corridors for purposes that maintain the corridor's integrity and continuous linear characteristics should be encouraged, wherever feasible.

**1.6.8.5 The co-location of linear *infrastructure* should be promoted, where appropriate.**

1.6.8.56 When planning for corridors and rights-of-way for significant transportation, electricity transmission, and *infrastructure* facilities, consideration will be given to the significant resources in Section 2: Wise Use and Management of Resources.

### **1.6.9 Airports, rail and marine facilities**

1.6.9.1 Planning for land uses in the vicinity of *airports*, *rail facilities* and *marine facilities* shall be undertaken so that:

- a) their long-term operation and economic role is protected; and

- b) *airports, rail facilities and marine facilities and sensitive land uses* are appropriately designed, buffered and/or separated from each other, in accordance with policy 1.2.6.

1.6.9.2 *Airports* shall be protected from incompatible land uses and development by:

- a) prohibiting new residential *development* and other sensitive land uses in areas near *airports* above 30 NEF/NEP;
- b) considering redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses in areas above 30 NEF/NEP only if it has been demonstrated that there will be no negative impacts on the long-term function of the *airport*; and
- c) discouraging land uses which may cause a potential aviation safety hazard.

### 1.6.10 Waste management

1.6.10.1 *Waste management systems* need to be provided that are of an appropriate size and type to accommodate present and future requirements, and facilitate, encourage and promote reduction, reuse and recycling objectives. ~~Planning authorities should consider the implications of development and land use patterns on waste generation, management and diversion.~~

*Waste management systems* shall be located and designed in accordance with provincial legislation and standards.

### 1.6.11 Energy supply

1.6.11.1 Planning authorities should provide opportunities for the development of energy supply including electricity generation facilities and transmission and distribution systems, **district energy, and renewable energy systems and alternative energy systems**, to accommodate current and projected needs.

~~1.6.11.2 Planning authorities should promote *renewable energy systems and alternative energy systems*, where feasible, in accordance with *provincial and federal requirements*.~~

## 1.7 Long-term economic prosperity

1.7.1 Long-term economic prosperity should be supported by:

- a) promoting opportunities for economic development and community investment-readiness;
- b) **encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of *housing options* for a diverse workforce;**



- b) ~~c) optimizing the long-term availability and use of land, resources, *infrastructure*, *electricity generation facilities and transmission and distribution systems*, and *public service facilities*;~~
- e) ~~d) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;~~
- d) ~~e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including *built heritage resources* and *cultural heritage landscapes*;~~
- e) ~~f) promoting the redevelopment of *brownfield sites*;~~
- f) ~~g) providing for an efficient, cost-effective, reliable *multimodal transportation system* that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;~~
- g) ~~h) providing opportunities for sustainable tourism development;~~
- h) ~~i) providing opportunities to support local food, and promoting the sustainability of agri-food and agri-product businesses by **sustaining and enhancing the viability of the agricultural system through** protecting agricultural resources, and minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the agri-food network;~~
- i) ~~j) promoting energy conservation and providing opportunities for development of *renewable energy systems and alternative energy systems*, including district **increased energy supply**;~~
- j) ~~k) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature; and~~
- k) ~~l) encouraging efficient and coordinated communications and telecommunications infrastructure.~~

## 1.8 Energy conservation, air quality and climate change

1.8.1 Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and **preparing for impacts of a changing climate change** ~~adaptation~~ through land use and development patterns which:

- a) promote compact form and a structure of nodes and corridors;
- b) promote the use of *active transportation* and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;
- c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future;
- d) focus freight-intensive land uses to areas well served by major highways, *airports*, *rail facilities* and *marine facilities*;
- e) **encourage transit-supportive development and intensification** to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;
- f) promote design and orientation which:

4. maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation **and green infrastructure**; and
  - ~~2. maximizes opportunities for the use of *renewable energy systems* and *alternative energy systems*; and~~
- g) maximize vegetation within *settlement areas*, where feasible.

## 2.0 Wise use and management of resources

Ontario's long-term prosperity, environmental health, and social well-being depend on conserving biodiversity, protecting the health of the Great Lakes, and protecting natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits.

Accordingly:

### 2.1 Natural heritage

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 *Natural heritage systems* shall be identified in Ecoregions 6E & 7E<sup>1</sup>, recognizing that *natural heritage systems* will vary in size and form in *settlement areas*, *rural areas*, and *prime agricultural areas*.

2.1.4 *Development* and *site alteration* shall not be permitted in:

- a) *significant wetlands* in Ecoregions 5E, 6E and 7E<sup>1</sup>; and
- b) *significant coastal wetlands*.

2.1.5 *Development* and *site alteration* shall not be permitted in:

- a) *significant wetlands* in the Canadian Shield north of Ecoregions 5E, 6E and 7E<sup>1</sup>;
- b) *significant woodlands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)<sup>1</sup>;
- c) *significant valleylands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)<sup>1</sup>;
- d) *significant wildlife habitat*;
- e) *significant areas of natural and scientific interest*; and

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<sup>1</sup> Ecoregions 5E, 6E, and 7E are shown on Figure 1.

- f) *coastal wetlands* in Ecoregions 5E, 6E and 7E<sup>1</sup> that are not subject to policy 2.1.4(b)

unless it has been demonstrated that there will be no *negative impacts* on the natural features or their *ecological functions*.

2.1.6 *Development and site alteration* shall not be permitted in *fish habitat* except in accordance with *provincial and federal requirements*.

2.1.7 *Development and site alteration* shall not be permitted in *habitat of endangered species and threatened species*, except in accordance with *provincial and federal requirements*.

2.1.8 *Development and site alteration* shall not be permitted on *adjacent lands* to the *natural heritage features and areas* identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the *ecological function* of the *adjacent lands* has been evaluated and it has been demonstrated that there will be no *negative impacts* on the natural features or on their *ecological functions*.

2.1.9 Nothing in policy 2.1 is intended to limit the ability of *agricultural uses* to continue.

## 2.2 Water

2.2.1 Planning authorities shall protect, improve or restore the *quality and quantity of water* by:

- a) using the *watershed* as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;
- b) minimizing potential *negative impacts*, including cross-jurisdictional and cross-*watershed* impacts;
- c) **evaluating and preparing for the impacts of a changing climate to water resource systems at the watershed level;**
- e) **d)** identifying water resource systems consisting of *ground water features, hydrologic functions, natural heritage features and areas*, and *surface water features* including shoreline areas, which are necessary for the ecological and hydrological integrity of the *watershed*;
- e) **e)** maintaining linkages and related functions among *ground water features, hydrologic functions, natural heritage features and areas*, and *surface water features* including shoreline areas;
- e) **f)** implementing necessary restrictions on *development and site alteration* to:
  - 1. protect all municipal drinking water supplies and *designated vulnerable areas*; and
  - 2. protect, improve or restore *vulnerable* surface and ground water, *sensitive surface water features* and *sensitive ground water features*, and their *hydrologic functions*;

- f) **g)** planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality;
- g) **h)** ensuring consideration of environmental lake capacity, where applicable; and
- h) **i)** ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.

2.2.2 *Development and site alteration* shall be restricted in or near *sensitive surface water features* and *sensitive ground water features* such that these features and their related *hydrologic functions* will be protected, improved or restored.

Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore *sensitive surface water features*, *sensitive ground water features*, and their *hydrologic functions*.

## 2.3 Agriculture

2.3.1 *Prime agricultural areas* shall be protected for long-term use for agriculture.

*Prime agricultural areas* are areas where *prime agricultural lands* predominate. *Specialty crop areas* shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the *prime agricultural area*, in this order of priority.

2.3.2 Planning authorities shall designate *prime agricultural areas* and *specialty crop areas* in accordance with guidelines developed by the Province, as amended from time to time.

**Planning authorities are encouraged to use an *agricultural system* approach to maintain and enhance the geographic continuity of the agricultural land base and the functional and economic connections to the *agri-food network*.**

### 2.3.3 Permitted uses

2.3.3.1 In *prime agricultural areas*, permitted uses and activities are: *agricultural uses*, *agriculture-related uses* and *on-farm diversified uses*.

Proposed *agriculture-related uses* and *on-farm diversified uses* shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.

2.3.3.2 In *prime agricultural areas*, all types, sizes and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected in accordance with provincial standards.

2.3.3.3 New land uses in **prime agricultural areas**, including the creation of lots, and new or expanding livestock facilities shall comply with the *minimum distance separation formulae*.

## 2.3.4 Lot creation and lot adjustments

2.3.4.1 Lot creation in *prime agricultural areas* is discouraged and may only be permitted for:

- a) *agricultural uses*, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
- b) *agriculture-related uses*, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*;
- c) a *residence surplus to a farming operation* as a result of farm consolidation, provided that:
  1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*; and
  2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and
- d) *infrastructure*, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

2.3.4.2 Lot adjustments in *prime agricultural areas* may be permitted for *legal or technical reasons*.

2.3.4.3 The creation of new residential lots in *prime agricultural areas* shall not be permitted, except in accordance with policy 2.3.4.1(c).

## 2.3.5 Removal of land from prime agricultural areas

2.3.5.1 Planning authorities may only exclude land from *prime agricultural areas* for expansions of or identification of *settlement areas* in accordance with policy 1.1.3.8.

## 2.3.6 Non-agricultural uses in prime agricultural areas

2.3.6.1 Planning authorities may only permit non-agricultural uses in *prime agricultural areas* for:

- a) extraction of *minerals, petroleum resources and mineral aggregate resources*, in accordance with policies 2.4 and 2.5; or
- b) limited non-residential uses, provided that all of the following are demonstrated:

1. the land does not comprise a *specialty crop area*;
2. the proposed use complies with the *minimum distance separation formulae*;
3. there is an identified need within the planning horizon provided for in policy 1.1.2 for additional land ~~to be designated~~ to accommodate the proposed use; and
4. alternative locations have been evaluated, and
  - i. there are no reasonable alternative locations which avoid *prime agricultural areas*; and
  - ii. there are no reasonable alternative locations in *prime agricultural areas* with lower priority agricultural lands.

2.3.6.2 Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible.

## **2.4 Minerals and Petroleum**

2.4.1 *Minerals* and *petroleum resources* shall be protected for long-term use.

### **2.4.2 Protection of long-term resource supply**

2.4.2.1 *Mineral mining operations* and *petroleum resource operations* shall be identified and protected from *development* and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.

2.4.2.2 Known *mineral deposits*, known *petroleum resources* and *significant areas of mineral potential* shall be identified and *development* and activities in these resources or on *adjacent lands* which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:

- a) resource use would not be feasible; or
- b) the proposed land use or development serves a greater long-term public interest; and
- c) issues of public health, public safety and environmental impact are addressed.

### **2.4.3 Rehabilitation**

2.4.3.1 Rehabilitation to accommodate subsequent land uses shall be required after extraction and other related activities have ceased. Progressive rehabilitation should be undertaken wherever feasible.

### **2.4.4 Extraction in prime agricultural areas**

2.4.4.1 Extraction of *minerals* and *petroleum resources* is permitted in *prime agricultural areas* provided that the site will be rehabilitated.

## 2.5 Mineral aggregate resources

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

### 2.5.2 Protection of long-term resource supply

2.5.2.1 As much of the *mineral aggregate resources* as is realistically possible shall be made available as close to markets as possible.

Demonstration of need for *mineral aggregate resources*, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of *mineral aggregate resources* locally or elsewhere.

2.5.2.2 Extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts.

2.5.2.3 *Mineral aggregate resource conservation* shall be undertaken, including through the use of accessory aggregate recycling facilities within operations, wherever feasible.

2.5.2.4 *Mineral aggregate operations* shall be protected from *development* and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. Existing *mineral aggregate operations* shall be permitted to continue without the need for official plan amendment, rezoning or development permit under the *Planning Act*. **Where the *Aggregate Resources Act* applies, processes under the *Aggregate Resources Act* shall address the depth of extraction of new or existing *mineral aggregate operations*.** When a license for extraction or operation ceases to exist, policy 2.5.2.5 continues to apply.

2.5.2.5 In known *deposits of mineral aggregate resources* and on *adjacent lands*, *development* and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:

- a) resource use would not be feasible; or
- b) the proposed land use or development serves a greater long-term public interest;  
and
- c) issues of public health, public safety and environmental impact are addressed.

### 2.5.3 Rehabilitation

2.5.3.1 Progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility, to recognize the interim nature

of extraction, and to mitigate negative impacts to the extent possible. Final rehabilitation shall take surrounding land use and approved land use designations into consideration.

2.5.3.2 *Comprehensive rehabilitation* planning is encouraged where there is a concentration of mineral aggregate operations.

2.5.3.3 In parts of the Province not designated under the *Aggregate Resources Act*, rehabilitation standards that are compatible with those under the Act should be adopted for extraction operations on private lands.

## **2.5.4 Extraction in prime agricultural areas**

2.5.4.1 In *prime agricultural areas*, on *prime agricultural land*, extraction of *mineral aggregate resources* is permitted as an interim use provided that the site will be rehabilitated back to an *agricultural condition*.

Complete rehabilitation to an *agricultural condition* is not required if:

- a) outside of a *specialty crop area*, there is a substantial quantity of *mineral aggregate resources* below the water table warranting extraction, or the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible;
- b) in a *specialty crop area*, there is a substantial quantity of *high quality mineral aggregate resources* below the water table warranting extraction, and the depth of planned extraction makes restoration of pre-extraction agricultural capability unfeasible;
- c) other alternatives have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 through 7 lands, resources on lands identified as *designated growth areas*, and resources on *prime agricultural lands* where rehabilitation is feasible. Where no other alternatives are found, *prime agricultural lands* shall be protected in this order of priority: *specialty crop areas*, Canada Land Inventory Class 1, 2 and 3 lands; and
- d) agricultural rehabilitation in remaining areas is maximized.

## **2.5.5 Wayside pits and quarries, portable asphalt plants and portable concrete plants**

2.5.5.1 *Wayside pits and quarries, portable asphalt plants and portable concrete plants* used on public authority contracts shall be permitted, without the need for an official plan amendment, rezoning, or development permit under the *Planning Act* in all areas, except those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities.

## **2.6 Cultural heritage and archaeology**



2.6.1 *Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*

2.6.2 *Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.*

2.6.3 Planning authorities shall not permit *development and site alteration on adjacent lands to protected heritage property* except where the proposed *development and site alteration* has been evaluated and it has been demonstrated that the *heritage attributes* of the *protected heritage property* will be *conserved*.

2.6.4 Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.

2.6.5 Planning authorities shall **engage with Indigenous communities and** consider ~~the~~ **their** interests of ~~Aboriginal communities in conserving~~ **when identifying, protecting and managing** cultural heritage and archaeological resources.

### **3.0 Protecting public health and safety**

Ontario's long-term prosperity, environmental health and social well-being depend on reducing the potential for public cost or risk to Ontario's residents from natural or human-made hazards.

Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.

**Mitigating potential risk to public health or safety or of property damage from natural hazards, including the risks that may be associated with the impacts of a changing climate, will require the Province, planning authorities, and conservation authorities to work together.**

Accordingly:

#### **3.1 Natural hazards**

3.1.1 Development shall generally be directed, **in accordance with guidance developed by the Province (as amended from time to time)**, to areas outside of:

- a) *hazardous lands* adjacent to the shorelines of the *Great Lakes - St. Lawrence River System* and *large inland lakes* which are impacted by *flooding hazards, erosion hazards* and/or *dynamic beach hazards*;
- b) *hazardous lands* adjacent to *river, stream and small inland lake systems* which are impacted by *flooding hazards* and/or *erosion hazards*; and

c) *hazardous sites*.

3.1.2 *Development and site alteration* shall not be permitted within:

- a) the *dynamic beach hazard*;
- b) *defined portions of the flooding hazard along connecting channels* (the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers);
- c) areas that would be rendered inaccessible to people and vehicles during times of *flooding hazards, erosion hazards and/or dynamic beach hazards*, unless it has been demonstrated that the site has safe access appropriate for the nature of the *development* and the natural hazard; and
- d) a *floodway* regardless of whether the area of inundation contains high points of land not subject to flooding.

3.1.3 Planning authorities shall ~~consider~~ **prepare** for the ~~potential~~ *impacts of a changing climate change* that may increase the risk associated with natural hazards.

3.1.4 Despite policy 3.1.2, *development and site alteration* may be permitted in certain areas associated with the *flooding hazard along river, stream and small inland lake systems*:

- a) in those exceptional situations where a *Special Policy Area* has been approved. The designation of a *Special Policy Area*, and any change or modification to the official plan policies, land use designations or boundaries applying to *Special Policy Area* lands, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources **and Forestry** prior to the approval authority approving such changes or modifications; or
- b) where the *development* is limited to uses which by their nature must locate within the *floodway*, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows.

3.1.5 *Development* shall not be permitted to locate in *hazardous lands and hazardous sites* where the use is:

- a) an *institutional use* including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools;
- b) an *essential emergency service* such as that provided by fire, police and ambulance stations and electrical substations; or
- c) uses associated with the disposal, manufacture, treatment or storage of *hazardous substances*.

3.1.6 Where the *two zone concept for flood plains* is applied, *development and site alteration* may be permitted in the *flood fringe*, subject to appropriate floodproofing to the *flooding hazard* elevation or another *flooding hazard* standard approved by the Minister of Natural Resources **and Forestry**.

3.1.7 Further to policy 3.1.6, and except as prohibited in policies 3.1.2 and 3.1.5, *development* and *site alteration* may be permitted in those portions of *hazardous lands* and *hazardous sites* where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:

- a) *development* and *site alteration* is carried out in accordance with *floodproofing standards*, *protection works standards*, and *access standards*;
- b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
- c) new hazards are not created and existing hazards are not aggravated; and
- d) no adverse environmental impacts will result.

3.1.8 *Development* shall generally be directed to areas outside of lands that are unsafe for *development* due to the presence of *hazardous forest types for wildland fire*.

*Development* may however be permitted in lands with *hazardous forest types for wildland fire* where the risk is mitigated in accordance with *wildland fire assessment and mitigation standards*.

### **3.2 Human-made hazards**

3.2.1 Development on, abutting or adjacent to lands affected by *mine hazards*; *oil, gas and salt hazards*; or former *mineral mining operations*, *mineral aggregate operations* or *petroleum resource operations* may be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed.

3.2.2 Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no *adverse effects*.

**3.2.3 Planning authorities should support, where feasible, on-site and local re-use of excess soil through planning and development approvals while protecting human health and the environment.**

### **4.0 Implementation and interpretation**

4.1 This Provincial Policy Statement applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after ~~April 30, 2014~~ **May 1, 2020**.

~~4.2 In accordance with section 3 of the *Planning Act*, a decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Municipal Board, in respect of the exercise of any authority that affects a planning matter, "shall be~~

consistent with” this Provincial Policy Statement. This Provincial Policy Statement shall be read in its entirety and all relevant policies are to be applied to each situation.

Comments, submissions or advice that affect a planning matter that are provided by the council of a municipality, a local board, a planning board, a minister or ministry, board, commission or agency of the government “shall be consistent with” this Provincial Policy Statement.

4.3 This Provincial Policy Statement shall be implemented in a manner that is consistent with the recognition and affirmation of existing Aboriginal and treaty rights in section 35 of the *Constitution Act, 1982*.

4.4 This Provincial Policy Statement shall be read in its entirety and all relevant policies are to be applied to each situation. This Provincial Policy Statement shall be implemented in a manner that is consistent with the Ontario *Human Rights Code* and the *Canadian Charter of Rights and Freedoms*.

4.5 In implementing the Provincial Policy Statement, the Minister of Municipal Affairs and Housing may take into account other considerations when making decisions to support strong communities, a clean and healthy environment and the economic vitality of the Province.

4.6 This Provincial Policy Statement shall be implemented in a manner that is consistent with the Ontario *Human Rights Code* and the *Canadian Charter of Rights and Freedoms*.

4.7 The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans.

Official plans shall identify provincial interests and set out appropriate land use designations and policies. To determine the significance of some natural heritage features and other resources, evaluation may be required.

Official plans should also coordinate cross-boundary matters to complement the actions of other planning authorities and promote mutually beneficial solutions. Official plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.

In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with this Provincial Policy Statement. The policies of this Provincial Policy Statement continue to apply after adoption and approval of an official plan.

4.8 Zoning and development permit by-laws are important for implementation of this Provincial Policy Statement. Planning authorities shall keep their zoning and

~~development permit by laws up-to-date with their official plans and this Provincial Policy Statement.~~

~~4.9 The policies of this Provincial Policy Statement represent minimum standards. This Provincial Policy Statement does not prevent planning authorities and decision-makers from going beyond the minimum standards established in specific policies, unless doing so would conflict with any policy of this Provincial Policy Statement.~~

~~4.10 A wide range of legislation, regulations, policies, and plans may apply to decisions with respect to *Planning Act* applications. In some cases, a *Planning Act* proposal may also require approval under other legislation or regulation, and policies and plans issued under other legislation may also apply.~~

~~4.117 In addition to land use approvals under the *Planning Act*, infrastructure may also require approval under other legislation and regulations. An environmental assessment process may be applied to~~**required for** ~~new infrastructure and modifications to existing infrastructure under applicable legislation.~~

~~There may be circumstances where land use~~**Wherever possible and practical,** ~~approvals under the *Planning Act* may be integrated with approvals under~~**and** ~~other legislation, for example, integrating the planning processes and approvals under the *Environmental Assessment Act* and the *Planning Act*, or regulations~~**should be integrated** ~~provided the intent and requirements of both Acts~~**processes** ~~are met.~~

~~There may be circumstances where land use approvals under the *Planning Act* may be integrated with approvals under other legislation, for example, integrating the planning processes and approvals under the *Environmental Assessment Act* and the *Planning Act*, provided the intent and requirements of both Acts are met.~~

~~4.12 *Provincial plans* shall be read in conjunction with this Provincial Policy Statement and take precedence over policies in this Provincial Policy Statement to the extent of any conflict, except where legislation establishing *provincial plans* provides otherwise. Examples of these are plans created under the *Niagara Escarpment Planning and Development Act*, the *Ontario Planning and Development Act, 1994*, the *Oak Ridges Moraine Conservation Act, 2001*, the *Greenbelt Act, 2005* and the *Places to Grow Act, 2005*.~~

~~4.13 Within the Great Lakes - St. Lawrence River Basin, there may be circumstances where planning authorities should consider agreements related to the protection or restoration of the Great Lakes - St. Lawrence River Basin. Examples of these agreements include Great Lakes agreements between Ontario and Canada, between Ontario, Quebec and the Great Lakes States of the United States of America, and between Canada and the United States of America.~~

4.448 The Province, in consultation with municipalities, **Indigenous communities**, other public bodies and stakeholders shall identify performance indicators for measuring the effectiveness of some or all of the policies. The Province shall monitor their implementation, including reviewing performance indicators concurrent with any review of this Provincial Policy Statement.

4.459 Municipalities are encouraged to ~~establish performance indicators to monitor~~ **and report on** the implementation of the policies in their official plans, **in accordance with any reporting requirements, data standards and any other guidelines that may be issued by the Minister.**

## 6.0 Definitions

**Access standards:** means methods or procedures to ensure safe vehicular and pedestrian movement, and access for the maintenance and repair of protection works, during times of *flooding hazards, erosion hazards* and/or *other water-related hazards*.

**Active Transportation:** means human-powered travel, including but not limited to, walking, cycling, inline skating and travel with the use of mobility aids, including motorized wheelchairs and other power-assisted devices moving at a comparable speed.

**Adjacent lands:** means

- a) for the purposes of policy 1.6.8.3, those lands contiguous to existing or planned corridors and transportation facilities where *development* would have a negative impact on the corridor or facility. The extent of the *adjacent lands* may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives;
- b) for the purposes of policy 2.1.8, those lands contiguous to a specific *natural heritage feature* or area where it is likely that

*development* or *site alteration* would have a *negative impact* on the feature or area. The extent of the *adjacent lands* may be recommended by the Province or based on municipal approaches which achieve the same objectives;

- c) for the purposes of policies 2.4.2.2 and 2.5.2.5, those lands contiguous to lands on the surface of known *petroleum resources, mineral deposits, or deposits of mineral aggregate resources* where it is likely that *development* would constrain future access to the resources. The extent of the *adjacent lands* may be recommended by the Province; and
- d) for the purposes of policy 2.6.3, those lands contiguous to a *protected heritage property* or otherwise defined in the municipal official plan.

**Adverse effects:** as defined in the *Environmental Protection Act*, means one or more of:

- a) impairment of the quality of the natural environment for any use that can be made of it;
- b) injury or damage to property or plant or animal life;

- c) harm or material discomfort to any person;
- d) an adverse effect on the health of any person;
- e) impairment of the safety of any person;
- f) rendering any property or plant or animal life unfit for human use;
- g) loss of enjoyment of normal use of property; and
- h) interference with normal conduct of business.

**Affordable:** means

a) in the case of ownership housing, the least expensive of:

1. housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for *low and moderate income households*; or
2. housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the *regional market area*;

b) in the case of rental housing, the least expensive of:

1. a unit for which the rent does not exceed 30 percent of gross annual household income for *low and moderate income households*; or
2. a unit for which the rent is at or below the average market rent of a unit in the *regional market area*.

**Agricultural condition:** means

a) in regard to *specialty crop areas*, a condition in which substantially the

same areas and same average soil capability for agriculture are restored, the same range and productivity of specialty crops common in the area can be achieved, and, where applicable, the microclimate on which the site and surrounding area may be dependent for specialty crop production will be maintained or restored; and

b) in regard to *prime agricultural land* outside of *specialty crop areas*, a condition in which substantially the same areas and same average soil capability for agriculture are restored.

**Agricultural System: A system comprised of a group of interconnected elements that collectively create a viable, thriving agricultural sector. It has two components:**

- a) an agricultural land base comprised of *prime agricultural areas*, including *specialty crop areas*, and *rural lands* that together create a continuous productive land base for agriculture; and
- b) an *agri-food network* which includes *infrastructure*, *services*, and *assets important to the viability of the agri-food sector*.

**Agricultural uses:** means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation

for full-time farm labour when the size and nature of the operation requires additional employment.

**Agri-food network:** Within the *agricultural system*, a network that includes elements important to the viability of the agri-food sector such as regional *infrastructure* and transportation networks; on-farm buildings and infrastructure; agricultural services, farm markets, distributors, and primary processing; and vibrant, agriculture-supportive communities.

**Agri-tourism uses:** means those farm-related tourism uses, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation.

**Agriculture-related uses:** means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

**Airports:** means all Ontario airports, including designated lands for future airports, with Noise Exposure Forecast (NEF)/Noise Exposure Projection (NEP) mapping.

**Alternative energy system:** means a system that uses sources of energy or energy conversion processes to produce power, heat and/or cooling that significantly reduces the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems.

**Archaeological resources:** includes artifacts, archaeological sites, marine archaeological sites, as defined under the *Ontario Heritage Act*. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act*.

**Areas of archaeological potential:** means areas with the likelihood to contain *archaeological resources*. ~~Methods~~ **Criteria** to identify archaeological potential are established by the Province, ~~but municipal approaches which achieve the same objectives may also be used.~~ The *Ontario Heritage Act* requires archaeological potential to be confirmed **by a licensed archaeologist** through archaeological fieldwork.

**Areas of mineral potential:** means areas favourable to the discovery of *mineral deposits* due to geology, the presence of known *mineral deposits* or other technical evidence.

**Areas of natural and scientific interest (ANSI):** means areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.

**Brownfield sites:** means undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

**Built heritage resource:** means a building, structure, monument,



installation or any manufactured **or constructed part or** remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an ~~Aboriginal~~ **Indigenous** community. Built heritage resources are ~~generally~~ located on property that has been designated under Parts IV or V of the *Ontario Heritage Act*, or **that may be** included on local, provincial, **federal** and/or ~~federal-international~~ registers.

**Coastal wetland:** means

- a) any *wetland* that is located on one of the Great Lakes or their connecting channels (Lake St. Clair, St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers); or
- b) any other *wetland* that is on a tributary to any of the above-specified water bodies and lies, either wholly or in part, downstream of a line located 2 kilometres upstream of the 1:100 year floodline (plus wave run-up) of the large water body to which the tributary is connected.

**Comprehensive rehabilitation:** means rehabilitation of land from which *mineral aggregate resources* have been extracted that is coordinated and complementary, to the extent possible, with the rehabilitation of other sites in an area where there is a high concentration of *mineral aggregate operations*.

**Comprehensive review:** means

- a) for the purposes of policies 1.1.3.8, **1.1.3.9** and ~~4.3.2.21~~**3.2.4**, an official plan review which is initiated by a planning authority, or an official plan

amendment which is initiated or adopted by a planning authority, which:

1. is based on a review of population and employment projections and which reflect projections and allocations by upper-tier municipalities and *provincial plans*, where applicable; considers alternative directions for growth or development; and determines how best to accommodate the development while protecting provincial interests;
2. utilizes opportunities to accommodate projected growth or development through *intensification* and *redevelopment*; and considers physical constraints to accommodating the proposed development within existing *settlement area* boundaries;
3. is integrated with planning for *infrastructure* and *public service facilities*, and considers financial viability over the life cycle of these assets, which may be demonstrated through asset management planning;
4. confirms sufficient water quality, quantity and assimilative capacity of receiving water are available to accommodate the proposed development;
5. confirms that sewage and water services can be provided in accordance with policy 1.6.6; and
6. considers cross-jurisdictional issues.

b) for the purposes of policy 1.1.6, means a review undertaken by a planning authority or comparable body which:

1. addresses long-term population projections, *infrastructure* requirements and related matters;
2. confirms that the lands to be developed do not comprise *specialty crop areas* in accordance with policy 2.3.2; and
3. considers cross-jurisdictional issues.

In undertaking a *comprehensive review* the level of detail of the assessment should correspond with the complexity and scale of the settlement boundary or development proposal.

**Conserved:** means the identification, protection, management and use of *built heritage resources, cultural heritage landscapes* and *archaeological resources* in a manner that ensures their cultural heritage value or interest is retained under the ~~*Ontario Heritage Act*~~. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment **that has been approved or adopted by the planning authority or decision-maker**. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.

**Cultural heritage landscape:** means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an ~~Aboriginal~~ **Indigenous** community. The area may ~~involve~~ **include** features such as **buildings**, structures, spaces, **views**, archaeological sites or natural elements that are valued together for their

interrelationship, meaning or association. ~~Examples may include, but are not limited to, heritage conservation districts designated under the *Ontario Heritage Act*, villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways, viewsheds, natural areas and industrial complexes of heritage significance; and areas recognized by federal or international designation authorities (e.g. a National Historic Site or District designation, or a UNESCO World Heritage Site).~~ **Cultural heritage landscapes may be properties that have been determined to have cultural heritage value or interest under the *Ontario Heritage Act*, or have been included on federal and/or international registers, or protected through official plan, zoning by-law, or other land use planning mechanisms.**

**Defined portions of the ~~one hundred year flood level~~ flooding hazard along connecting channels:** means those areas which are critical to the conveyance of the flows associated with the *one hundred year flood level* along the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers, where *development* or *site alteration* will create *flooding hazards*, cause updrift and/or downdrift impacts and/or cause adverse environmental impacts.

**Deposits of mineral aggregate resources:** means an area of identified *mineral aggregate resources*, as delineated in Aggregate Resource Inventory Papers or comprehensive studies prepared using evaluation procedures established by the Province for surficial and bedrock resources, as amended from time to time, that has a

sufficient quantity and quality to warrant present or future extraction.

**Designated and available:** means lands designated in the official plan for urban residential use. For municipalities where more detailed official plan policies (e.g. secondary plans) are required before development applications can be considered for approval, only lands that have commenced the more detailed planning process are considered to be *designated and available* for the purposes of this definition.

**Designated growth areas:** means lands within *settlement areas* designated in an official plan for growth over the long-term planning horizon provided in policy 1.1.2, but which have not yet been fully developed. *Designated growth areas* include lands which are *designated and available* for residential growth in accordance with policy 1.4.1(a), as well as lands required for employment and other uses.

**Designated vulnerable area:** means areas defined as vulnerable, in accordance with provincial standards, by virtue of their importance as a drinking water source.

**Development:** means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the *Planning Act*, but does not include:

- a) activities that create or maintain *infrastructure* authorized under an environmental assessment process;
- b) works subject to the *Drainage Act*; or
- c) for the purposes of policy 2.1.4(a), underground or surface mining of *minerals* or advanced exploration on

mining lands in *significant areas of mineral potential* in Ecoregion 5E, where advanced exploration has the same meaning as under the *Mining Act*. Instead, those matters shall be subject to policy 2.1.5(a).

**Dynamic beach hazard:** means areas of inherently unstable accumulations of shoreline sediments along the *Great Lakes - St. Lawrence River System* and *large inland lakes*, as identified by provincial standards, as amended from time to time. The *dynamic beach hazard* limit consists of the *flooding hazard* limit plus a dynamic beach allowance.

**Ecological function:** means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions.

**Employment area:** means those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

**Endangered species:** means a species that is ~~listed or categorized~~ **classified** as an “Endangered Species” on the ~~Ontario Ministry of Natural Resources’ official s~~ **Risk in Ontario List**, as updated and amended from time to time.

**Erosion hazard:** means the loss of land, due to human or natural processes, that poses a threat to life and property. The *erosion hazard* limit is

determined using considerations that include the 100 year erosion rate (the average annual rate of recession extended over an one hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance.

**Essential emergency service:** means services which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion.

**Fish:** means fish, which as defined in the *Fisheries Act*, includes fish, shellfish, crustaceans, and marine animals, at all stages of their life cycles.

**Fish habitat:** as defined in the *Fisheries Act*, means spawning grounds and any other areas, including nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life processes.

**Flood fringe:** for *river, stream and small inland lake systems*, means the outer portion of the *flood plain* between the *floodway* and the *flooding hazard* limit. Depths and velocities of flooding are generally less severe in the flood fringe than those experienced in the *floodway*.

**Flood plain:** for *river, stream and small inland lake systems*, means the area, usually low lands adjoining a watercourse, which has been or may be subject to *flooding hazards*.

**Flooding hazard:** means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water:

- a) along the shorelines of the *Great Lakes - St. Lawrence River System* and *large inland lakes*, the *flooding hazard* limit is based on the *one hundred year flood level* plus an allowance for *wave uprush* and *other water-related hazards*;
- b) along *river, stream and small inland lake systems*, the *flooding hazard* limit is the greater of:
  1. the flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;
  2. the *one hundred year flood*; and
  3. a flood which is greater than 1. or 2. which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources and Forestry;

except where the use of the *one hundred year flood* or the actually experienced event has been approved by the Minister of Natural Resources and Forestry as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard).

**Floodproofing standard:** means the combination of measures incorporated into the basic design and/or construction

of buildings, structures, or properties to reduce or eliminate *flooding hazards, wave uprush and other water-related hazards* along the shorelines of the *Great Lakes - St. Lawrence River System and large inland lakes*, and *flooding hazards along river, stream and small inland lake systems*.

**Floodway:** for *river, stream and small inland lake systems*, means the portion of the *flood plain* where *development and site alteration* would cause a danger to public health and safety or property damage.

Where the one zone concept is applied, the *floodway* is the entire contiguous *flood plain*.

Where the *two zone concept* is applied, the *floodway* is the contiguous inner portion of the *flood plain*, representing that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage. Where the two zone concept applies, the outer portion of the *flood plain* is called the *flood fringe*.

**Freight-supportive:** in regard to land use patterns, means transportation systems and facilities that facilitate the movement of goods. This includes policies or programs intended to support efficient freight movement through the planning, design and operation of land use and transportation systems. Approaches may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.

**Great Lakes - St. Lawrence River System:** means the major water system consisting of Lakes Superior, Huron, St. Clair, Erie and Ontario and their connecting channels, and the St. Lawrence River within the boundaries of the Province of Ontario.

**Green infrastructure:** means natural and human-made elements that provide ecological and hydrological functions and processes. *Green infrastructure* can include components such as natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces, and green roofs.

**Ground water feature:** ~~refers to~~ means water-related features in the earth's subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations.

**Habitat of endangered species and threatened species:** means **habitat within the meaning of Section 2 of the *Endangered Species Act, 2007***.

- ~~a) with respect to a species listed on the Species at Risk in Ontario List as an endangered or threatened species for which a regulation made under clause 55(1)(a) of the *Endangered Species Act, 2007* is in force, the area prescribed by that regulation as the habitat of the species;~~
- ~~b) with respect to any other species listed on the Species at Risk in Ontario List as an endangered or threatened species, an area on which the species depends, directly~~

~~or indirectly, to carry on its life processes, including life processes such as reproduction, rearing, hibernation, migration or feeding, as approved by the Ontario Ministry of Natural Resources; and~~

~~places in the areas described in clause (a) or (b), whichever is applicable, that are used by members of the species as dens, nests, hibernacula or other residences.~~

**Hazardous forest types for wildland fire:** means forest types assessed as being associated with the risk of high to extreme wildland fire using risk assessment tools established by the Ontario Ministry of Natural Resources **and Forestry**, as amended from time to time.

**Hazardous lands:** means property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of the *Great Lakes - St. Lawrence River System*, this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the *flooding hazard, erosion hazard or dynamic beach hazard* limits. Along the shorelines of *large inland lakes*, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the *flooding hazard, erosion hazard or dynamic beach hazard* limits. Along *river, stream and small inland lake systems*, this means the land, including that covered by water, to the furthest landward limit of the *flooding hazard or erosion hazard* limits.

**Hazardous sites:** means property or lands that could be unsafe for *development* and *site alteration* due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography).

**Hazardous substances:** means substances which, individually, or in combination with other substances, are normally considered to pose a danger to public health, safety and the environment. These substances generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

**Heritage attributes:** means the principal features or elements that contribute to a *protected heritage property's* cultural heritage value or interest, and may include the property's built, **constructed**, or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (~~including e.g.~~ significant views or vistas to or from a *protected heritage property*).

**High quality:** means primary and secondary sand and gravel resources and bedrock resources as defined in the Aggregate Resource Inventory Papers (ARIP).

**Housing options:** means a range of housing types such as, but not limited to single-detached, semi-detached, rowhouses, townhouses, stacked townhouses, multiplexes, additional residential units, tiny homes, multi-residential buildings. The term can also refer to a variety of housing arrangements and forms

**such as, but not limited to life lease housing, co-ownership housing, co-operative housing, community land trusts, land lease community homes, affordable housing, housing for people with special needs, and housing related to employment, institutional or educational uses.**

**Hydrologic function:** means the functions of the hydrological cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things.

**Impacts of a changing climate:** means the present and future consequences from changes in weather patterns at local and regional levels including extreme weather events and increased climate variability.

**Individual on-site sewage services:** means sewage systems, as defined in O. Reg. 332/12 under the *Building Code Act, 1992* that are owned, operated and managed by the owner of the property upon which the system is located.

**Individual on-site water services:** means individual, autonomous water supply systems that are owned, operated and managed by the owner of the property upon which the system is located.

**Infrastructure:** means physical structures (facilities and corridors) that form the foundation for development. *Infrastructure* includes: sewage and water systems, septage treatment

systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

**Institutional use:** for the purposes of policy 3.1.5, means land uses where there is a threat to the safe evacuation of vulnerable populations such as older persons, persons with disabilities, and those who are sick or young, during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion.

**Intensification:** means the development of a property, site or area at a higher density than currently exists through:

- a) *redevelopment*, including the reuse of *brownfield sites*;
- b) the development of vacant and/or underutilized lots within previously developed areas;
- c) infill development; and
- d) the expansion or conversion of existing buildings.

**Large inland lakes:** means those waterbodies having a surface area of equal to or greater than 100 square kilometres where there is not a measurable or predictable response to a single runoff event.

**Legal or technical reasons:** means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

**Low and moderate income households:** means

- a) in the case of ownership housing, households with incomes in the lowest 60 percent of the income distribution for the *regional market area*; or
- b) in the case of rental housing, households with incomes in the lowest 60 percent of the income distribution for renter households for the *regional market area*.

**Major facilities:** means facilities which may require separation from *sensitive land uses*, including but not limited to airports, **manufacturing uses**, transportation infrastructure and corridors, *rail facilities*, *marine facilities*, sewage treatment facilities, *waste management systems*, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.

**Major goods movement facilities and corridors:** means transportation facilities and corridors associated with the inter- and intra-provincial movement of goods. Examples include: inter-modal facilities, ports, *airports*, *rail facilities*, truck terminals, freight corridors, freight facilities, and haul routes and primary transportation corridors used for the movement of goods. Approaches that are freight-supportive may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.

**Marine facilities:** means ferries, harbours, ports, ferry terminals, canals and associated uses, including

designated lands for future *marine facilities*.

**Mine hazard:** means any feature of a mine as defined under the *Mining Act*, or any related disturbance of the ground that has not been rehabilitated.

**Minerals:** means metallic minerals and non-metallic minerals as herein defined, but does not include *mineral aggregate resources* or *petroleum resources*.

Metallic minerals means those minerals from which metals (e.g. copper, nickel, gold) are derived.

Non-metallic minerals means those minerals that are of value for intrinsic properties of the minerals themselves and not as a source of metal. They are generally synonymous with industrial minerals (e.g. asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, and wollastonite).

**Mineral aggregate operation:** means

- a) lands under license or permit, other than for *wayside pits and quarries*, issued in accordance with the *Aggregate Resources Act*;
- b) for lands not designated under the *Aggregate Resources Act*, established pits and quarries that are not in contravention of municipal zoning by-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and
- c) associated facilities used in extraction, transport, beneficiation, processing or recycling of *mineral aggregate resources* and derived products such as asphalt and



concrete, or the production of secondary related products.

**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*.

**Mineral aggregate resource conservation:** means

- a) the recovery and recycling of manufactured materials derived from mineral aggregates (e.g. glass, porcelain, brick, concrete, asphalt, slag, etc.), for re-use in construction, manufacturing, industrial or maintenance projects as a substitute for new mineral aggregates; and
- b) the wise use of mineral aggregates including utilization or extraction of on-site *mineral aggregate resources* prior to development occurring.

**Mineral deposits:** means areas of identified *minerals* that have sufficient quantity and quality based on specific geological evidence to warrant present or future extraction.

**Mineral mining operation:** means mining operations and associated facilities, or, past producing mines with remaining mineral development potential that have not been permanently rehabilitated to another use.

**Minimum distance separation formulae:** means formulae and guidelines developed by the Province, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

**Multimodal transportation system:** means a transportation system which may include several forms of transportation such as automobiles, walking, trucks, cycling, buses, rapid transit, rail (such as commuter and freight), air and marine.

**Municipal sewage services:** means a sewage works within the meaning of Section 1 of the *Ontario Water Resources Act* that is owned or operated by a municipality, **including centralized and decentralized systems.**

**Municipal water services:** means a municipal drinking-water system within the meaning of Section 2 of the *Safe Drinking Water Act, 2002*, **including centralized and decentralized systems.**

**Natural heritage features and areas:** means features and areas, including *significant wetlands, significant coastal wetlands, other coastal wetlands* in Ecoregions 5E, 6E and 7E, *fish habitat, significant woodlands and significant valleylands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River), *habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest*, which are important for their environmental and social values as a

legacy of the natural landscapes of an area.

**Natural heritage system:** means a system made up of *natural heritage features and areas*, and linkages intended to provide connectivity (at the regional or site level) and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. These systems can include *natural heritage features and areas*, federal and provincial parks and conservation reserves, other natural heritage features, lands that have been restored or have the potential to be restored to a natural state, areas that support hydrologic functions, and working landscapes that enable ecological functions to continue. The Province has a recommended approach for identifying *natural heritage systems*, but municipal approaches that achieve or exceed the same objective may also be used.

**Negative impacts:** means

- a) in regard to policy 1.6.6.4 and 1.6.6.5, **potential risks to human health and safety and** degradation to the *quality and quantity of water, sensitive surface water features and sensitive ground water features*, and their related *hydrologic functions*, due to single, multiple or successive *development*. *Negative impacts* should be assessed through environmental studies including hydrogeological or water quality impact assessments, in accordance with provincial standards;
- b) in regard to policy 2.2, degradation to the *quality and quantity of water*,

*sensitive surface water features and sensitive ground water features*, and their related *hydrologic functions*, due to single, multiple or successive *development* or *site alteration* activities;

- c) in regard to *fish habitat*, any permanent alteration to, or destruction of *fish habitat*, except where, in conjunction with the appropriate authorities, it has been authorized under the *Fisheries Act*, and
- d) in regard to other *natural heritage features and areas*, degradation that threatens the health and integrity of the natural features or *ecological functions* for which an area is identified due to single, multiple or successive *development* or *site alteration* activities.

**Normal farm practices:** means a practice, as defined in the *Farming and Food Production Protection Act, 1998*, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices shall be consistent with the *Nutrient Management Act, 2002* and regulations made under that Act.

**Oil, gas and salt hazards:** means any feature of a well or work as defined under the *Oil, Gas and Salt Resources Act*, or any related disturbance of the ground that has not been rehabilitated.

**On-farm diversified uses:** means uses that are secondary to the principal agricultural use of the property, and are

limited in area. *On-farm diversified uses* include, but are not limited to, home occupations, home industries, *agri-tourism uses*, and uses that produce value-added agricultural products. **Ground-mounted solar facilities are permitted in prime agricultural areas and specialty crop areas only as on-farm diversified uses.**

**One hundred year flood:** *for river, stream and small inland lake systems*, means that flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year.

**One hundred year flood level:** means

- a) for the shorelines of the Great Lakes, the peak instantaneous stillwater level, resulting from combinations of mean monthly lake levels and wind setups, which has a 1% chance of being equalled or exceeded in any given year;
- b) in the connecting channels (St. Mary's, St. Clair, Detroit, Niagara and St. Lawrence Rivers), the peak instantaneous stillwater level which has a 1% chance of being equalled or exceeded in any given year; and
- c) for large inland lakes, lake levels and wind setups that have a 1% chance of being equalled or exceeded in any given year, except that, where sufficient water level records do not exist, the one hundred year flood level is based on the highest known water level and wind setups.

**Other water-related hazards:** means water-associated phenomena other

than *flooding hazards* and *wave uprush* which act on shorelines. This includes, but is not limited to ship-generated waves, ice piling and ice jamming.

**Partial services:** means

- a) *municipal sewage services or private communal sewage services and combined with individual on-site water services; or*
- b) *municipal water services or private communal water services and combined with individual on-site sewage services.*

**Petroleum resource operations:**

means oil, gas and salt wells and associated facilities and other drilling operations, oil field fluid disposal wells and associated facilities, and wells and facilities for the underground storage of natural gas and other hydrocarbons.

**Petroleum resources:** means oil, gas, and salt (extracted by solution mining method) and formation water resources which have been identified through exploration and verified by preliminary drilling or other forms of investigation. This may include sites of former operations where resources are still present or former sites that may be converted to underground storage for natural gas or other hydrocarbons.

**Planned corridors:** means corridors or future corridors which are required to meet projected needs, and are identified through *provincial plans*, preferred alignment(s) determined through the *Environmental Assessment Act* process, or identified through planning studies where the Ontario Ministry of Transportation, **Metrolinx, Ontario**

**Ministry of Energy, Northern Development and Mines or Independent Electricity System Operator (IESO) or any successor to those ministries or entities** is actively pursuing the identification of a corridor. Approaches for the protection of *planned corridors* may be recommended in guidelines developed by the Province.

**Portable asphalt plant:** means a facility

- a) with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and
- b) which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

**Portable concrete plant:** means a building or structure

- a) with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and
- b) which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

**Prime agricultural area:** means areas where *prime agricultural land* predominate. This includes areas of *prime agricultural lands* and associated Canada Land Inventory Class 4 through 7 lands, and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture.

*Prime agricultural areas* may be identified by the Ontario Ministry of Agriculture and Food using guidelines developed by the Province as amended from time to time. A *prime agricultural area* may also be identified through an alternative agricultural land evaluation system approved by the Province.

**Prime agricultural land:** means *specialty crop areas* and/or Canada Land Inventory Class 1, 2, and 3 lands, as amended from time to time, in this order of priority for protection.

**Private communal sewage services:** means a sewage works within the meaning of Section 1 of the *Ontario Water Resources Act* that serves six or more lots or private residences and is not owned by a municipality.

**Private communal water services:** means a non-municipal drinking-water system within the meaning of Section 2 of the *Safe Drinking Water Act, 2002* that serves six or more lots or private residences.

**Protected heritage property:** means property designated under Parts IV, V or VI of the *Ontario Heritage Act*; property subject to a heritage conservation easement under Parts II or IV of the *Ontario Heritage Act*; property identified by the Province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Sites.

**Protection works standards:** means the combination of non-structural or structural works and allowances for

slope stability and flooding/erosion to reduce the damage caused by *flooding hazards, erosion hazards and other water-related hazards*, and to allow access for their maintenance and repair.

**Provincial and federal requirements:** means

- a) ~~in regard to policy 1.6.11.2, legislation, regulations, policies and standards administered by the federal or provincial governments for the purpose of protecting the environment from potential impacts associated with energy systems and ensuring that the necessary approvals are obtained;~~
- b) **a)** in regard to policy 2.1.6, legislation and policies administered by the federal or provincial governments for the purpose of fisheries protection (including *fish and fish habitat*), and related, scientifically established standards such as water quality criteria for protecting lake trout populations; and
- e) **b)** in regard to policy 2.1.7, legislation and policies administered by the provincial government or federal government, where applicable, for the purpose of protecting species at risk and their habitat.

**Provincial plan:** means a provincial plan within the meaning of section 1 of the *Planning Act*.

**Public service facilities:** means land, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, **long-**

**term care services**, and cultural services. *Public service facilities* do not include *infrastructure*.

**Quality and quantity of water:** is measured by indicators associated with hydrologic function such as minimum base flow, depth to water table, aquifer pressure, oxygen levels, suspended solids, temperature, bacteria, nutrients and hazardous contaminants, and hydrologic regime.

**Rail facilities:** means rail corridors, rail sidings, train stations, inter-modal facilities, rail yards and associated uses, including designated lands for future *rail facilities*.

**Recreation:** means leisure time activity undertaken in built or natural settings for purposes of physical activity, health benefits, sport participation and skill development, personal enjoyment, positive social interaction and the achievement of human potential.

**Redevelopment:** means the creation of new units, uses or lots on previously developed land in existing communities, including *brownfield sites*.

**Regional market area:** refers to an area that has a high degree of social and economic interaction. The upper or single-tier municipality, or planning area, will normally serve as the *regional market area*. However, where a *regional market area* extends significantly beyond these boundaries, then the *regional market area* may be based on the larger market area. Where *regional market areas* are very large and sparsely populated, a smaller area, if defined in an official plan, may be utilized.

**Renewable energy source:** means an energy source that is renewed by natural processes and includes wind, water, biomass, biogas, biofuel, solar energy, geothermal energy and tidal forces.

**Renewable energy system:** means a system that generates electricity, heat and/or cooling from a *renewable energy source*.

**Reserve sewage system capacity:** means design or planned capacity in a centralized waste water treatment facility which is not yet committed to existing or approved development. For the purposes of policy 1.6.6.6, reserve capacity for *private communal sewage services* and *individual on-site sewage services* is considered sufficient if the hauled sewage from the development can be treated and land-applied on agricultural land under the *Nutrient Management Act*, or disposed of at sites approved under the *Environmental Protection Act* or the *Ontario Water Resources Act*, but not by land-applying untreated, hauled sewage.

**Reserve water system capacity:** means design or planned capacity in a centralized water treatment facility which is not yet committed to existing or approved development.

**Residence surplus to a farming operation:** means an existing habitable farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).

**Residential intensification:** means intensification of a property, site or area which results in a net increase in

residential units or accommodation and includes:

- a) redevelopment, including the redevelopment of *brownfield sites*;
- b) the development of vacant or underutilized lots within previously developed areas;
- c) infill development;
- d) development and introduction of new housing options within previously developed areas;**
- d) **e) the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and**
- e) **f) the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, ~~secondary~~ **additional residential** units, and rooming houses, and other housing options.**

**River, stream and small inland lake systems:** means all watercourses, rivers, streams, and small inland lakes or waterbodies that have a measurable or predictable response to a single runoff event.

**Rural areas:** means a system of lands within municipalities that may include *rural settlement areas*, *rural lands*, *prime agricultural areas*, *natural heritage features and areas*, and resource areas.

**Rural lands:** means lands which are located outside *settlement areas* and which are outside *prime agricultural areas*.

**Sensitive:** in regard to *surface water features* and *ground water features*, means areas that are particularly

susceptible to impacts from activities or events including, but not limited to, water withdrawals, and additions of pollutants.

**Sensitive land uses:** means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more *adverse effects* from contaminant discharges generated by a nearby *major facility*. *Sensitive land uses* may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities.

**Settlement areas:** means urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are:

- a) built up areas where development is concentrated and which have a mix of land uses; and
- b) lands which have been designated in an official plan for development over the long term planning horizon provided for in policy 1.1.2. In cases where land in *designated growth areas* is not available, the *settlement area* may be no larger than the area where development is concentrated.

**Sewage and water services:** includes *municipal sewage services* and *municipal water services*, *private communal sewage services* and *private communal water services*, *individual on-site sewage services* and *individual on-site water services*, and *partial services*.

**Significant:** means

- a) in regard to *wetlands*, *coastal wetlands* and *areas of natural and scientific interest*, an area identified as provincially significant by the Ontario Ministry of Natural Resources **and Forestry** using evaluation procedures established by the Province, as amended from time to time;
- b) in regard to *woodlands*, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history. These are to be identified using criteria established by the Ontario Ministry of Natural Resources **and Forestry**;
- c) in regard to other features and areas in policy 2.1, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or *natural heritage system*;
- d) in regard to *mineral* potential, an area identified as provincially significant through evaluation procedures developed by the Province, as amended from time to time, such as the Provincially Significant Mineral Potential Index; and
- e) in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. ~~for the important contribution they make to our understanding of the history of a place, an event, or a people.~~

**Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the *Ontario Heritage Act*.**

Criteria for determining significance for the resources identified in sections (c)-~~(e)~~**(d)** are recommended by the Province, but municipal approaches that achieve or exceed the same objective may also be used.

While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

**Site alteration:** means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

For the purposes of policy 2.1.4(a), *site alteration* does not include underground or surface mining of *minerals* or advanced exploration on mining lands in *significant areas of mineral potential* in Ecoregion 5E, where advanced exploration has the same meaning as in the *Mining Act*. Instead, those matters shall be subject to policy 2.1.5(a).

**Special needs:** means any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of *special needs* housing may include, but are not limited to, **long-term care homes, adaptable and**

**accessible housing, and** housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for older persons.

**Special policy area:** means an area within a community that has historically existed in the *flood plain* and where site-specific policies, approved by both the Ministers of Natural Resources **and Forestry** and Municipal Affairs and Housing, are intended to provide for the continued viability of existing uses (which are generally on a small scale) and address the significant social and economic hardships to the community that would result from strict adherence to provincial policies concerning *development*. The criteria and procedures for approval are established by the Province.

A *Special Policy Area* is not intended to allow for new or intensified *development* and site alteration, if a community has feasible opportunities for *development* outside the *flood plain*.

**Specialty crop area:** means areas designated using guidelines developed by the Province, as amended from time to time. In these areas, specialty crops are predominantly grown such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil, usually resulting from:

- a) soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both;
- b) farmers skilled in the production of specialty crops; and



- c) a long-term investment of capital in areas such as crops, drainage, infrastructure and related facilities and services to produce, store, or process specialty crops.

**Surface water feature:** means water-related features on the earth's surface, including headwaters, rivers, stream channels, inland lakes, seepage areas, recharge/discharge areas, springs, wetlands, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics.

**Threatened species:** means a species that is ~~listed or categorized~~ **classified** as "Threatened Species" on the ~~Ontario Ministry of Natural Resources' official~~ **sSpecies at rRisk in Ontario lList**, as updated and amended from time to time.

**Transit-supportive:** in regard to land use patterns, means development that makes transit viable, **optimizes investments in transit infrastructure**, and improves the quality of the experience of using transit. It often refers to compact, mixed-use development that has a high level of employment and residential densities, **including air rights development, in proximity to transit stations, corridors and associated elements within the transportation system.** Approaches may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.

**Transportation demand management:** means a set of strategies that result in more efficient use of the *transportation system* by influencing travel behaviour

by mode, time of day, frequency, trip length, regulation, route, or cost.

**Transportation system:** means a system consisting of facilities, corridors and rights-of-way for the movement of people and goods, and associated transportation facilities including transit stops and stations, sidewalks, cycle lanes, bus lanes, high occupancy vehicle lanes, *rail facilities*, parking facilities, park'n'ride lots, service centres, rest stops, vehicle inspection stations, inter-modal facilities, harbours, *airports, marine facilities*, ferries, canals and associated facilities such as storage and maintenance.

**Two zone concept:** means an approach to *flood plain* management where the *flood plain* is differentiated in two parts: the *floodway* and the *flood fringe*.

**Valleylands:** means a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year.

**Vulnerable:** means surface and/or groundwater that can be easily changed or impacted.

**Waste management system:** means sites and facilities to accommodate solid waste from one or more municipalities and includes recycling facilities, transfer stations, processing sites and disposal sites.

**Watershed:** means an area that is drained by a river and its tributaries.

**Wave uprush:** means the rush of water up onto a shoreline or structure

following the breaking of a wave; the limit of wave uprush is the point of furthest landward rush of water onto the shoreline.

**Wayside pits and quarries:** means a temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

**Wetlands:** means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens.

Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

**WildlifeWildland fire assessment and mitigation standards:** means the combination of risk assessment tools and environmentally appropriate mitigation measures identified by the Ontario Ministry of Natural Resources and Forestry to be incorporated into the design, construction and/or modification of buildings, structures, properties and/or communities to reduce the risk to public safety, infrastructure and property from wildland fire.

**Wildlife habitat:** means areas where plants, animals and other organisms live, and find adequate amounts of food,

water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species.

**Woodlands:** means treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. *Woodlands* include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels. *Woodlands* may be delineated according to the Forestry Act definition or the Province's Ecological Land Classification system definition for "forest".

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

**From:** George Kotsifas, P. Eng  
Managing Director, Development & Compliance Services and  
Chief Building Official

**Subject:** Application By: Rembrandt Meadowlilly Inc.  
Meadowlilly Subdivision  
39T-00517 – Subdivision Agreement Amendment

**Meeting on:** April 27, 2020

## Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the Subdivision Agreement between The Corporation of the City of London and Rembrandt Meadowlilly Inc., for the subdivision of land over Registered Plan 33M-603, located on the north side of Commissioners Road East, east of Highbury Avenue South, across from Chelton Road:

- (a) the attached Amending Agreement between The Corporation of the City of London and Rembrandt Meadowlilly Inc. **BE APPROVED** for the Meadowlilly Subdivision (Registered Plan 33M-603); and,
- (b) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any further amending agreements and all documents required to fulfil its conditions.

## Purpose

A Subdivision Agreement for the Meadowlilly Subdivision (Plan No. 33M-603) was entered into and registered in October of 2006. An Assignment Agreement was entered into with Rembrandt Meadowlilly Inc. in 2015, and an Amending Agreement (No. 1) was subsequently entered into and registered in 2017. This Amending Agreement (No. 2) is being brought forward as a result of revisions to the engineering drawings, as well as completion of several reports that have been accepted in support of the revised drawings pertaining to the provision of retaining walls, noise attenuation measures, warning clauses, and implementation of recommendations from a recently completed geotechnical report.

## Background

The Meadowlilly Subdivision is located on the north side of Commissioners Road East, east of Highbury Avenue South, west of Jackson Road, and adjacent the City Wide Sports Park. The residential subdivision consisting of five (5) multi-family, medium density and low density cluster housing blocks, two (2) open space blocks, three (3) access blocks and one (1) road widening block, served by one (1) internal road (Meadowlark Ridge), received Draft Plan Approval by the City of London Approval Authority on May 21, 2004. The subdivision plan was granted Final Approval and registered as Plan 33M-603 on December 16, 2008.

The subdivision agreement originally entered into between the City of London and Jackson Summerside Land Corp. was amended by an Assignment Agreement on September 3, 2015, assigning its rights and obligations to Rembrandt Meadowlilly Inc. which had acquired all the developable lands within the subdivision. Rembrandt Meadowlilly Inc. subsequently applied for approval to rezone and partition several of the residential blocks fronting Meadowlark Ridge into single detached lots through a Part Lot Control Exemption By-law.

An amending agreement was required to address several outdated timelines in the original agreement that were no longer relevant. This amendment was completed on July 12, 2017 (Amending Agreement No. 1).

Most of the servicing for Phase 1 of the Meadowlilly Subdivision has been completed and construction of residential single detached homes and cluster townhouse dwellings is currently underway. The amending agreement includes conditions to address an incident of slope failure which had occurred in the northwest corner of Block 3 during grading and servicing activities of this phase. Revisions have been made to the subdivision servicing drawings to incorporate the recommended slope stabilization and remediation measures, provision of a retaining wall within Block 4, and noise mitigation measures to address potential traffic noise impacts for single detached lots created through the Part Lot Control Exemption By-law which are located adjacent to Commissioners Road East.

Development Services has reviewed these special provisions with the Owner who is in agreement with them.

This report has been prepared in consultation with the City Solicitor's Office.

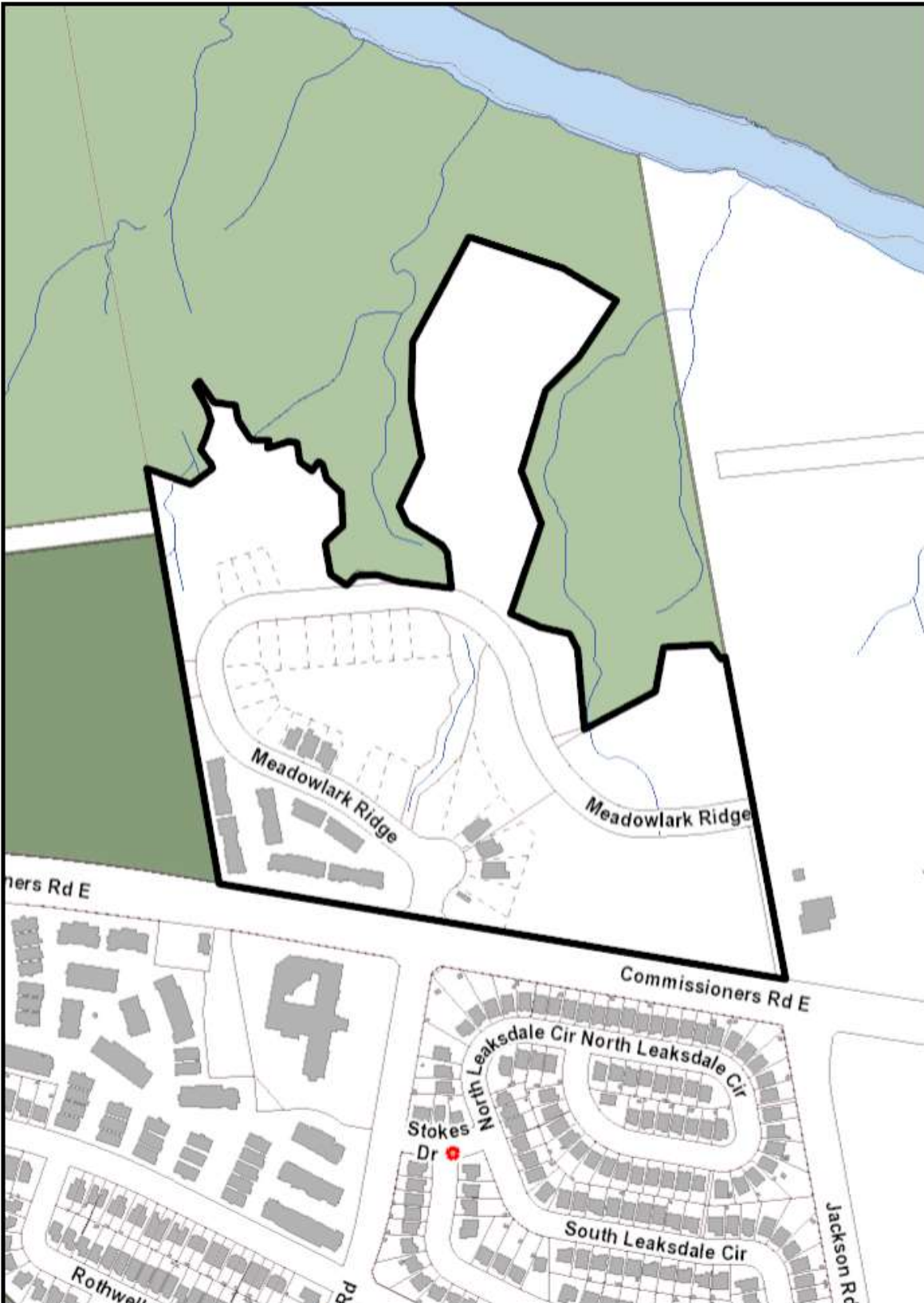
<b>Prepared by:</b>	<b>Larry Mottram, MCIP, RPP Senior Planner, Development Services</b>
<b>Recommended by:</b>	<b>Paul Yeoman, RPP, PLE Director, Development Services</b>
<b>Submitted by:</b>	<b>George Kotsifas, P. Eng. Managing Director, Development and Compliance Services and Chief Building Official</b>
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.	

April 20, 2020

CC: Matt Feldberg, Manager, Development Services (Subdivisions)  
Lou Pompilli, Manager, Development Planning  
Ted Koza, Manager, Development Engineering

GK/PY/LM/jar

LOCATION MAP



Location Map

Project Title: 33M-603  
Description: Meadowlilly Subdivision  
Created By: Larry Mottram  
Date: 2/18/2020  
Scale: 1:4000

Legend

-  Subject Site
-  Parks
-  Assessment Parcels
-  Buildings
-  Address Numbers



Corporation of the City of London



**Appendix A – Amending Agreement No. 2**

THIS AGREEMENT made, in triplicate, this \_\_\_\_th day of May, 2020.

BETWEEN:

**THE CORPORATION OF THE CITY OF LONDON**  
(hereinafter called the City)

OF THE FIRST PART

AND

**REMBRANDT MEADOWLILLY INC.**  
a Company incorporated under the laws  
of the Province of Ontario  
(hereinafter called the Owner)

OF THE SECOND PART

WHEREAS a certain Subdivision Agreement was entered into between The Corporation of the City of London, as the City of the First Part, and Jackson Summerside Land Corp. as the Owner of the Second Part, and registered in the Land Registry Office for the Land Titles Division of Middlesex East on the 20<sup>th</sup> day of October, 2006 as Instrument Number ER464414, respecting the lands more particularly described in Schedule "A" attached hereto and other lands;

AND WHEREAS Rembrandt Meadowlilly Inc. has agreed to be bound by the provisions of the said Subdivision Agreement by entering into an Assignment Agreement, dated the 3<sup>rd</sup> day of September, 2015 and registered as Instrument Number ER1006281.

AND WHEREAS Rembrandt Meadowlilly Inc. has agreed to be bound by the provisions of the said Subdivision Agreement by entering into an Amendment Agreement, dated the 12<sup>th</sup> day of July, 2017 and registered as Instrument Number ER1128151.

AND WHEREAS it is deemed expedient to amend the said Agreement dated the 29<sup>th</sup> day of August, 2006, and as amended from time to time, as hereinafter set out;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the sum of TWO DOLLARS (\$2.00) of lawful money of Canada now paid by the Owner to the City, the receipt whereof is hereby acknowledged, the City and the Owner covenant and agree that the Subdivision Agreement, be and the same is hereby amended as follows:

1. That Part II – Special Provisions, Section 28, be amended by adding the following clauses:
  - (ax) Prior to the issuance of a Certificate of Conditional Approval for any dwelling on Parts 5 to 15, both inclusive on Reference Plan 33R-20017, the Owner shall construct the proposed retaining wall within Block 4 as shown on the accepted engineering drawings and have its Professional Engineer certify that the said wall was constructed in accordance with the accepted engineering drawings, all to the satisfaction of the City.

- (ay) Prior to assumption, the Owner's Professional Engineer shall certify to the City, the retaining wall in Block 4 (33M-603) is in a state of good repair and functioning as intended, all to the satisfaction of the City.
- (az) The Owner shall implement the recommendations of the Environmental Noise Assessment - Meadowlilly Subdivision, prepared by LDS Consultants Inc. dated December 5, 2018, and include in all Agreements of Purchase and Sale and/or Lease for the transfer of Parts 34 and 35 on Reference Plan 33R-20017 the following Warning Clause:
- (i) Provision for Future Installation of Air Conditioning (Forced Air Ventilation System)
- The Owner shall not submit any building permit applications for Parts 34 and 35 on Reference Plan 33R-20017 unless the plans include a forced air ventilation system and ducting, etc. which is sized to accommodate future installation of central air conditioning by the occupant.
- (ii) Building Facade Construction - Part 35 Reference Plan 33R-20017
- The Owner shall not submit any building permit application for Part 35 on Reference Plan 33R-20017 unless as a minimum, the necessary specification for the building envelope is Acoustical Insulation Factor, AIF-27 for bedrooms and AIF-26 for living/dining/family rooms, based on the possibility of sound entering the buildings through the walls and windows. As a general guideline, a glazing construction with two panes of 3 mm glass and 13 mm airspace will be sufficient for the dwelling unit as long as the window to floor area ratio does not exceed 50% for the bedroom windows and 63% for the living/dining room windows. If patio doors are used in the dwellings, they must be in the window area.
- (ba) Prior to the occupancy of a dwelling on Parts 34 or 35 on Reference Plan 33R-20017, the Owner shall construct the proposed noise attenuation barrier adjacent to Commissioners Road East as shown on the accepted engineering drawings and have its Professional Engineer certify that the said wall was constructed in accordance with the accepted engineering drawings, all to the satisfaction of the City.
- (bb) The Owner shall include in all Agreements of Purchase and Sale and/or Lease for the transfer of Part 35 in Reference Plan 33R-20017 and Block 1 in Plan 33M-603, a covenant by the purchaser or transferee stating that the purchaser or transferee of the Lot (Part) and Block shall be responsible for the maintenance of the noise attenuation barrier in the future located on the said Lot (Part) and Block, all at no cost to the City.
- (bc) The Owner shall include in all Agreements of Purchase and Sale and/or Lease for the transfer of Parts 34 and 35 on Reference Plan 33R-20017 the following Warning Clauses:

Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may



occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the criteria of the Municipality and the Ministry of Environment, Conservation and Parks (MECP).

The City of London assumes no responsibility for noise issues which may arise from the existing or any increase in vehicle traffic on Commissioners Road East as it relates to the interior or outdoor living areas of any dwelling unit within this development. The City of London will not be responsible for constructing any form of noise mitigation for this development.

This dwelling unit has been fitted with a forced air heating system and the ducting etc., was sized to accommodate central air conditioning. Installation of central air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of Environment, Conservation and Parks (MECP).

The location and installation of the outdoor air conditioning device should be done so as to minimize the noise impacts and comply with criteria of MOECC Publication NPC-216, Residential Air Conditioning Devices.

- (bd) The Owner shall include in all Agreements of Purchase and Sale and/or Lease for the transfer of Block 3 on 33M-603 the following Warning Clause:

The Owner shall not submit any application for building permit for any building or structure to be located within the proposed land units 6, 7 and 8 as labelled in Drawing No. A9 in the Geotechnical Report prepared by LDS Consultants Inc. dated September 3, 2019 unless the final design drawings including the final building location of any buildings or structures, services, lot grading, excavations, inground swimming pools, inground sprinkler systems etc. have been reviewed by the Owner's Professional Engineer to ensure that the comments and recommendations provided in the Geotechnical Report prepared by LDS Consultants Inc. dated September 3, 2019 have been properly interpreted and implemented in the building permit application or any other permit required by the City.

In addition, the Owner shall submit a report from a geotechnical engineer with any building permit for any building or structure within the area of the proposed land units 6, 7, and 8 as noted in the above paragraph of this clause addressing the soil bearing capacity. The soil bearing capacity of the founding soils must be verified during a site review by a geotechnical consultant. The site review should include confirmation that excavations are set below the design frost depth (1.2 m below grade), and inspection of the subgrade soils to confirm that they are suitable to support the design net bearing capacity used in the design.



**SCHEDULE "A"**

This is Schedule "A" to the Subdivision Amendment Agreement dated the \_\_\_\_ day of March, 2020, between The Corporation of the City of London and Rembrandt Meadowlilly Inc. to which it is attached and forms a part.

ALL AND SINGULAR that certain parcel or tract of land and premises, lying, being and situate on Blocks 1, 3 and 4 on Plan 33M-603 and Parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 34 and 35 on Plan 33R-20017, in the geographic Township of Westminster, now in the City of London, County of Middlesex.

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning and Environment Committee  
**From:** Cathy Saunders, City Clerk  
**Subject:** Request for Council Resolution, under section 45(1.4) of the  
*Planning Act, R.S.O. 1990, c. P.13 – Z-8875, 809 Dundas Street*  
**Meeting on:** April 27, 2020

## Recommendation

That, on the recommendation of the City Clerk, the report dated April 27, 2020 entitled “Request for Council Resolution, under section 45(1.4) of the *Planning Act, R.S.O. 1990, c. P.13 – Z-8875, 809 Dundas Street*”, **BE RECEIVED.**

## Background

The Civic Administration is seeking approval from the Municipal Council to submit a City initiated Minor Variance Application for the property known as 809 Dundas Street, with regards to a special provision for increased lot coverage that was inadvertently not included in Zoning By-law Amendment, By-law Z.-1-182709.

Section 45(1.3) of the *Planning Act, R.S.O. 1990, c. P.13* states:

“Subject to subsection (1.4), no person shall apply for a minor variance from the provisions of the by-law in respect to the land, building or structure before the second anniversary of the day on which the by-law was amended”

Section 45(1.4) of the *Planning Act, R.S.O. 1990, c. P.13* states:

“Subsection (1.3) does not apply in respect of an application if the council has declared by resolution that such an application is permitted, which resolution may be made with respect of a specific application, a class of application or in respect of such applications generally.”

At its meeting held on November 20, 2018, Municipal Council enacted By-law Z.-1-182709 to amend Schedule “A” to Zoning By-law No. Z.-1, as amended, to change the zoning applicable to the lands known as 809 Dundas Street, from an Office Residential/Business District Commercial Special Provision (OR\*BDC(20)\*D250\*H46) Zone to a holding Business District Commercial Special Provision Bonus (h-17\*h-18\*BDC(20)\*D250\*DH46\*B-54) Zone. The site plan and elevations proposed through the Bonus Zone B-54 are appended to the By-law as “Schedule 1”, and form part of the Bonus Zone.

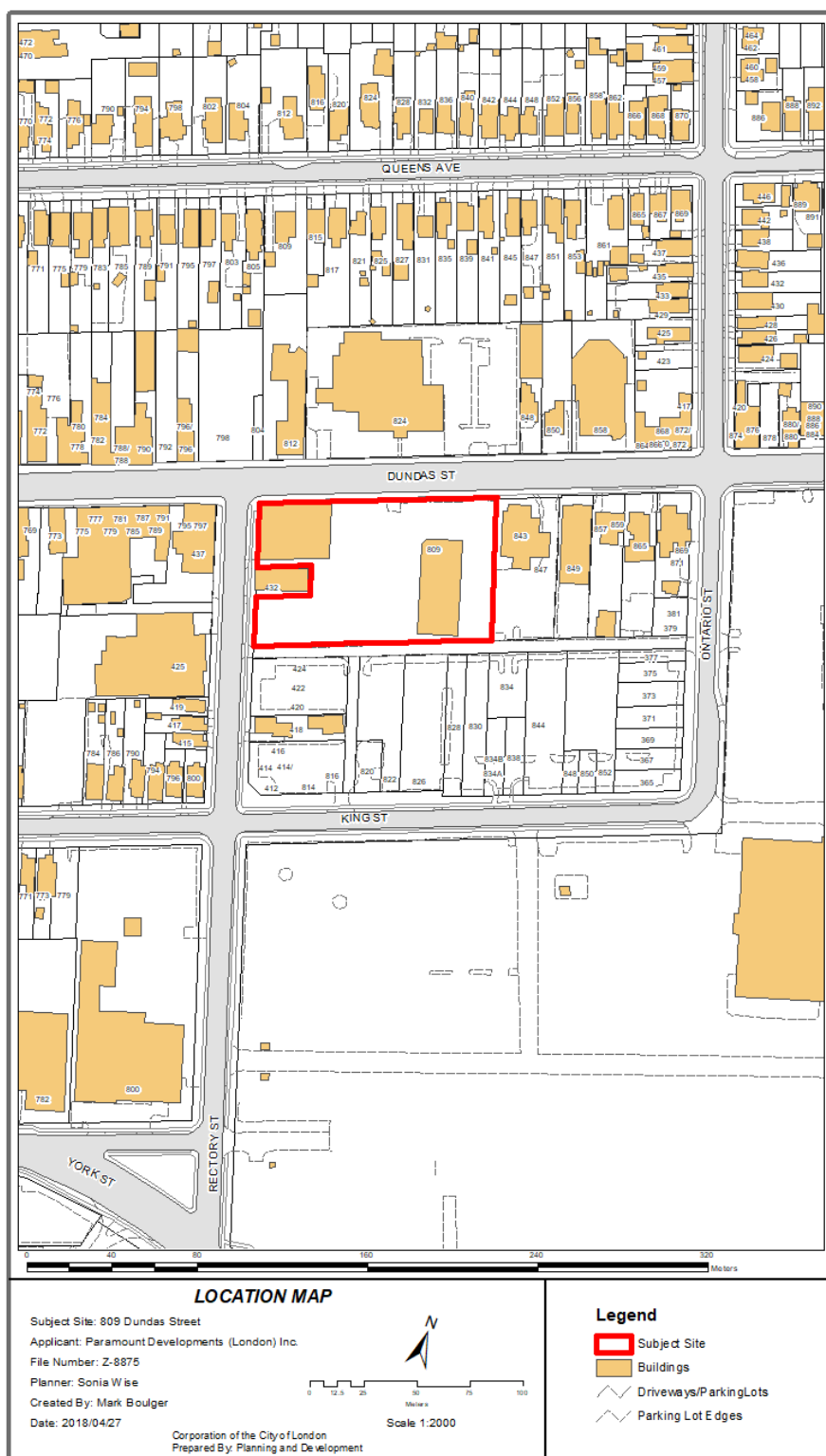
On March 5, 2020, the Civic Administration was advised by the Applicant, that the special provision for lot coverage that was requested through the Zoning Amendment Application in 2018 had not been included in the implementing By-law. The Civic Administration has reviewed the matter and has confirmed that there was an omission in the By-law for the lot coverage, which was considered as part of the overall design and site layout, but not included as a special provision in the By-law. The requested special provision was to permit an increased lot coverage of 74% maximum, whereas a maximum of 70% is currently provided for in the By-law.

To assist Municipal Council in their consideration of this matter, the balance of this report provides background information with respect to the previous *Planning Act*, R.S.O. 1990, c. P.13 Zoning By-law Amendment Application pertaining to the subject property.

## 1.0 Property History

The subject site currently contains two commercial buildings, including one mixed use building, with a residential dwelling on the second floor. The approved development is to include a mixed-use development with two apartment buildings of 24 storeys in height with a three storey podium containing ground floor commercial and office space. The Zoning By-law Amendment was enacted by Municipal Council on November 20, 2018 and is in full force and effect.

## 1.1 Location Map



## 1.2 Previous Reports Pertinent To This Matter

**Z-8875: 809 Dundas Street - June 18, 2018 - Public Participation Meeting -** Report to Planning and Environment Committee and Public Participation Meeting for a site specific bonus zone to allow for a mixed use development with two 24 storey apartment buildings.

**Z-8875: 809 Dundas Street – November 12, 2018 - Public Participation Meeting -** Report to Planning and Environment Committee recommending approval to permit the site specific bonus zone to allow for a mixed use development with two 24 storey apartment buildings.

## 1.3 Planning History

A complete Application was accepted on February 9, 2018 to amend the Zoning By-law Z.-1 to permit a mixed-use development with two 24 storey apartment buildings and ground floor commercial space. A Notice of Application was circulated on February 22, 2018, including the request for an “increased lot coverage”. A notice of Public Participation Meeting was circulated on May 30, 2018, including the request for “an increased lot coverage”, and an additional Public Participation Meeting Notice was circulated on October 24, 2018, which also included the requested “increased lot coverage”. Notices were published in *The Londoner* on February 23, 2018, May 31, 2018 and October 25, 2018, respectively, which all contained the requested special provision for an “increased lot coverage”.

Public Participation Meetings were held on June 18, 2018 and November 12, 2018, respectively, before the Planning and Environment Committee. At its meeting held on June 28, 2018, Municipal Council directed that the Civic Administration to hold an additional Public Participation Meeting, and directed the Civic Administration to include affordable housing units as part of the development, which would provide for a Bonus Zone. At its meeting held on November 20, 2018, Municipal Council enacted the By-law implementing the development of the mixed-use project with two 24 storey apartment buildings and ground floor mixed commercial and retail space.



Figure 1: Conceptual Rendering

## 1.4 Approved Zoning By-law Amendment

The following summarizes the provisions provided for in the Zoning By-law Amendment.

B-54 809 Dundas Street

The Bonus Zone shall be enabled through one or more agreements to facilitate the development of a high quality apartment building with a maximum of 24 storeys, 480 dwelling units and density of 710 units per hectare, which substantively implements the Site Plan and Elevations attached as Schedule “1” and Schedule “2” to the amending by-law; and

- i) Provision of one level of underground parking
- ii) Provision of Affordable Housing

The provision of 25 affordable housing units, established by agreement at 95% of average market rent for a period of 25 years. An agreement shall be entered into with the Corporation of the City of London, to secure said affordable housing units for the 25 year term.

The following special regulations apply within the bonus zone:

a) Regulations:

- i) For the purpose of this by-law the front lot line shall be deemed to be Dundas Street
- ii) Density: 710 units per hectare  
(Maximum)
- iii) Height: 82 metres (269 ft)  
(Maximum)
- iv) Front Stepback of Tower above the Third Storey 11m (36 ft)  
(Minimum)
- v) Individual Tower floor plate above 3<sup>rd</sup> Storey 1,060m<sup>2</sup> (11,409 sq ft)  
(Maximum)
- vi) Ground Floor Commercial Uses: 1,750m<sup>2</sup> (18,836 sq ft)  
(Minimum)

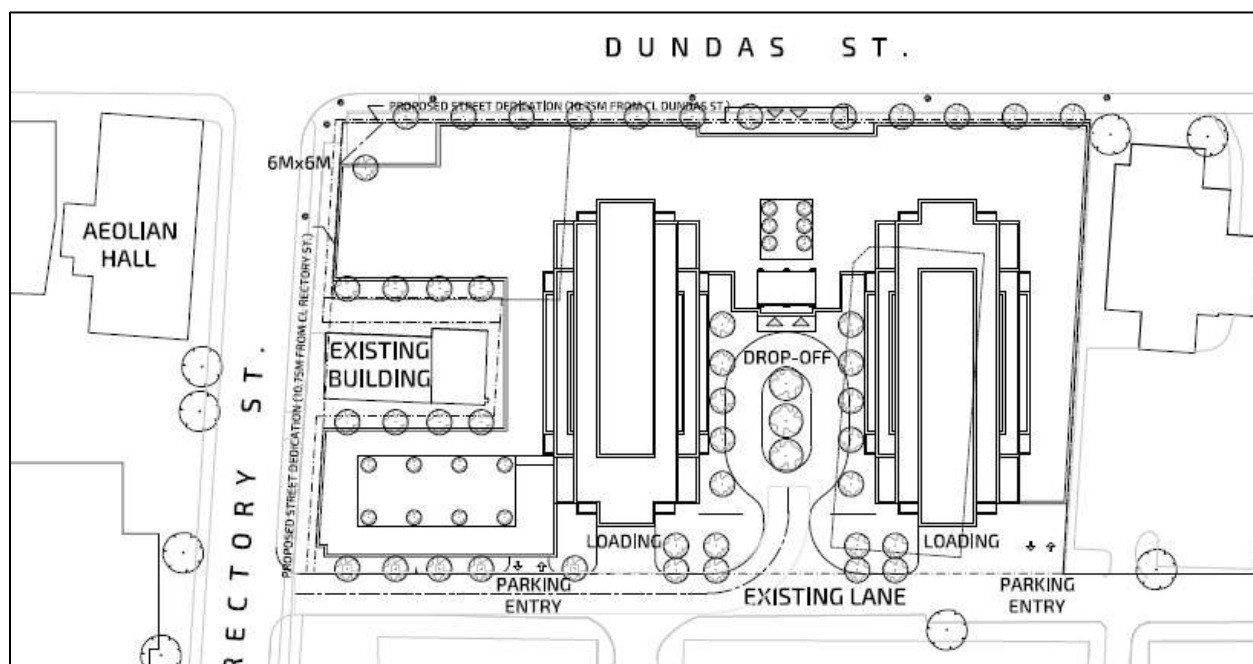


Figure 2: Schedule 1 to by-law Z.-1-182709

## **2.0 Policy Context**

### **2.1 Planning Act**

The *Planning Act* provides the basis for the establishment of a Committee of Adjustment to evaluate requests for relief from regulations of a Zoning By-law.

#### ***Powers of Committee***

*45 (1) The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 38, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained. R.S.O. 1990, c. P.13, s. 45 (1); 2006, c. 23, s. 18 (1); 2009, c. 33, Schedule. 21, s. 10 (11).*

On July 1, 2016, Bill 73 came into effect and implemented a number of legislative changes to the *Planning Act*. As part of Bill 73, Section 45 of the *Planning Act*, R.S.O. 1990, c. P.13 was amended (45 (1.3)) by putting in place a two-year moratorium for minor variance applications within two years of the date of passing of a zoning by-law amendment. The intent of the changes to the *Planning Act* were to give greater control to municipalities to prevent the reversal of zoning provisions that council determined to be important through the by-law amendment processes. It was also recognized that there may be instances where material changes to development proposals are necessary and that minor relief from regulations are required to permit the development. To address this, provisions were further included in the *Planning Act*, R.S.O. 1990, c. P.13 (45 (1.4)) to allow, by council resolution, the opportunity to submit an application for a Minor Variance.

#### ***Two-year period, no application for minor variance***

*45 (1.3) Subject to subsection (1.4), no person shall apply for a minor variance from the provisions of the by-law in respect of the land, building or structure before the second anniversary of the day on which the by-law was amended. 2015, c. 26, s. 29 (2).*

#### ***Exception***

*45 (1.4) Subsection (1.3) does not apply in respect of an application if the council has declared by resolution that such an application is permitted, which resolution may be made in respect of a specific application, a class of applications or in respect of such applications generally. 2015, c. 26, s. 29 (2).*

Municipal Council is requested, by way of the Planning and Environment Committee, in accordance with Section 45 (1.4), to permit such a resolution to be passed.

It should be noted that minor variance applications are deliberated by the Committee of Adjustment and that public notice to neighbouring properties would be provided should the Application be permitted to be made.

## **3.0 Conclusion**

The Civic Administration is seeking approval from Municipal Council to provide for the Civic Administration to submit a Minor Variance Application for the property located at 809 Dundas Street to allow for a development with an increased lot coverage up to 74% maximum, whereas 70% maximum is currently permitted.

In support of this request, the Civic Administration acknowledges that the increase to the lot coverage was requested by the Applicant at the time of the submission of the Application, and this request was included in notices to the public with respect to the



Application. Additionally, the site concept plan approved as part of the enacted Zoning By-law Amendment depicts 74% lot coverage. The requested provision however, was omitted from the regulations contained in the enacted Zoning By-law Amendment (Z.-182709).

If the Municipal Council resolves that the Civic Administration may submit an application for a Minor Variance to the Committee of Adjustment, the merits of the proposed Application would be evaluated by the Committee of Adjustment. The Civic Administration will submit a Planning Report providing planning analysis of the request for the Committee of Adjustment's consideration.

To-date an Application for Site Plan Control approval has been received by the City of London as file SPA20-019.

<b>Submitted by:</b>	<b>CATHY SAUNDERS CITY CLERK</b>
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## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

**From:** George Kotsifas, P. Eng  
Managing Director, Development & Compliance Services and  
Chief Building Official

**Subject:** Application By: Drewlo Holdings Inc.  
130, 136, 146 & 164 Pond Mills Road  
Pond Mills Subdivision - Special Provisions

**Meeting on:** April 27, 2020

## Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to entering into a Subdivision Agreement between The Corporation of the City of London and Drewlo Holdings Inc. for the subdivision of land over Lot 1, Lot 7 and Lot 8 Registered Plan No. 284(C) and Part of Lot 17 and Lot 18 Broken Front Concession B (Geographic Township of Westminster) and Part of Block 73 Plan 33M-269 in the City of London, County of Middlesex; situated on the east of Pond Mills Road, south of the Thames River, and west of Shelborne Place, municipally known as 130, 136, 146 & 164 Pond Mills Road;

- (a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Drewlo Holdings Inc. for the Pond Mills Subdivision (39T-12501) attached as Appendix "A", **BE APPROVED**;
- (b) the Applicant **BE ADVISED** that Development Finance has summarized the claims and revenues attached as Appendix "B";
- (c) the financing for this project **BE APPROVED** as set out in the Source of Financing Report attached as Appendix "C"; and,
- (d) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all documents required to fulfil its conditions.

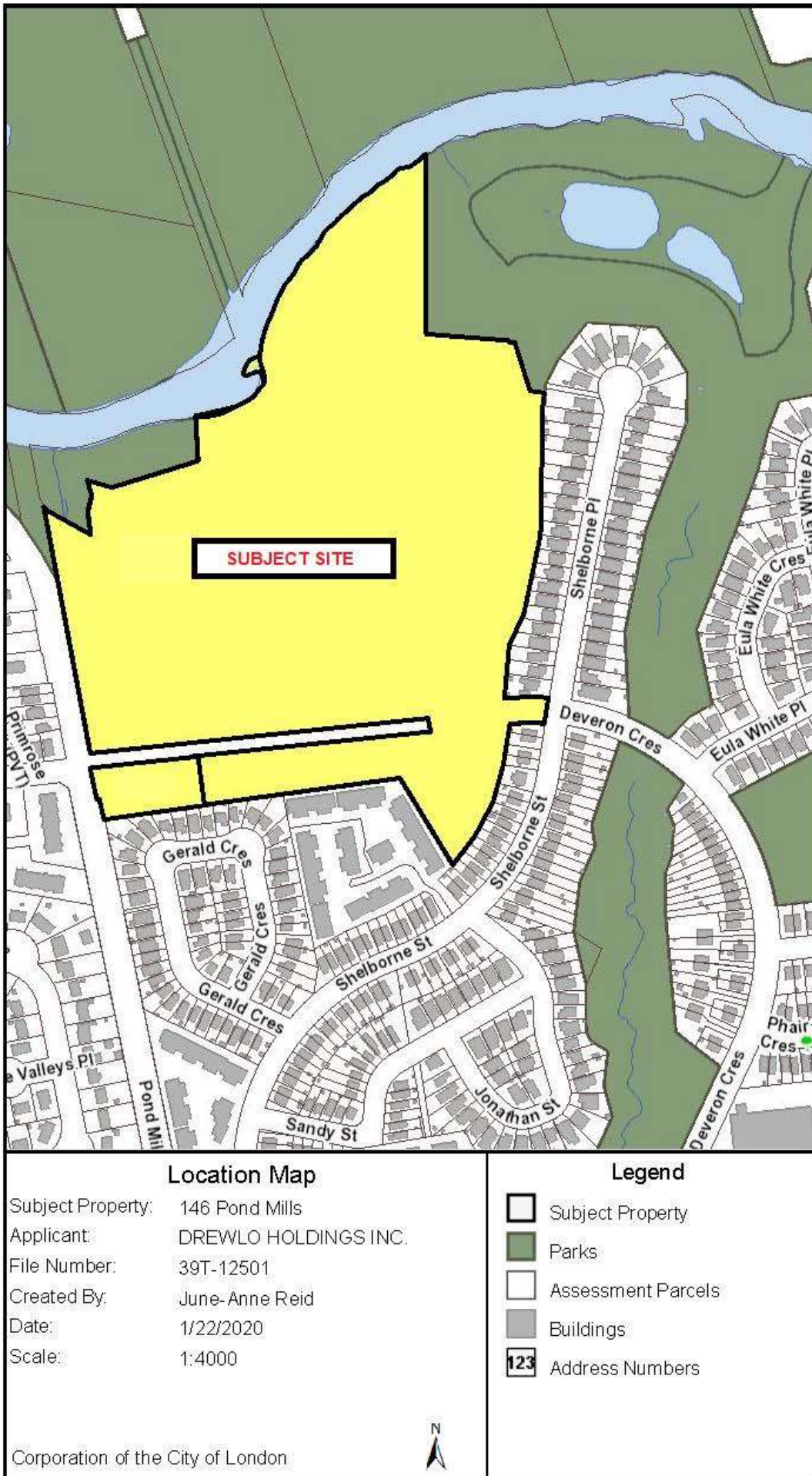
## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The subdivision site comprises an area of approximately 16 hectares (40 acres) of land located east of Pond Mills Road, west of Shelborne Place, and south of the Thames River. These lands are presently accessed from Pond Mills Road opposite Cleveland Avenue via an unopened road allowance formally known as Centre Street. This road allowance extends east from Pond Mills Road across the southerly limits of the site and dead-ends approximately three quarters of the way across. The subdivision will connect Deveron Crescent from Shelborne Street to Pond Mills Road along the unopened road allowance. The central portion of the site is occupied by agricultural tableland which slopes gently down towards a steep embankment overlooking the Thames River valley, and is flanked by wooded ravines on the east and west sides. Previous uses included several residential dwellings with outbuildings, agricultural fields and an abandoned orchard. One of the dwellings, the former Peter White residence, is listed on the City's Register of Cultural Heritage Resources as a property of cultural heritage value and interest. This dwelling has been preserved and is to be retained on its own lot within the subdivision plan (Lot 18). The other dwellings and outbuildings on the site had deteriorated or were damaged by fire and have since been removed. A former stand-alone convenience store on Pond Mills Road at Centre Street was demolished in 2014.

1.2 Location Map - Pond Mills Subdivision



1.3 Pond Mills Subdivision



## 2.0 Description of Proposal

### 2.1 Development Proposal

The draft plan of subdivision with conditions was approved by the Ontario Municipal Board following a hearing of an appeal by Drewlo Holdings Inc. held in January 2017. The proposed subdivision plan consists of 134 single detached lots (Lots 1 to 134), two (2) multi-family, medium density residential blocks (Blocks 135 and 136), one (1) neighbourhood park block (Block 137), a large (8.08 hectare) open space block (Block 138), and two (2) new local streets (Julie Crescent and Christopher Court). The plan includes the extension of Deveron Crescent, partly aligned on an existing unopened road allowance (formerly known as Centre Street) resulting in the completion of an east/west public street connection between Shelbourne Street on the east and Pond Mills Road on the west. The Owner is registering the subdivision plan as one phase.

Development Services has reviewed these special provisions with the Owner who is in agreement with them.

This report has been prepared in consultation with the City's Solicitors Office.

<b>Prepared by:</b>	<b>Larry Mottram, MCIP, RPP Senior Planner, Development Services</b>
<b>Recommended by:</b>	<b>Paul Yeoman, RPP, PLE Director, Development Services</b>
<b>Submitted by:</b>	<b>George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official</b>
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.	

April 20, 2020

CC: Matt Feldberg, Manager, Development Services (Subdivisions)  
Lou Pompilli, Manager, Development Planning  
Ted Koza, Manager, Development Engineering

GK/PY/LM

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## Appendix A – Special Provisions

### 5. STANDARD OF WORK

Add the following new Special Provision:

- #1 The Owner shall include in all Agreements of Purchase and Sale and/or Lease for the transfer of Lots 29 and 30 in this Plan, as shown on the accepted plans and drawings, a covenant by the purchaser or transferee to observe and comply with the minimum building setbacks and associated underside of footing (U.S.F.) elevations, by not constructing any structure within the setback areas, and not disturbing the storm and sanitary sewers located in the setback areas. This protects these sewers from damage or adverse effects during and after construction. The minimum building setbacks from these works and associated underside of footing (U.S.F.) elevations have been established as indicated on the subdivision lot grading plan, attached hereto as **Schedule "I"** and on the servicing drawings accepted by the City Engineer.

### 6. SOILS CERTIFICATE/GEOTECHNICAL

Add the following new Special Provisions:

- #2 Upon completion of construction of the slopes on Deveron Crescent, the Owner shall stabilize all slopes in this Plan, all to the specifications and satisfaction of the City.
- #3 The Owner shall have its Professional Engineer ensure that all geotechnical issues, including erosion, maintenance and structural setbacks related to slope stability associated with the Thames River, existing ravines and Block 138 in this Plan, are adequately addressed for the subject lands, as per the accepted engineering drawings and all to the satisfaction of the City Engineer.

### 9. INITIAL CONSTRUCTION OF SERVICES AND BUILDING PERMITS

Remove Subsection 9.5 (a) and **replace** with the following:

- 9.5 (a) Provide a copy of the video inspection of all storm and sanitary sewer systems (including the stormwater exfiltration pipes) constructed to serve this Plan in a format acceptable to the City Engineer. The video is to be checked in advance by the Owner's Professional Engineer to identify the deficiencies, with an explanation of how the deficiencies were corrected.

### 15. PROPOSED SCHOOL SITES

Remove Subsections 15.3 to 15.8 as there are no school blocks in this Plan.

#### 24.1 STANDARD REQUIREMENTS

Add the following new Special Provisions:

- #4 In conjunction with site plan approval for Block 135, the Owner shall undertake a Scoped Environmental Impact Study for this Block, all to the satisfaction of the City. Until a Scoped Environmental Impact Study for Block 135 is completed and accepted by the City, the limit of development shall be the limit as depicted on Schedule 'X'. Alterations to the limit of development for Block 135 shall be to the satisfaction of the City, as determined through the Scoped Environmental Impact Study.
- #5 Prior to site plan approval for Block 135, the Owner shall take such actions as are necessary to ensure that the future owner of Block 135 complies with the limit of development as established by the Scoped Environmental Impact Study and implements the recommendations from the Scoped Environmental Impact Study for Block 135, all to the satisfaction of the City.
- #6 The Owner agrees that no development shall occur in Block 135 outside of the established limit of development, identified on Schedule 'X', except as

determined through completion of the Scoped Environmental Impact Study, to the satisfaction of the City.

- #7 Prior to any construction in this Plan, the Owner shall reconstruct the driveway and provide water, storm and sanitary services to the existing property/house to be retained on Lot 18 in this Plan, as per the accepted engineering drawings, to the satisfaction of the City.
- #8 The Owner shall make all necessary arrangements with any required owner(s) to have any existing easement(s) in this Plan quit claimed to the satisfaction of the City and at no cost to the City. The Owner shall protect any existing private services in the said easement(s) until such time as they are removed and replaced with appropriate municipal and/or private services at no cost to the City.
- Following the removal of any existing private services from the said easement and the appropriate municipal services and/or private services are installed and operational, the Owner shall make all necessary arrangements to have any section(s) of easement(s) in this Plan, quit claimed to the satisfaction of the City, at no cost to the City.
- #9 Prior to assumption of this subdivision in whole or in part by the City, and as a condition of such assumption, the Owner shall pay to the City Treasurer the following amounts as set out or as calculated by the City, or portions thereof as the City may from time to time determine:
- (i) Removal of automatic flushing devices/blowoffs in future, an amount of \$5,000 each flusher
- #10 The Owner shall include in the Purchase of Sale Agreements and/or Lease for Lots backing onto Block 138 in this Plan that the steep slopes in the Open Space area are not to be disturbed.
- #11 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct and/or make adjustments to the existing works and services on Pond Mills Road, Shelborne Place and Cleveland Avenue, adjacent to this Plan to accommodate the proposed works and services on these streets to accommodate the Lots/Blocks in this Plan (eg. hydro poles, street light poles, etc.) in accordance with the approved design criteria and accepted engineering drawings, all to the satisfaction of the City Engineer, at no cost to the City.
- #12 The Owner shall include in all Agreements of Purchase and Sale, and/or Lease, of Blocks 135 and 136 in this Plan, a warning clause advising the purchaser/transferee that if it is determined by the Ministry of Environment and Conservation and Parks (MOECP) that the water servicing for the Block is a regulated drinking water system, then the Owner or Condominium Corporation may be required to meet the regulations under the Safe Drinking Water Act and the associated regulation O.Reg. 170/03.
- If deemed a regulated system, the City of London may be ordered by the Ministry of the Environment and Conservation and Parks (MOECP) to operate this system in the future. The system may be required to be designed and constructed to City standards.
- #13 Within one (1) year of registration of this Plan, the Owner shall implement all the recommendations of the approved Environmental Impact Study and associated Addendums to the satisfaction of the City. The Owner shall provide written confirmation to the City as to when and how the recommendations were implemented including a monitoring program.

## 24.2 CLAIMS

**Remove** Subsection 24.2 (b) and **replace** with the following:

- (b) The Owner may, upon approval of this Agreement and completion of the works, make application to the Director – Development Finance for payment of the sum alleged to be owing, and as confirmed by the City Engineer (or designate) and the Director – Development Finance and the payment will be made pursuant to

any policy established by Council to govern the administration of the said development charge Reserve Fund.

The anticipated reimbursements from the Development Charge Reserve Funds are:

- (a) for the engineering costs for the construction of external road works on Pond Mills Road as per the accepted engineering drawings, the estimated cost of which is \$12,587, excluding HST, as per the accepted work plan;
- (b) for the construction of external road works on Pond Mills Road as per the accepted engineering drawings, the estimated cost of which is \$87,566, excluding HST, as per the accepted work plan; and
- (c) for the construction of Low Impact Development infrastructure, in conjunction with this Plan, subsidized at an estimated cost of which is \$107,085.00, excluding HST.

The estimated amounts herein will be adjusted in accordance with contract prices in the year in which the work is carried out.

Claims approvals shall generally not materially exceed approved and committed funding in the capital budget for the estimated claims listed in this Agreement.

Any funds spent by the Owner pending future budget approval (as in the case of insufficient capital budget described above), shall be at the sole risk of the Owner pending Council approval of sufficient capital funds to pay the entire claim.

## 24.5 HYDROGEOLOGICAL WORKS

**Add** the following new Special Provisions:

- #14 Prior to construction and during all phases of development, the Owner shall implement and undertake all activities of the groundwater and surface water monitoring plan (hereinafter referred to as the "Monitoring Plan") accepted by the City of London, as prepared by EXP dated January 31, 2020, all to the satisfaction of the City Engineer. Such activities shall be carried out by the Owner's Consultant and shall include but are not necessarily limited to: duration of monitoring, sampling frequency and locations, analytical protocols, documentation procedures, preparation of monitoring reports, establishing water quality and quantity thresholds and implementation of mitigation measures as required.
- #15 Monitoring reports prepared as part of the groundwater monitoring plan shall be provided to the City at the following intervals, to the satisfaction of the City:
  - a) Once (1) – prior to the start of construction activities (baseline information);
  - b) Twice (2) per year – during servicing construction including one (1) event during the horizontal directional drilling (HDD) operations;
  - c) Twice (2) per year – until assumption of the development is granted;
  - d) Once (1) per year – following assumption, until the end of the warranty period.
- #16 Prior to end of warranty, in the event of an adverse impact to the identified hydrogeological regime, seepage locations and/or natural heritage features, which occurs as a result of the Owner's failure to comply with the recommendations, reports and engineering design accepted or amended by the City of London for this development, the Owner shall implement contingency measures to the satisfaction of the City Engineer. In the event that contingency measures do not address the impacts identified through the Monitoring Plan related to the development, appropriate remedial measures which provide an overall net benefit shall be implemented by the Owner, all to the satisfaction of the City Engineer.



## 24.6 EROSION AND SEDIMENT CONTROL

**Remove** Subsection 24.6 in its entirety and **replace** with the following:

- (a) Prior to any work on the site, the Owner shall implement all interim and long term erosion and sediment control measures identified as a component of the Functional Storm/Drainage Servicing Report and shall have these measures established as per the accepted engineering drawings and approved all to the satisfaction of the City Engineer. The erosion and sediment control measures shall be maintained and operated as intended during all phases of construction.
- In the event that the staging of this Plan differs to that as set out in the accepted engineering drawings, the Owner's Professional Engineer shall prepare and submit updated drawings depicting revisions to the erosion and sediment control measures in conformance with City and Ministry of the Environment, Conservation and Parks standards and requirements, for acceptance by the City, all to the satisfaction of the City.
- (b) The Owner shall have its Professional Engineer monitor the erosion and sediment control measures installed in accordance with the above-noted E&SC plan(s) and accepted engineering drawings and submit to the City Engineer monitoring reports with a log of dates when the facilities were inspected, the condition of the facilities at that time, and what remedial/maintenance actions, if any, was needed and taken during the reporting periods. The Owner shall correct any deficiencies of the erosion and sediment control measures forthwith. The monitoring reports are to be available at any time upon request by the City and submitted to the City Engineer by April 1, July 1 and November 1 of each year until all works and services in this Plan are assumed by the City.
- (c) The Owner shall protect the stormwater exfiltration trench systems during construction, through the implementation of the erosion and sediment control plan(s) in accordance with the accepted drawings. The Owner shall undertake regular inspection, maintenance, and E&SC failure response requirements to react to ongoing construction activities, staging and environmental conditions. The Owner acknowledges that the integrity of the stormwater exfiltration trench systems shall be protected during all stages of the subdivision build out. The E&SC plan(s) will be in effect until all works and services in this Plan are assumed by the City, and will include specific lot level controls on areas draining to the stormwater exfiltration trench systems.
- Further to 24.6(b) above the Owner's Professional Engineer shall include the inspection of the stormwater exfiltration trench systems protective measures and confirm the status within the monitoring reports to be provided to the City, to the satisfaction of the City.
- (d) The Owner shall take sufficient precautions, as outlined in the Guidelines on Erosion and Sediment Control for Urban Construction Sites (December 2006) prepared by the Ministry of Natural Resources, or most recent available industry guideline, to prevent erosion resulting from development of this Plan, all to the satisfaction of the City Engineer.
- (e) Prior to the issuance of a Certificate of Conditional Approval for this Plan, the Owner shall have its Professional Engineer certify to the City Engineer in the form as set out in **Schedule 'J'** to this Agreement, that the erosion and sediment control measures required under this Agreement were installed prior to any construction, including but not limited to removal of vegetation, re-grading, etc., commencing on the site, where applicable, all as recommended by the Owner's Professional Engineer and as specified on the drawings accepted by the City for construction.

Further, the Owner's Professional Engineer's certification must confirm that the required erosion and sediment control measures were maintained and operating as intended, in accordance with the accepted engineering drawings and E&SC plan(s) during all stages of construction as required under this Agreement. All necessary E&SC measures are to remain in place until construction, as required under this Agreement, has been completed to the specifications of the City. If

construction within this Plan is completed in stages, certification from the Owner's Professional Engineer as specified in this above clause must be provided to the City Engineer to cover each individual construction phase.

- (f) The Owner shall construct applicable silt fences or other facilities, such as linear filter socks, as required, during all stages of construction to control overland flows from this subdivision to ensure that mud, silt, construction debris, etc. does not adversely affect abutting properties, all to the specifications of the City.

**Add** the following new Special Provisions:

- #17 Prior to any works on site, the Owner shall ensure all open space blocks are sufficiently protected from sediment throughout the construction period. A robust sediment barrier and other erosion control measures, as shown on the approved Engineering Drawings, shall be installed and maintained along all identified block limits to the satisfaction of the City. The Owner's consulting engineer shall provide written certification of the barrier installation and bi-weekly detailed site inspection reports to the City during all development activity along the edge of the woodlot and ravines.
- #18 The Owner shall ensure that any removal and disposal of sediment is to an approved site in accordance with the Ministry of Environment and Ministry of Natural Resources.
- #19 Prior to any construction in this Plan, the Owner shall construct and have operational temporary sediment and erosion control works, including temporary sediment basin, diversion swales, rock check dams, etc., in this Plan, as per the accepted engineering drawings, to the satisfaction of the City, at no cost to the City.
- #20 All temporary erosion and sediment control measures, including sediment basins, installed in conjunction with this Plan shall be decommissioned and/or removed prior to assumption, as per accepted engineering drawings, all to the satisfaction of the City Engineer and at no cost to the City.
- #21 The Owner shall construct a temporary sediment basin and associated works and until said works are decommissioned, the Owner shall complete the following to the satisfaction of the City Engineer, and at no cost to the City:
- (a) Operate, monitor and maintain the temporary works;
  - (b) Remove and dispose of any sediment to an approved site.
  - (c) Address forthwith any deficiencies of the temporary works and/or monitoring program.

The Owner is responsible for all costs related to the temporary works including decommissioning and any redirection of sewers and overland flow routes.

- #22 Prior to assumption, the Owner shall decommission the existing temporary sediment basin and all associated works, all to the satisfaction of the City Engineer. The Owner is responsible for all costs related to the decommissioning and redirection of sewers and overland flow routes.

Following the removal of the existing temporary sediment basin and all associated works from the said easement and the appropriate municipal services are installed and operational, the Owner shall make all necessary arrangements to have any section(s) of easement(s) in this Plan, quit claimed to the satisfaction of the City, at no cost to the City.

- #23 The Owner shall hold Lots 26 to 29 both inclusive, out of development until the temporary sediment basin is decommissioned, to the satisfaction of the City.

## **24.7 GRADING REQUIREMENTS**

**Add** the following new Special Provisions:

- #24 The Owner shall grade the portions of Lots and Blocks in this Plan, which have a common property line with Pond Mills Road, to blend with the ultimate profile of

Pond Mills Road, in accordance with the accepted engineering drawings, to the satisfaction of the City and at no cost to the City.

- #25 The Owner shall include in all Agreements of Purchase and Sale and/or Lease for the transfer of Lots 29 and 30 in this Plan, a covenant by the purchaser or transferee to observe and comply with the following:
- (b) The purchaser or transferee shall not alter or adversely affect the said overland flow route on the said Lots as shown on the accepted lot grading and servicing drawings for this subdivision.

The Owner further acknowledges that no landscaping, vehicular access, parking access, works or other features shall interfere with the above-noted overland flow route, grading or drainage.

- #26 The Owner shall maintain the existing overland flow route between Lots 29 and 30 in this Plan, as per the accepted engineering drawings, to the satisfaction of the City Engineer, and at no cost to the City.

#### **24.8 STORM WATER MANAGEMENT**

**Add** the following new Special Provisions:

- #27 The Owner shall restore any disturbed areas in this Plan as a result of construction associated within this Plan to existing or better conditions, to the satisfaction of the City.
- #28 The Owner shall include in all Agreements of Purchase and Sale and/or Lease for Lots 1 to 29, both inclusive and 42 to 65, both inclusive in this Plan, a covenant by the purchaser or transferee to observe and comply with the following:
- “The purchaser and/or transferee shall construct the roof water leaders on the said Lots as shown on the accepted lot grading and engineering drawings for this subdivision.
- #29 The Owner shall include in all Agreements of Purchase and Sale and/or Lease for Lots 1 to 29, both inclusive and 42 to 65, both inclusive, a covenant by the purchaser or transferee to observe and comply with the following:
- “The purchaser and/or transferee shall not alter the roof water leaders on the said Lots as shown on the accepted lot grading and engineering drawings for this subdivision. The maintenance of the roof water leader are the responsibility of the owner of the said Lots.
- #30 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall have the stormwater exfiltration trench systems installed complete with protective devices in this Plan to accommodate the storm servicing design in accordance with the accepted servicing drawings and the accepted Stormwater Management Report to the specifications and satisfaction of the City, at no cost to the City.
- #31 Prior to assumption, the Owner’s Consulting Professional Engineer shall certify and verify the stormwater exfiltration trench systems have been maintained and are functioning as intended in accordance with the accepted engineering drawings, all to the satisfaction of the City.
- #32 Prior to assumption, the Owner and their Consulting Professional Engineer shall demonstrate the stormwater exfiltration trench system was constructed and functions all to the satisfaction of the City. An acceptable verification, monitoring, and testing program shall demonstrate the stormwater exfiltration system functions in accordance with the accepted engineering drawings and SWM report. Documentation of all verification, monitoring, and testing program results shall be provided to the City.

This may include but not be limited to:

- (a) Documentation of visual observations to confirm system functionality.
- (b) Sign off and verification from the Owner’s Consulting Professional Engineer that the system was constructed as designed.

- (c) Exfiltration testing procedure and results. Exfiltration testing shall isolate and verify functionality of each segment of the stormwater exfiltration trench system (i.e. MH to MH) similar to the method described in OPSS 410. This could involve filling the system with water and documenting the change in water level all overtime. Results shall be reviewed in comparison the design exfiltration rate and drawdown time.

Upon review, alternative testing verification and methodologies may be deemed acceptable by the City.

- #33 The City will initiate a monitoring program to verify the stormwater exfiltration trench systems subsurface infrastructure is infiltrating and functioning as designed. The cost of said monitoring program will be borne by the City.
- #34 The Owner agrees that the protective devices on all stormwater exfiltration trench systems in this subdivision shall not be removed and the stormwater exfiltration trench system activated until assumption, all to the satisfaction of the City.
- #35 Prior to assumption, the Owner shall grade and sod all undeveloped Lots in this Plan which are tributary to the stormwater exfiltration trench system, to prevent silt impacts, all to the specifications and satisfaction of the City and at no cost to the City.
- #36 All temporary storm works and servicing installed within this Plan shall be decommissioned and/or removed when warranted, all to the satisfaction of the City, at no cost to the City.

#### **24.9 SANITARY AND STORM SEWERS**

**Remove** Subsection 24.9 (b) and **replace** with the following:

- (b) The Owner shall construct the storm sewers to service the Lots and Blocks in this Plan, which is located in the Thames River Central Area Subwatershed, and connect them to the City's existing storm system in accordance with accepted engineering drawings, to the satisfaction of the City.

**Remove** Subsection 24.9 (f) as there are no unassumed sewers or SWM Facilities.

**Add** the following new Special Provisions:

- #37 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall decommission, remove and dispose of the existing septic system and weeping bed on Lot 18 of this Plan, offsite when warranted, to the satisfaction of the geotechnical engineer and the City, at no cost to the City.
- #38 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct sanitary and storm sewers and all necessary appurtenances (eg. headwall, maintenance access, etc.), between Lots 29 and 30 in this Plan and across Block 138 in this Plan, and provide necessary easements, as per the accepted engineering drawings, all to the specifications and satisfaction of the City.
- #39 Prior to the issuance of a Certificate of Conditional Approval, the Owner shall construct a maintenance access (to service the sanitary sewers) over Block 138 in this Plan as per the accepted engineering drawings, to the satisfaction of the City Engineer, at no cost to the City.
- #40 The Owner shall maintain the sanitary and storm sewer and maintenance access (to service the sanitary and storm sewer) over lands in this Plan as required herein until the said sewers and maintenance access are assumed by the City, all to the satisfaction of the City Engineer and at no cost to the City.
- #41 Prior to undertaking work by trenchless methods through Block 138 in this Plan, the Owner shall have its directional drilling contractor complete the following:

- (a) confirm bore and receiving pit geometry and target depths and grades. Prior to construction, all equipment shall be calibrated to the satisfaction of the engineer and the City;
- (b) provide a work plan that includes, but not limited to, a construction dewatering plan, a shoring plan (if required) and have it reviewed by the geotechnical consultant prior to commencing any works in this Plan;
- (c) prepare and submit a detailed work plan, a list of experienced personnel, a drilling fluid management plan and a safety plan for review by the Engineer and the City; and
- (d) provide a written contingency plan for clean up of surface seepage of drilling fluid before undertaking any site works.

#### 24.10 WATER SERVICING

**Add** the following new Special Provisions:

- #42 Prior to the issuance of any Certificates of Conditional Approval, and in accordance with City standards, or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of water service to this draft Plan of Subdivision:
  - (a) construct watermains to serve this Plan and connect them to the existing municipal system, namely, the existing 300 mm diameter watermain on Deveron Crescent and the existing 300 mm diameter watermain on Pond Mills Road; and
  - (b) deliver confirmation that the watermain system has been looped to the satisfaction of the City Engineer when development is proposed to proceed beyond 80 units; and
- #43 Prior to the issuance of any Certificates of Conditional Approval, the Owner shall reconstruct the existing 300 mm diameter watermain on Deveron Crescent as per the accepted engineering drawings, to the specifications and satisfaction of the City and at no cost to the City.
- #44 The available fire flows for development Blocks within this Plan have been established through the subdivision water servicing design study as follows:
  - Block 135 @ 91.49 l/sec
  - Block 136 @ 91.21 l/secFuture development of these Blocks shall be in keeping with the established fire flows in order to ensure adequate fire protection is available.
- #45 Prior to any construction in this Plan, the Owner shall remove the existing water service, serving Lot 18 and construct a temporary water service for Lot 18. This temporary water service shall be removed once the ultimate watermain and service is constructed and operational, to the satisfaction of the City and at no cost to the City.
- #46 If the Owner requests the City to assume Christopher Court, with the automatic flushing device still in operation, all as shown on this Plan of Subdivision, the Owner shall pay to the City at the time of the assumption of this subdivision by the City the amount estimated by the City at the time, to be the cost of removing the automatic flushing device and properly abandoning the discharge pipe from the automatic flushing device to the storm/sanitary sewer system at the north of Christopher Court and restoring adjacent lands, all to the specifications of the City. The estimated cost for doing the above-noted work on this street is \$5,000 per automatic flushing device for which amount sufficient security is to be provided in accordance with Condition \_\_\_\_\_. The Owner shall provide the cash to the City at the request of the City prior to assumption of the subdivision if needed by the City.

- #47 Prior to any earthworks/grading, the 300 mm diameter watermain on Deveron Crescent shall be cut, capped and removed in accordance with the accepted engineering drawings, to the satisfaction of the City.

#### 24.11 ROADWORKS

**Remove** Subsection 24.11 (p) as there are no traffic calming measures in this Plan.

- #48 **Remove** Subsection 24.11 (q) and **replace** with the following:

(q) The Owner shall direct all construction traffic including all trades related traffic associated with installation of services and construction of dwelling units in this Plan to access the site from Pond Mills Road via Deveron Crescent.

**Add** the following new Special Provisions:

- #49 Should complaints be received regarding construction traffic to this Plan via Shelborne Street on Deveron Crescent, the City Engineer may direct the Owner to construct a barricade and temporary turning facility for vehicles at the east limit of Centre Street/Deveron Crescent, complete with any associated easements and security as necessary, to the specifications and satisfaction of the City.
- The Owner may be required to modify the barricade to accommodate a temporary emergency access until this barricade is removed. When the temporary turning circle and barricade are no longer needed, the City will quit claim the easements which are no longer required, at no cost to the City.
- #50 The Owner shall make minor boulevard improvements on Pond Mills Road adjacent to this Plan, to the specifications of the City and at no cost to the City, consisting of clean-up, grading and sodding as necessary.
- #51 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct a left turn lane on Pond Mills Road at Deveron Crescent, to the satisfaction of the City, as per the accepted engineering drawings, to the satisfaction of the City.
- #52 The Owner shall maintain the existing gravel access for Lot 18 in this Plan during the construction of services, to the satisfaction of the City.

#### 24.13 PARKS

**Add** the following new Special Provisions:

- #53 The Owner shall deliver to all purchasers and transferees of the lots in this Plan, a homeowner guide/education package as approved by the City that explains the stewardship of natural areas and the value of existing tree cover, as well as indirect suburban effects on natural areas.
- #54 The Owner shall construct an asphalt pathway on the north side of Deveron Crescent from Julie Crescent to Shelborne Place as per the accepted engineering drawings, to the satisfaction of the City and at no cost to the City.
- #55 Within one (1) year of registration of this Plan, the Owner shall construct and install the naturalization plan in accordance with the approved Engineering drawings.
- #56 Within one (1) year of registration of this Plan, the Owner shall prepare and deliver to all homeowners, an education package which explains the stewardship and protection of the natural area, the value of existing tree cover, the use of native pollinator friendly plants, and the protection and utilization of the grading and drainage patterns on these lots. The educational package shall be prepared to the satisfaction of the City.
- #57 Prior to any site works, the Owner shall ensure that the recommendations of the approved Tree Preservation Report are implemented. The Owner shall provide

written confirmation to the City detailing the manner in which each recommendation has been satisfied.

- #58 Within one (1) year of registration of this Plan, the Owner shall grade, service and seed Block 137 in accordance with the approved engineering plans, to the satisfaction of the City, and at no cost to the City.
- #59 Within one (1) year of registration of this Plan, the Owner shall construct and install all aspects of the landscape mitigation plan in accordance with the approved Engineering drawings to the satisfaction of the City, and at no cost to the City.

**SCHEDULE "C"**

This is Schedule "C" to the Subdivision Agreement dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020, between The Corporation of the City of London and Drewlo Holdings Inc. to which it is attached and forms a part.

**SPECIAL WORKS AND SERVICES**

**Roadways**

- Centre Street/Deveron Crescent shall have a minimum road pavement width (excluding gutters) of 9.5 metres with a minimum road allowance of 21.5 metres.
  
- Julie Crescent and Christopher Court (from Deveron Crescent to Julie Crescent) shall have a minimum road pavement width (excluding gutters) of 8.0 metres with a minimum road allowance of 20.0 metres.
  
- Christopher Court (from Julie Crescent to cul-de-sac) shall have a minimum road pavement width (excluding gutters) of 6.0 metres with a minimum road allowance of 18 metres.

**Sidewalks**

A 1.5 metre sidewalk shall be constructed on both sides of Deveron Crescent from Pond Mills Road to Julie Crescent.

An asphalt pathway shall be constructed on the north boulevard of Deveron Crescent from Julie Crescent to Shelborne Place as per the accepted engineering drawings.

A 1.5 metre sidewalk shall be constructed on one side of

- (i) Pond Mills Road – east boulevard across frontage of plan
- (ii) Julie Crescent – north and west boulevard
- (iii) Christopher Court (from Deveron Crescent to Julie Crescent) – west boulevard

**Pedestrian Walkways**

There are no pedestrian walkways in this Plan.



**SCHEDULE "D"**

This is Schedule "D" to the Subdivision Agreement dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020, between The Corporation of the City of London and Drewlo Holdings Inc. to which it is attached and forms a part.

Prior to the Approval Authority granting final approval of this Plan, the Owner shall transfer to the City, all external lands as prescribed herein. Furthermore, within thirty (30) days of registration of the Plan, the Owner shall further transfer all lands within this Plan to the City.

**LANDS TO BE CONVEYED TO THE CITY OF LONDON:**

0.3 metre (one foot) reserves:	Add 0.3 m reserves across frontages of Lot 97 and Block 135
Road Widening (Dedicated on face of plan):	Block 139 and 140
Walkways:	NIL
5% Parkland Dedication:	Blocks 137 and 138
Dedication of land for Parks in excess of 5%:	NIL
Stormwater Management:	NIL

**LANDS TO BE SET ASIDE FOR SCHOOL SITE:**

School Site:	NIL
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**LANDS TO BE HELD IN TRUST BY THE CITY:**

Temporary access:	NIL
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**SCHEDULE "E"**

This is Schedule "E" to the Subdivision Agreement dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020, between The Corporation of the City of London and Drewlo Holdings Inc. to which it is attached and forms a part.

The Owner shall supply the total value of security to the City is as follows:

CASH PORTION:	\$ 557,203
BALANCE PORTION:	<u>\$3,157,483</u>
TOTAL SECURITY REQUIRED	\$3,714,686

The Cash Portion shall be deposited with the City Treasurer prior to the execution of this Agreement.

The Balance Portion shall be deposited with the City Treasurer prior to the City issuing any Certificate of Conditional Approval or the first building permit for any of the lots and blocks in this Plan of subdivision.

The Owner shall supply the security to the City in accordance with the City's By-Law No. CPOL-13-114 and policy adopted by the City Council on April 4, 2017 and any amendments.

In accordance with Section 9 Initial Construction of Services and Building Permits, the City may limit the issuance of building permits until the security requirements have been satisfied.

The above-noted security includes a statutory holdback calculated in accordance with the Provincial legislation, namely the CONSTRUCTION LIEN ACT, R.S.O. 1990.

**SCHEDULE "F"**

This is Schedule "F" to the Subdivision Agreement dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020, between The Corporation of the City of London and Drewlo Holdings Inc. to which it is attached and forms a part.

Prior to the Approval Authority granting final approval of this Plan, the Owner shall transfer to the City, all external easements as prescribed herein. Furthermore, within thirty (30) days of registration of the Plan, the Owner shall further transfer all easements within this Plan to the City.

**Multi-Purpose Easements:**

Multi-purpose easements for servicing shall be deeded to the City in conjunction with this Plan, within this Plan, on an alignment and of sufficient width acceptable to the City Engineer as follows:

- (i) Between Lots 29 and 30 in this Plan for sanitary and storm servicing as per accepted engineering drawings

**Temporary Easements:**

A temporary easement shall be deeded to the City in conjunction with this Plan, on an alignment and of sufficient width acceptable to the City Engineer as follows:

- (i) Over Lots 26 to 29 in this Plan for the temporary sediment basin

**Appendix B – Related Estimated Costs and Revenues**

Agenda Item # Page #

Pond Mills Subdivision - Drewlo Holdings  
 Subdivision Agreement  
 39T-12501

**Estimated Costs and Revenues**

<b>Estimated DC Claim Costs</b>	<b>Estimated Cost (excludes HST)</b>
Claims for Owner led construction from CSRF	
Channelization (DC19RS1001) Construction - on Pond Mills Rd. at Deveron Cres & Cleveland Ave.	\$87,566
Channelization (DC19RS1001) Engineering - on Pond Mills Rd. at Deveron Cres & Cleveland Ave.	\$12,587
Low Impact Development (DC19MS1003)	\$107,085
Total	\$207,238
<b>Estimated DC Revenues (January 1, 2020 to December 31, 2020 Rates)</b>	<b>Estimated Revenue</b>
CSRF TOTAL	\$5,264,723

- 1 Estimated DC Claim Costs are for Owner led construction projects and do not include City led projects required to accommodate growth.
- 2 Estimated DC Revenues are calculated using current DC rates. The City employs a "citywide" approach to cost recovery for all eligible growth services, therefore the Estimated DC Claim Costs and Revenues in the table above are not directly comparable.
- 3 DC Claim Costs are based on the approved Work Plan cost estimates provided by the Owner for engineering and construction of the claimable works. Final claim payments will be approved based on actual costs incurred by the Owner in conjunction with the terms of the registered Subdivision Agreement, Work Plan and the DC By-law.
- 4 LID Subsidy costs are based on estimates from the accepted engineering drawings and the current DC By-law. Final claim payments will be approved based on constructed quantities in conjunction with the DC By-law.

Reviewed by:

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Matt Feldberg  
**Manager, Development Services (Subdivisions)**

Approved by:

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Paul Yeoman  
**Director, Development Finance**

**Appendix C – Source of Financing**

Chair and Members  
Planning and Environment Committee

#20061  
April 27, 2020  
(39T-12501)

**RE: Subdivision Special Provisions**  
Pond Mills Subdivision - Drewfo Holdings  
Capital Budget Project TS165119 - Minor Roadworks - Channelization (2019-2023) (Subledger 2487797)  
Capital Budget Project ES543819 - Low Impact Development (2019-2023) (Subledger 2487798)

**FINANCE & CORPORATE SERVICES REPORT ON THE SOURCES OF FINANCING:**

Finance & Corporate Services confirms that these works can be accommodated within the Capital Works Budget and that, subject to the adoption of the recommendations of the Managing Director, Development and Compliance and Chief Building Official and the Manager, Development Planning, the detailed source of financing is:

	Approved Budget	Committed To Date	This Submission	Balance for Future Work
<b>ESTIMATED EXPENDITURES</b>				
<b>TS165119 - Minor Roadworks - Channelization</b>				
Engineering	\$199,000	\$59,130	\$12,808	\$127,062
Construction	1,480,740	244,916	89,108	1,146,716
	1,679,740	304,046	101,916	1,273,778
<b>ES543819 - Low Impact Development</b>				
Engineering	500,000	\$0		500,000
Construction	4,919,532	19,497	108,970	4,791,065
	5,419,532	19,497	108,970	5,291,065
<b>NET ESTIMATED EXPENDITURES</b>	<b>\$7,099,272</b>	<b>\$323,543</b>	<b>\$210,886</b> 1)	<b>\$6,564,843</b>
<b>SOURCE OF FINANCING</b>				
<b>TS165119 - Minor Roadworks - Channelization</b>				
Drawdown from City Services - Roads Reserve Fund (Development Charges)	2) \$1,679,740	\$304,046	\$101,916	\$1,273,778
<b>ES543819 - Low Impact Development</b>				
Drawdown from City Services - Stormwater Reserve Fund (Development Charges)	2) 5,419,532	19,497	108,970	5,291,065
<b>TOTAL FINANCING</b>	<b>\$7,099,272</b>	<b>\$323,543</b>	<b>\$210,886</b>	<b>\$6,564,843</b>
	<b>Engineering</b>	<b>Construction</b>	<b>ES543819</b>	<b>Total</b>
1) <b>Financial Note</b>	<b>TS165119</b>	<b>TS165119</b>		
Contract Price	\$12,587	\$87,566	\$107,085	\$207,238
Add: HST @13%	1,636	11,384	13,921	26,941
Total Contract Price Including Taxes	14,223	98,950	121,006	\$234,179
Less: HST Rebate	1,415	9,842	12,036	23,293
Net Contract Price	\$12,808	\$89,108	\$108,970	\$210,886

2) Development charges have been utilized in accordance with the underlying legislation and the Development Charges Background Study completed in 2019.

lp

Jason Davies  
Manager of Financial Planning & Policy

## Appendix D – Additional Information

### Previous Reports

**December 10, 2018** – Planning and Environment Committee Public Participation Meeting – Application by Drewlo Holdings Inc. for approval of Zoning By-law Amendment for lands located at 172-174 and 176 Pond Mills Road (Agenda Item #3.3).

**February 1, 2016** – Planning and Environment Committee Public Participation Meeting – Appeals to the Ontario Municipal Board - Application by Drewlo Holdings Inc. for approval of Draft Plan of Subdivision and Zoning By-law Amendment for lands located at 130, 136, 146 & 164 Pond Mills Road, and 925 Deveron Crescent (Agenda Item #6).

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

**From:** George Kotsifas, P. Eng  
Managing Director, Development & Compliance Services and Chief  
Building Official

**Subject:** Application By: Foxwood Developments (London) Inc.  
1602 Sunningdale Road West  
Foxwood Subdivision Phase 3 – Subdivision Agreement

**Meeting on:** April 27, 2020

## Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to entering into a Subdivision Agreement between The Corporation of the City of London and Foxwood Developments (London) Inc. for the subdivision of land over Part of Lot 24, Concession 5, situated on the south side of Sunningdale Road West, east of Hyde Park Road, municipally known as 1602 Sunningdale Road West;

- (a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Foxwood Developments (London) Inc. for the Foxwood Subdivision, Phase 3 (39T-11503) attached as Appendix “A”, **BE APPROVED**;
- (b) the Applicant **BE ADVISED** that Development Finance has summarized the claims and revenues attached as Appendix “B”;
- (c) the financing for this project **BE APPROVED** as set out in the Source of Financing Report attached as Appendix “C”; and;
- (d) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all documents required to fulfil its conditions.

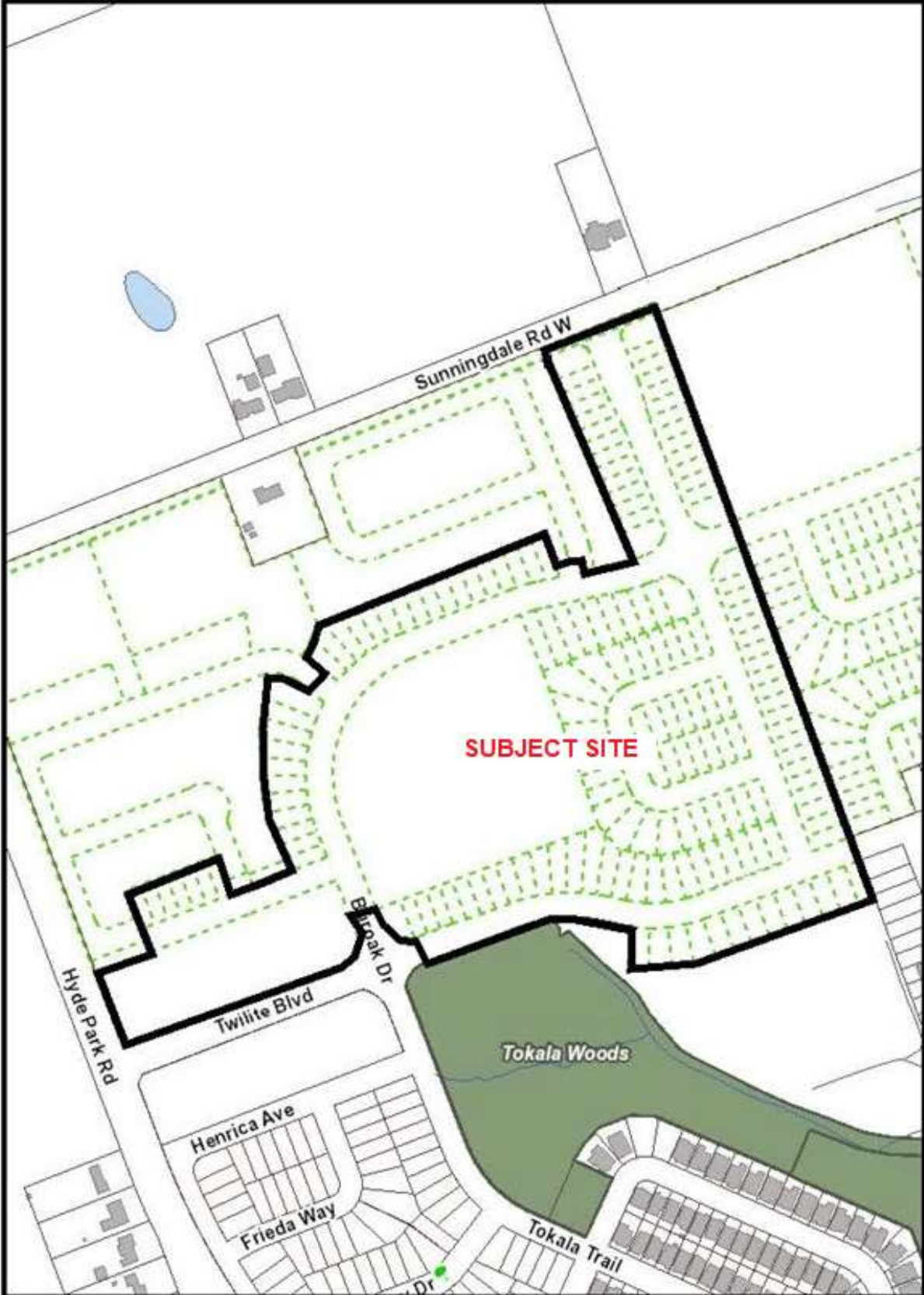
## Analysis






### 1.0 Site at a Glance

#### 1.1 Property Description


The subject lands are located within the Foxhollow Community Planning Area. This Community Planning Area is generally bounded by Sunningdale Road West, Wonderland Road North, Fanshawe Park Road West and Hyde Park Road. The community plan and associated amendments to the Official Plan were adopted by Council in March of 1999. The subject site (Phase 3) is approximately 15.84 hectare in size and located on the southeast corner of Sunningdale Road West and Hyde Park Road. The site is relatively flat in nature and is currently used for agricultural purposes. To the south of Phase 3 is Phase 1 & 2 of the subdivision consisting of mainly single detached dwellings mixed with some medium and high density residential blocks. These lands also include a large woodland creating a large open space corridor in the community. To the east is a draft approved subdivision consisting of mainly singled detached dwellings and a large medium density block. These lands have yet to develop. To the north and west are existing agricultural uses.

1.2 Location Map Phase 3 Foxwood Subdivision



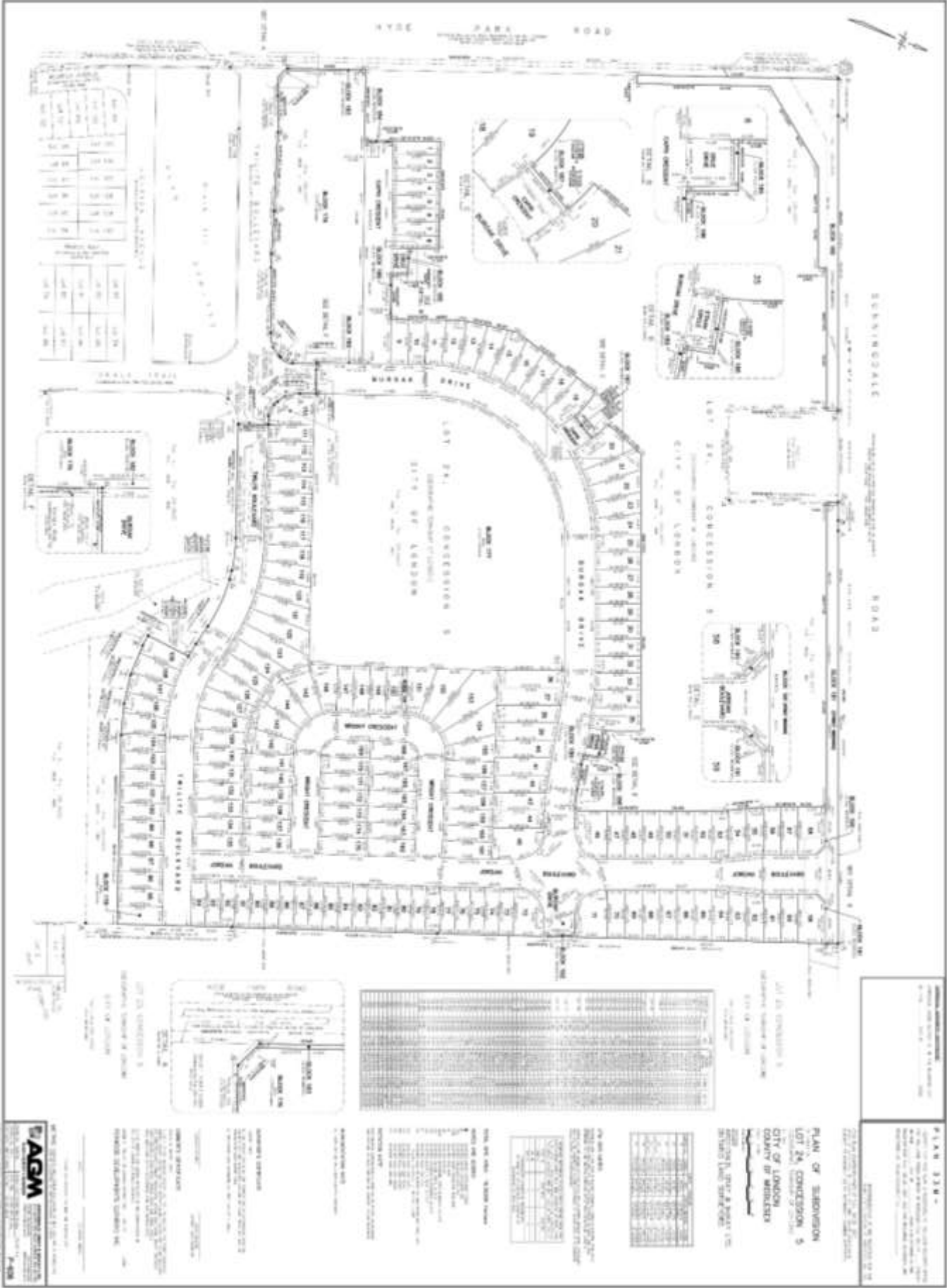
Location Map	Legend
Project Title: 39T-11503-3 Description: Foxwood Subdivision Phase 3 Created By: June-Anne Reid Date: 1/21/2020 Scale: 1:4000	<ul style="list-style-type: none"><li> Subject Site</li><li> Parks</li><li> Assessment Parcels</li><li> Buildings</li><li> Address Numbers</li></ul>

Corporation of the City of London





1.3 Foxwood Phase 3 Plan



<b>2.0 Description of Proposal</b>
------------------------------------

**2.1 Development Proposal**

The original draft plan of subdivision was approved as 18 low density residential blocks, six (6) medium density residential blocks, one (1) high density residential block, two (2) school blocks, two (2) park blocks, road widening blocks and various reserve blocks served by 14 new streets and the extension of Dyer Drive.

The applicant has registered the 1st phase of this subdivision consisting of 95 single detached lots, one (1) medium density residential block, and various reserve blocks served by 1 new street and the extension of Dyer Drive and Tokala Trail on October 6, 2015 as Plan 33M-685.

The second phase consisting of 110 single detached lots, 1 multi-family blocks and several 0.3m reserve blocks, all served by the extension of Tokala Trail and 4 new streets, namely Henrica Avenue, Frieda Way, John Kenny Drive and Jim Hebb Way was registered on October 18, 2018, as Plan 33M-752.

The remaining draft plan of subdivision received a three (3) year extension on May 27, 2019. The third phase of this subdivision consists of one hundred and seventy-five (175) single detached lots, one (1) multi-family, medium density block, one (1) school block, two (2) blocks for road widening dedication, two (2) blocks for walkways and eleven (11) blocks for one foot reserves. All lots and blocks will be located on existing parts or extension of Twilite Boulevard, Buroak Trail and future streets of Capri Crescent, Jordan Boulevard and Wright Crescent.

Development Services has reviewed these special provisions with the Owner who is in agreement with them.

This report has been prepared in consultation with the City's Solicitors Office.

<b>Prepared by:</b>	<b>Mike Corby, MCIP, RPP Senior Planner, Development Services</b>
<b>Recommended by:</b>	<b>Paul Yeoman, RPP, PLE Director, Development Services</b>
<b>Submitted by:</b>	<b>George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official</b>
<p>Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.</p>	

April 20, 2020

CC: Lou Pompili, Manager, Development Planning  
Ted Koza, Development Engineering  
Matt Feldberg, Manager, Development Services (Subdivisions)

MC/JAR

Y:\Shared\DEVELOPMENT SERVICES\5 - Documentation Coordinator\Working Files\39T-11503-3 Foxwood\39T-11503-3 - PEC Report - 1602 Sunningdale Road West - Subdivision Agreement (JAR).docx

## Appendix A – Special Provisions

### 15. PROPOSED SCHOOL SITES

Remove Subsection 15.3 and **replace** with the following:

- 15.3 The Owner shall set aside Block 177 as a school site or sites for school purposes to be held subject to the rights and requirements of any School Board having jurisdiction in the area.

### 24.1 STANDARD REQUIREMENTS

**Add** the following new Special Provisions:

- #1 Prior to assumption of this subdivision in whole or in part by the City, and as a condition of such assumption, the Owner shall pay to the City Treasurer the following amounts as set out or as calculated by the City, or portions thereof as the City may from time to time determine:
- (i) For the removal of the temporary turning circle on Capri Crescent outside this Plan, an amount of \$5,000; and,
  - (ii) For the removal of automatic flushing devices in the future in this Plan, an amount of \$5,000 per automatic flushing device for a total amount of \$15,000, as per the accepted engineering drawings.
- #2 The Owner shall include in all Agreements of Purchase and Sale and/or Lease the requirement that the homes to be designed and constructed on all corner lots (8, 9, 19, 20, 35, 45, 46, 58, 59, 71, 72, 94, 110, 135, 136, 161, 162, 168, 169 and 175) in this Plan, are to have design features, such as but not limited to porches, windows or other architectural elements that provide for a street oriented design and limited chain link or decorative fencing along no more than 50% of the exterior sideyard abutting the exterior side yard road frontage.
- #3 The Owner shall install a 3 metre high noise barrier, 5 metre in length with 2 metre return on Lots 58 and 59 of this Plan, as recommended in the Noise Assessment prepared by Development Engineering (London) Ltd. dated May 14, 2012. Property owners of these lots are to be advised that they shall not tamper with the barrier and will be responsible for its long term maintenance.
- #4 The Owner shall include in any application for a building permit for Lots 57 and 60 of this Plan, that a forced air heating system adequately sized to accommodate the future installation of central air conditioning is required.
- #5 The Owner shall include in the application for building permit for Lots 58 and 59 of this Plan, that central air conditioning is required.
- #6 The Owner shall include in any application for a building permit for Lots 58 and 59 of this Plan, that for these units an EW5 construction or equivalent rating from foundation to rafters shall be utilized along with the installation of glazed windows for all building faces that have exposure to Sunningdale Road West is required.
- #7 The Owner shall include in all Agreements of Purchase and Sale and/or Lease the following warning clauses:
- All lots:
- “The City of London assumes no responsibility for noise issues which may arise from the existing or increased traffic of Hyde Park Road as it relates to the interior or outdoor living areas of any dwelling unit within the development. The City of London will not be responsible for constructing any form of noise mitigation for this development.”*
- Lots 57 and 60:
- This dwelling unit has been designed with the provision for adding central air conditioning at the occupant’s discretion. Installation of central air conditioning by*

*the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of Environment. (Note: The location and installation of the outdoor air conditioning device should be done so as to minimize the noise impacts and comply with criteria of MOECC Publication NPC-216, Residential Air Conditioning Devices.)"*

Lots 58 and 59:

*This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment. (Note: The location and installation of the air conditioning device should be done so as to minimize the noise impacts and comply with criteria of MOECC Publication NPC-216, Residential Air Conditioning Devices)."*

Lots 57, 58, 59, and 60

*"Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road and rail traffic may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of Environment."*

- #8 The Owner shall not develop Lots 1, 58 and 78 in this Plan until the automatic flushers using the services of these Lots are removed, all to the satisfaction of the City. When the automatic flushers are no longer required, these are to be removed to the satisfaction of the City and at no cost to the City

## 24.2 CLAIMS

**Remove** Subsection 24.2 (c) and **replace** with the following:

- (c) The Owner may, upon approval of this Agreement and completion of the works, make application to Development Finance for payment of the sum alleged to be owing, and as confirmed by the City Engineer (or designate) and the City Treasurer (or designate). Payment will be made pursuant to any policy established by Council to govern the administration of the said Development Charge Reserve Fund.

The anticipated reimbursements from the Development Charge Reserve Funds are:

- (i) for the construction of oversized storm sewers in conjunction with this Plan, subsidized at an estimated cost of which is \$920,322.64;
- (ii) for the engineering costs related to the construction of Sunningdale Road widening, the estimated cost of which is \$22,005.00, as per the approved Work Plan; and,
- (iii) for the construction of pavement widening on Jordan Boulevard at Sunningdale Road West consistent with the City's standard practice of paying claims where a secondary collector is widened, the estimated cost of which is \$7,976.00, as per the approved Work Plan.

## 24.7 GRADING REQUIREMENTS

**Add** the following new Special Provisions:

- #9 The Owner shall grade the portions of Lots 58 and 59 of this Plan, which have a common property line with Sunningdale Road West, to blend with the ultimate profile of Sunningdale Road West, as per the accepted engineering drawings, at no cost to the City.

- #10 The Owner shall grade the rear of Lots 95 to 109 both inclusive to match the City's SWM Facility grading, as per the accepted engineering drawings, to the satisfaction of the City, at no cost to the City.
- #11 Prior to the issuance of any Certificate of Conditional Approval, in order to develop this site, the Owner shall make arrangements with the adjacent property owner to the north and west to regrade a portion of the property, in conjunction with grading and servicing of this Plan, to the specifications of the City, at no cost to the City.

#### 24.8 STORM WATER MANAGEMENT

**Add** the following new Special Provisions:

- #12 No physical connection(s) from the internal subdivision storm sewer servicing for this phase shall be permitted to the Fox Hollow SWM Facility # 1 North Cell, to be built by the City, until the SWM Facility is deemed functional and operational and the internal subdivision storm sewer servicing and all associated works have been inspected, cleared and are deemed functional and operational, all to the satisfaction of the City.
- #13 The Owner shall construct a storm sewer to service the external lands (approximately 42.5 ha) north of this Plan and shall convey up to the 50 year storm event flows from these external lands to the proposed Fox Hollow SWM Facility # 1 North Cell via the internal storm sewer system subdivision servicing as per the Fox Hollow SWM Facility # 1 North Cell functional design and as per the accepted engineering drawings, all to the specifications and satisfaction of the City.
- #14 The Owner shall provide access to the lands in this Plan for the City to build the proposed Fox Hollow SWM Facility # 1 North Cell, all to the satisfaction of the City.
- #15 Prior to the issuance of any Certificate of Conditional Approval, Fox Hollow SWM Facility # 1 North Cell and associated works (to be constructed by the City) are to be constructed and operational, all to the specifications and satisfaction of the City.
- #16 The Owner shall implement SWM Best Management Practices (BMP's) within this Plan, where possible, to the satisfaction of the City. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this Plan and the approval of the City.
- #17 The Owner shall ensure that any removal and disposal of sediment is to an approved site in accordance with the Ministry of Environment and Ministry of Natural Resources.
- #18 The Owner shall develop this Plan in accordance with the Design and Construction of Stormwater Management Facilities, Policies and processes identified in Appendix 'B-1' and 'B-2' Stormwater Management Facility "Just in Time" Design and Construction Process adopted by Council on July 30, 2013 as part of the Development Charges Policy Review: Major Policies Covering Report.
- #19 The Owner shall restore any disturbed areas abutting the SWM Facility and/or lands as a result of construction associated within this Plan to existing or better conditions, to the satisfaction of the City, at no cost to the City.

#### 24.9 SANITARY AND STORM SEWERS

**Remove** Subsection 24.9 (b) and **replace** with the following:

- b) The Owner shall construct the storm sewers to service the Lots and Blocks in this Plan, which is located in the Medway Creek Subwatershed, and outlet to the Heard Drain via the Regional Fox Hollow Community SWM System.

**Remove** Subsection 24.9 (j) and **replace** with the following:

- j) The Owner shall construct the sanitary sewers to service the Lots and Blocks in this Plan and connect them to the City's existing sanitary sewage system being the 250 mm diameter sanitary sewer on Tokala Trail.

**Add** the following new Special Provisions:

- #20 The Owner shall include in the agreement of purchase and sale and/or lease for the transfer of Block 177 in this Plan, a covenant by the purchaser or transferee stating that the purchaser or transferee of the Blocks may be required to construct sewage sampling manholes, built to City standards in accordance with the City's Waste Discharge By-law No. WM-2, as amended, regulating the discharge of sewage into public sewage systems. If required, the sewage sampling manholes shall be installed on both storm and sanitary private drain connections, and shall be located wholly on private property, as close as possible to the street line, or as otherwise approved by the City Engineer.
- #21 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make all necessary arrangements to make adjustments to the existing works and services on Tokala Trail and Twilite Boulevard in Plan 33M-752, adjacent to this Plan to accommodate the proposed works and services on these streets to accommodate this Plan (eg. private services, street light poles, traffic calming, etc.) in accordance with the approved design criteria and accepted drawings. Such arrangements shall include, but not be limited to, providing sufficient notice, co-ordination and clarification with adjacent land owners as to what each parties Professional Engineer will be required to be certified for the City for the purposes of assumption, all to the satisfaction of the City Engineer, at no cost to the City.
- #22 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct temporary hickenbottoms and all necessary appurtenances, on Blocks 176 and 177 as per the accepted engineering drawings, all to the satisfaction of the City.
- #23 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct sanitary and storm servicing stubs and all necessary appurtenances and provide the necessary easements at the north limits of Cruz Drive, Capri Crescent and Ethan Circle, as per the accepted engineering drawings, all to the satisfaction of the City.
- #24 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct a hickenbottom drain and all necessary appurtenances and provide necessary easements west of Lot 13, external to this Plan, as per the accepted engineering drawings, to the satisfaction of the City.

#### 24.10 WATER SERVICING

**Remove** Subsection 24.10 (e) and **replace** with the following:

- e) Prior to the issuance of any Certificates of Conditional Approval, and in accordance with the accepted engineering drawings and City standards, or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of water service to this draft Plan of Subdivision:
- i) construct watermains to serve this Plan and connect them to the existing high-level municipal system, namely, the existing 300 mm diameter watermain on Tokala Trail and 200 mm diameter watermain on Twilite Boulevard; and,
  - ii) deliver confirmation that the watermain system has been looped to the satisfaction of the City Engineer when development is proposed to proceed beyond 80 units.

**Add** the following new Special Provisions:

- #25 The available fire flows for development Blocks within this Plan have been established through the subdivision water servicing design study as follows:
- Block 176 @ 112 l/sec
  - Block 177 @ 205 l/sec

Future development of these Blocks shall be in keeping with the established fire flows in order to ensure adequate fire protection is available.

- #26 If the Owner requests the City to assume streets in this Plan with an automatic flushing device still in operation, all as shown on the accepted engineering drawings for this Plan, prior to the extension of these streets, the Owner shall pay to the City at the time of the assumption of this Plan by the City, the amount estimated by the City at the time, to be the cost of removing the automatic flushing device and properly abandoning the discharge pipe from the automatic flushing device to the storm/sanitary sewer system at the limits of these streets and restoring adjacent lands, all to the specifications of the City. The estimated cost for doing the above-noted work on this street is \$5,000 per automatic flushing device for a total amount of \$15,000, for which amount sufficient security is to be provided in accordance with Section 24.1 (\_\_\_). The Owner shall provide the cash to the City at the request of the City prior to assumption of this Plan if needed by the City.

#### 24.11 ROADWORKS

**Remove** Subsection 24.11 (p) and **replace** with the following:

- (p) Where traffic calming measures are required within this Plan:
- (i) The Owner shall erect advisory signs at all street entrances to this Plan for the purpose of informing the public of the traffic calming measures implemented within this Plan prior to the issuance of any Certificate of Conditional Approval in this Plan;
  - (ii) The Owner shall notify the purchasers of all lots abutting the roundabout in this Plan that there may be some restrictions for driveway access due to diverter islands built on the road;
  - (iii) The Owner shall install the roundabout as a traffic control device, including the diverter islands, or provide temporary measures, to the satisfaction of the City prior to the issuance of a Certificate of Conditional Approval for that section of road; and,
  - (iv) The Owner shall include in the Agreement of Purchase and Sale or Lease for the transfer of each of the said Lots and Blocks against the title of all Lots and Blocks on Buroak Drive and Capri Crescent in this Plan, a covenant by the purchaser or transferee stating the said owner shall locate the driveways to the said Lots and Blocks away from the traffic calming measures on the said streets, including roundabouts, raised intersections and splitter islands, to be installed as traffic control devices, to the satisfaction of the City Engineer.

**Remove** Subsection 24.11 (q) and **replace** with the following:

- (q) The Owner shall direct all construction traffic including all trades related traffic associated with installation of services and construction of dwelling units in this Plan to access the site from Twilite Boulevard, Jordan Boulevard or other routes as designated by the City.

**Add** the following new Special Provisions:

- #27 The Owner shall construct a temporary turning circle at the west limit of Capri Crescent (south leg), to the satisfaction of the City Engineer and at no cost to the City.

If the Owner requests the City to assume Capri Crescent, all as shown on this Plan, prior to its extension to the west, the Owner shall pay to the City at the time of the assumption of this Plan by the City the amount estimated by the City at the time, to be the cost of removing the temporary turning circle at the west limit of Capri Crescent and completing the curb and gutter, asphalt pavement, Granular 'A', Granular 'B', sodding of the boulevard, 1.5 metre concrete sidewalks on the south boulevard, and restoring adjacent lands, including the relocation of any driveways, all to the specifications of the City. The estimated cost, including legal fees for releasing easements and/or transferring Blocks, and doing the above-noted work on this street is \$5,000 for which amount sufficient security is to be provided in accordance with Section 24.1 (\_\_\_). The Owner shall provide the cash

to the City at the request of the City prior to assumption of this Plan if needed by the City.

When the lands abutting this Plan develop and the temporary turning circle is removed, the City will quit claim the easements which were used for temporary turning circle purposes which are no longer required at no cost to the City.

- #28 Barricades are to be maintained at the limits of all streets in this Plan until the streets are extended or as otherwise directed by the City. When the streets are extended or as otherwise directed by the City, the Owner shall remove the barricades and any temporary turning circles, restore the boulevards and complete the construction of the roadworks within the limits of both temporary turning circles, to the specifications of the City, all at no cost to the City.

The Owner shall advise all purchasers of land within this Plan that any traffic to and from this Plan will not be permitted to pass the barricade(s) until the removal of the barricade(s) is authorized by the City.

- #29 Prior to the issuance of any Certificate of Conditional Approval, or as otherwise directed by the City Engineer, the Owner shall construct a roundabout, including splitter islands, at the intersection of Buroak Drive and Jordan Boulevard, including permanent signage and pavement markings, or provide alternative measures as determined by the City, to the satisfaction of the City Engineer, at no cost to the City.

- #30 Prior to the issuance of any Certificate of Conditional Approval, temporary signs shall be installed and maintained on Buroak Drive and Capri Crescent adjacent to the raised intersection location that indicate Future Raised Intersection Location, as identified on the accepted engineering drawings, to the satisfaction of the City Engineer, at no cost to the City.

- #31 Prior to assumption or when required by the City Engineer, the Owner shall install a raised intersection at the intersection of Buroak Drive and Capri Crescent, including permanent signage and pavement markings, as per the accepted engineering drawings, to the satisfaction of the City Engineer, at no cost to the City.

- #32 The Owner shall ensure access for Block 176 in this Plan shall be through the internal subdivision streets. Access is prohibited from Twilite Boulevard, Hyde Park Road and Buroak Drive, to the satisfaction of the City.

- #33 Prior to the issuance of any Certificate of Conditional Approval, or as otherwise directed by the City, the Owner shall install temporary street lights at the intersection of Jordan Boulevard and Sunningdale Road West, to the satisfaction of the City, at no cost to the City.

- #34 The Owner shall be required to make minor boulevard improvements on Sunningdale Road West adjacent to this Plan, consisting of clean-up, grading and sodding as necessary, to the specifications of the City, and at no cost to the City.

- #35 The Owner acknowledges that the City will be constructing a roundabout at the intersection of Sunningdale Road West and Wonderland Road North. The Owner shall co-operate with the City, as necessary, to complete the project, including providing access to their lands and easements as necessary.

## **25.12 PARKS**

- #36 Should the property owner desire to construct a fence at the interface (on the property line) with the Open Space SWM Blocks, fencing shall be in accordance with current City Park Standards (SPO-4.8) or approved alternate, to the specifications of the City, at no cost to the City.



## **SCHEDULE "C"**

This is Schedule "C" to the Subdivision Agreement dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020, between The Corporation of the City of London and Foxwood Developments (London) Inc. to which it is attached and forms a part.

### **SPECIAL WORKS AND SERVICES**

#### **Roadways**

- Buroak Drive shall have a minimum road pavement width (excluding gutters) of 9.5 metres with a minimum road allowance of 21.5 metres.
- Twilite Boulevard, Jordan Boulevard, Capri Crescent and Ethan Circle shall have a minimum road pavement width (excluding gutters) of 8.0 metres with a minimum road allowance of 20.0 metres.
- Wright Crescent shall have a minimum road pavement width (excluding gutters) of 7.0 metres with a minimum road allowance of 19 metres.
- Cruz Drive shall have a minimum road pavement width (excluding gutters) of 6.0 metres with a minimum road allowance of 18 metres.
- Jordan Boulevard, from Sunningdale Road West to 45 metres south of Sunningdale Road West shall have a minimum road pavement width (excluding gutters) of 11.0 metres with a minimum road allowance of 28.0 metres. The widened road on Jordan Boulevard shall be equally aligned from the centreline of the road and tapered back to the 9.5 metre road pavement width (excluding gutters) and 21.5 metre road allowance for this street, with 30 metre tapers on both street lines.

#### **Sidewalks**

A 1.5 metre sidewalk shall be constructed on both sides of the following:

- i) Buroak Drive
- ii) Twilite Boulevard
- iii) Jordan Boulevard

A 2.4 metre sidewalk shall be constructed on the south boulevard of Buroak Drive fronting Block 177.

A 1.5 metre (5 foot) sidewalk shall be constructed on one side of the following:

- (i) Wright Crescent – outside (north and west) boulevard
- (ii) Capri Crescent – outside boulevard – (South leg – south boulevard) (north leg – north boulevard)
- (iii) Ethan Circle - east boulevard

#### **Pedestrian Walkways**

City of London pedestrian walkways shall be constructed on Blocks 178 and 179 of this Plan.

**SCHEDULE "D"**

This is Schedule "D" to the Subdivision Agreement dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020, between The Corporation of the City of London and Foxhollow Developments (London) Inc. to which it is attached and forms a part.

Prior to the Approval Authority granting final approval of this Plan, the Owner shall transfer to the City, all external lands as prescribed herein. Furthermore, within thirty (30) days of registration of the Plan, the Owner shall further transfer all lands within this Plan to the City.

**LANDS TO BE CONVEYED TO THE CITY OF LONDON:**

- 0.3 metre (one foot) reserves: Blocks 182 to 192, inclusive
- Road Widening (Dedicated on face of plan): Block 180 and 181
- Walkways: Blocks 178 and 179
- 5% Parkland Dedication: Cash payment in lieu of the 5% parkland dedication pursuant to City of London By-law C.P.-9.
- Dedication of land for Parks in excess of 5%: NIL
- Stormwater Management: NIL

**LANDS TO BE SET ASIDE FOR SCHOOL SITE:**

- School Site: Block 177

**LANDS TO BE HELD IN TRUST BY THE CITY:**

- Temporary access: NIL

**SCHEDULE "E"**

This is Schedule "E" to the Subdivision Agreement dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020, between The Corporation of the City of London and Foxhollow Developments (London) Inc. to which it is attached and forms a part.

The Owner shall supply the total value of security to the City is as follows:

CASH PORTION:	\$1,283,071
BALANCE PORTION:	<u>\$7,270,736</u>
TOTAL SECURITY REQUIRED	\$8,553,807

The Cash Portion shall be deposited with the City Treasurer prior to the execution of this Agreement.

The Balance Portion shall be deposited with the City Treasurer prior to the City issuing any Certificate of Conditional Approval or the first building permit for any of the lots and blocks in this Plan of subdivision.

The Owner shall supply the security to the City in accordance with the City's By-Law No. CPOL-13-114 and policy adopted by the City Council on April 4, 2017 and any amendments.

In accordance with Section 9 Initial Construction of Services and Building Permits, the City may limit the issuance of building permits until the security requirements have been satisfied.

The above-noted security includes a statutory holdback calculated in accordance with the Provincial legislation, namely the CONSTRUCTION LIEN ACT, R.S.O. 1990.

**SCHEDULE "F"**

This is Schedule "F" to the Subdivision Agreement dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020, between The Corporation of the City of London and Foxhollow Developments (London) Inc. to which it is attached and forms a part.

Prior to the Approval Authority granting final approval of this Plan, the Owner shall transfer to the City, all external easements as prescribed herein. Furthermore, within thirty (30) days of registration of the Plan, the Owner shall further transfer all easements within this Plan to the City.

**Multi-Purpose Easements:**

- (a) Multi-purpose easements shall be deeded to the City in conjunction with this Plan, over lands external to this Plan, on an alignment and of sufficient width acceptable to the City Engineer as follows:
  - (i) For servicing stubs and associated works at the limits of all future dead-end streets as per the accepted engineering drawings; and,
  - (ii) For a hickenbottom drain and associated works west of Lot 13 to north limit of Cruz Drive and on Blocks 176 and 177 as per the accepted engineering drawings.
- (b) Temporary turning circle easements shall be deeded to the City in conjunction with this Plan over lands outside this Plan at the west limit of Capri Crescent – south leg.

**Road Easements:**

- A temporary 3.0 metre wide working easement on Sunningdale Road West from Hyde Park Road to a point 200.0 metres east of Hyde Park Road and on Hyde Park Road from Sunningdale Road West to a point 150.0 metres south of Sunningdale Road West, for the future roundabout at Sunningdale Road West and Hyde Park Road, to the satisfaction of the City.

**Appendix B – Related Estimated Costs and Revenues**

Agenda Item # Page #

Foxwood Phase 3 Subdivision - Foxwood Developments (London) Inc.  
 Subdivision Agreement  
 39T-11503 Phase 3

**Estimated Costs and Revenues**

Estimated DC Claim Costs	Estimated Cost (excludes HST)
Claims for Owner led construction from CSRF	
Storm Sewer Internal Oversizing Subsidy (DC19MS1001)	\$920,323
Channelization (DC19RS1001) Engineering - Sunningdale Rd. widening	\$22,005
Road Class Oversizing / City Share (DC19RS1009) - Jordan Blvd. internal widening	\$7,976
Total	\$950,304
Estimated DC Revenues (January 1 to December 31, 2020 Rates)	Estimated Revenue
CSRF TOTAL	\$8,036,023

- 1 Estimated DC Claim Costs are for Owner led construction projects and do not include City led projects required to accommodate growth.
- 2 Estimated DC Revenues are calculated using current DC rates. The City employs a "citywide" approach to cost recovery for all eligible growth services, therefore the Estimated DC Claim Costs and Revenues in the table above are not directly comparable.
- 3 DC Claim Costs are based on the approved Work Plan cost estimates provided by the Owner for engineering and construction of the claimable works. Final claim payments will be approved based on actual costs incurred by the Owner in conjunction with the terms of the registered Subdivision Agreement, Work Plan and the DC By-law.
- 4 The Oversizing Subsidy costs are based on estimates from the accepted engineering drawings and the current DC By-law. Final claim payments will be approved based on constructed quantities in conjunction with the DC By-law.

Reviewed by:

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Matt Feldberg  
**Manager, Development Services (Subdivisions)**

Approved by:

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Paul Yeoman  
**Director, Development Finance**

**Appendix C – Source of Financing**

Chair and Members  
Planning and Environment Committee

#20058  
April 27, 2020  
(39T-11503 Phase 3)

**RE: Subdivision Special Provisions - Foxwood Phase 3 Subdivision**  
Foxwood Developments (London) Inc.  
Capital Budget Project ES542919 - Storm Sewer Internal Oversizing Subsidy (Subledger 2483954)  
Capital Budget Project TS165119 - Minor Roadworks-Channelization (Subledger 2483955)  
Capital Budget Project TS1371 - Road Class Oversizing Subsidy (Subledger 2483957)

**FINANCE & CORPORATE SERVICES REPORT ON THE SOURCES OF FINANCING:**

Finance & Corporate Services confirms that these works can be accommodated within the Capital Works Budget and that, subject to the adoption of the recommendations of the Managing Director, Development and Compliance and Chief Building Official and the Manager, Development Planning, the detailed source of financing is:

	Approved Budget	Committed To Date	This Submission	Balance for Future Work
<b>ESTIMATED EXPENDITURES</b>				
<b>ES542919 - Storm Sewer Internal Oversizing</b>				
Engineering	\$200,000	50		\$200,000
Construction	4,908,970	337,977	936,521	3,834,472
	5,108,970	337,977	936,521	3,834,472
<b>TS165119 - Minor Roadworks - Channelization</b>				
Engineering	\$199,000	\$36,737	\$22,393	\$139,870
Construction	1,480,740	244,916		1,235,824
	1,679,740	281,653	22,393	1,375,694
<b>TS1371 - Road Class Oversizing Subsidy</b>				
Engineering	\$47,063	\$19,355		\$27,708
Construction	452,937	19,791	8,116	425,030
	500,000	39,146	8,116	452,738
<b>NET ESTIMATED EXPENDITURES</b>	<b>\$7,288,710</b>	<b>\$658,776</b>	<b>\$967,030</b>	<b>\$5,662,904</b>

**SOURCE OF FINANCING**

<b>ES542919 - Storm Sewer Internal Oversizing</b>					
Drawdown from City Services - Stormwater Reserve Fund (Development Charges)	2)	\$5,108,970	\$337,977	\$936,521	\$3,834,472
<b>TS165119 - Minor Roadworks - Channelization</b>					
Drawdown from City Services - Roads Reserve Fund (Development Charges)	2)	\$1,679,740	\$281,653	\$22,393	\$1,375,694
<b>TS1371 - Road Class Oversizing Subsidy</b>					
Capital Levy		\$4,400	\$344	\$71	\$3,984
Drawdown from Industrial Oversizing R.F.		10,400	814	169	9,417
Drawdown from City Services - Roads Reserve Fund (Development Charges)	2)	485,200	37,987	7,876	439,337
		500,000	39,146	8,116	452,738
<b>TOTAL FINANCING</b>		<b>\$7,288,710</b>	<b>\$658,776</b>	<b>\$967,030</b>	<b>\$5,662,904</b>

1) **Financial Note**

	ES542919	TS165119	TS1371	Total
Contract Price	\$920,323	\$22,005	\$7,976	\$950,304
Add: HST @ 13%	119,642	2,861	1,037	123,540
Total Contract Price Including Taxes	1,039,965	24,866	9,013	1,073,844
Less: HST Rebate	103,444	2,473	897	106,814
Net Contract Price	\$936,521	\$22,393	\$8,116	\$967,030

2) Development charges have been utilized in accordance with the underlying legislation and the Development Charges Background Studies completed in 2019.

ms

Jason Davies  
Manager of Financial Planning & Policy

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

**From:** G. Kotsifas P. Eng.,  
Managing Director, Development & Compliance Services and  
Chief Building Official

**Subject:** Removal of Holding Provision  
Drewlo Holdings Inc.  
935-941 Longworth Road

**Meeting on:** April 27, 2020

## Recommendation

That, on the recommendation of the Director, Development Services, the following action be taken with respect to the application of Drewlo Holdings Inc. relating to the properties located at 935-941 Longworth Road, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on May 5, 2019 to amend Zoning By-law Z.-1, in conformity with the Official Plan, to change the zoning of the lands **FROM** a holding Residential R1 Special Provision (h-94\*R1-6(4)) **TO** a Residential R1 Special Provision (R1-6(4)) Zone to remove the holding provision.

## Executive Summary

### Summary of Request

The applicant has requested the removal of the "h-94" holding provision from 935-941 Longworth Road which is in place to ensure there is a consistent lotting pattern in the area.

### Purpose and the Effect of Recommended Action

The purpose and effect is to remove the "h-94" holding symbol to facilitate the development of two (2) single detached dwellings.

### Rationale of Recommended Action

The requirements for removing the holding provision has been met. It is appropriate to remove the holding provision as it is no longer required.

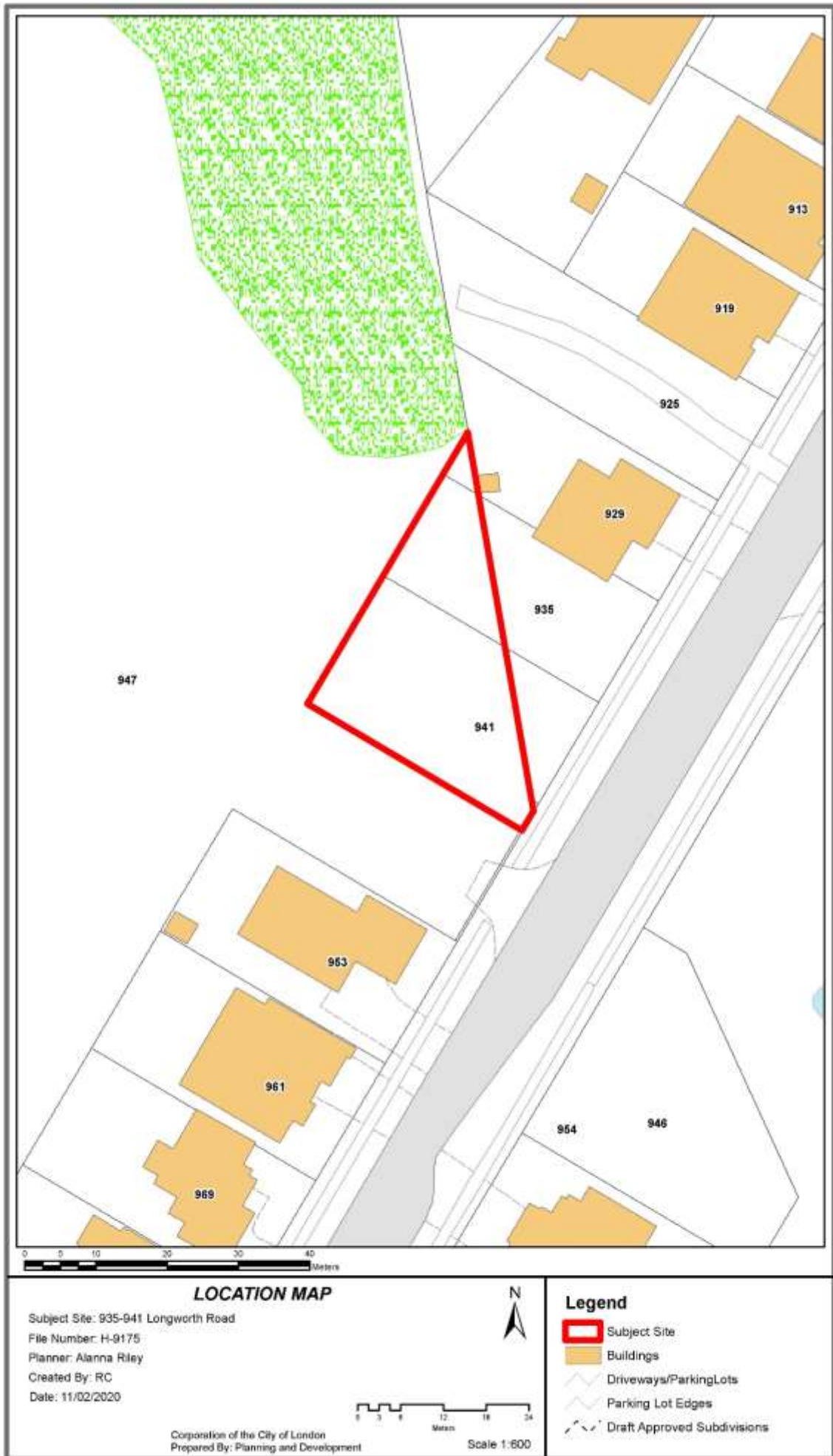
## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The subject site is located in the southwest area of the City with frontage on Longworth Road, and a mix of low density residential uses and open space located to the east and south, proposed residential to the west, and proposed residential and low density residential to the north.

1.2 Location Map





### 1.3 Current Planning Information

- The London Plan Place Type – Neighbourhoods
- (1989) Official Plan Designation – Low Density Residential
- Existing Zoning – holding Residential R1 Special Provision (h-94\*R1-6(4))

### 1.4 Site Characteristics

- Current Land Use – Vacant
- Frontage – N/A
- Depth – N/A
- Area – N/A
- Shape – Irregular

### 1.5 Surrounding Land Uses

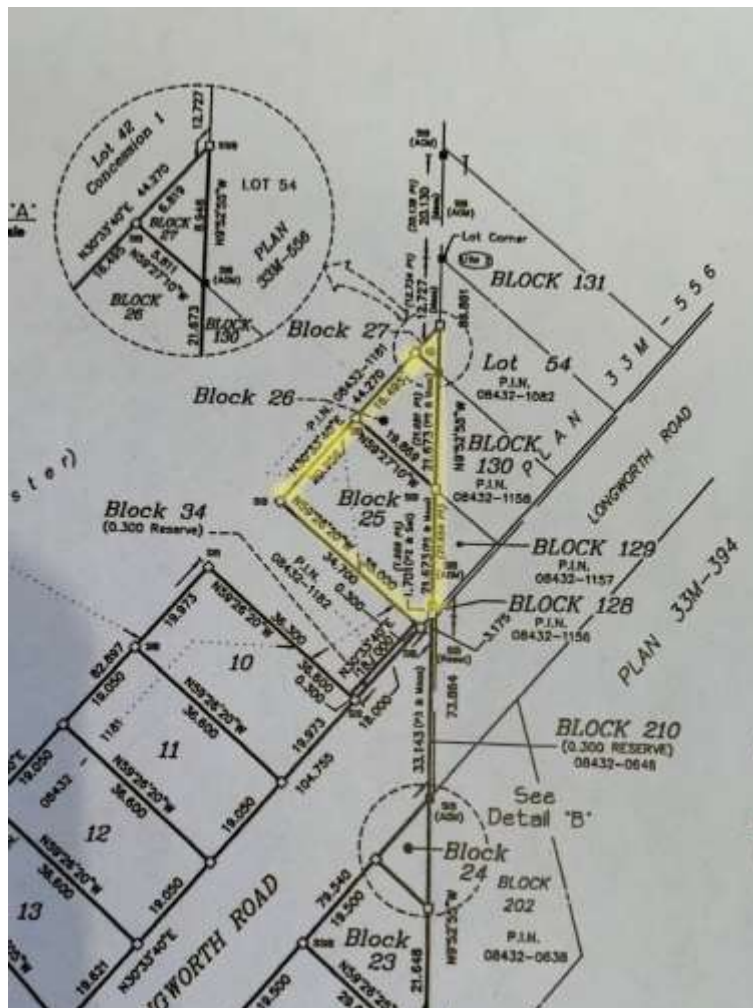
- North – Future Residential, Low Density Residential
- East – Mix of Low Density Residential and Open Space
- South – Mix of Low Density Residential and Open Space
- West – Future Residential

## 2.0 Description of Proposal

### 2.1 Development Proposal

The future development of this site consists of two (2) proposed single detached dwellings in an existing plan of subdivision, with vehicular access from Longworth Road.

Figure 1: Area holding provision is proposed to be removed



## **3.0 Relevant Background**

### **3.1 Planning History**

The subject property is comprised of Blocks 25 and 26 in Phase 2 of the Crestwood Subdivision, which was registered as Plan 33M-657; and Blocks 128,129 and 130 in Phase 1 of the Crestwood Subdivision, which was registered as Plan 33M-556. In 2008, these lands were rezoned and included the “h-94” holding provision to facilitate consolidation with adjacent lands in Phase 2 in the form of two single detached residential lots (935 and 941 Longworth Road). The “h-94” provision requires that the part lots be consolidated with the adjacent lands to create full-sized, developable lots.

### **3.2 Requested Amendment**

The applicant is requesting the removal of the “h-94” holding provision from the site to allow for the development of two (2) single detached dwellings.

### **3.3 Community Engagement**

No comments were received in response to the Notice of Application.

### **3.4 Policy Context**

*The Planning Act* permits the use of holding provisions to restrict future uses until conditions for removing the holding provision are met. To use this tool, a municipality must have approved Official Plan policies related to its use, a municipal council must pass a zoning by-law with holding provisions, an application must be made to council for an amendment to the by-law to remove the holding symbol, and council must make a decision on the application within 150 days to remove the holding provision(s). The London Plan and the 1989 Official Plan contain policies with respect to holding provisions including the process, and notification and removal procedures.

## **4.0 Key Issues and Considerations**

### **4.1 What is the purpose of the holding provision and is it appropriate to consider the removal request?**

The “h-94” holding provision is as follows:

*Purpose: To ensure that there is a consistent lotting pattern in this area, the “h-94” symbol shall not be deleted until the block has been consolidated with adjacent lands.*

The applicant has provided the City with records of the completion and registration of the application for the remainder of the blocks to consolidate parcels to create two developable lots. Therefore the “h-94” holding provision can be removed from these remaining blocks on Longworth Road at this time.

## 5.0 Conclusion

The requirements for removing the holding provision has been met. Given that the remaining blocks have been consolidated with adjacent lands, it is appropriate to consider removal of the “h-94” holding provision from these blocks at this time.

<b>Prepared by:</b>	<b>Alanna Riley, MCIP, RPP Senior Planner, Development Services</b>
<b>Recommended by:</b>	<b>Paul Yeoman, RPP, PLE Director, Development Services</b>
<b>Submitted by:</b>	<b>George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official</b>
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services	

April 20, 2020

cc: Matt Feldberg, Manager, Development Services (Subdivisions)

cc: Lou Pompili, MPA, RPP, Manager, Development Planning

cc: Ismail Abushehada, Manager Development Engineering

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**Appendix A**

Bill No. (number to be inserted by Clerk's Office)  
2020

By-law No. Z.-1-2020\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to  
remove holding provisions from the  
zoning for lands located at located at  
935-941 Longworth Road

WHEREAS Drewlo Holdings Inc. has applied to remove the holding  
provision from the zoning for the lands located at 935-941 Longworth Road, as shown  
on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding  
provisions from the zoning of the said lands;

THEREFORE the Municipal Council of The Corporation of the City of  
London enacts as follows:

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning  
applicable to lands located at 935-941 Longworth Road, as shown on the attached map,  
to remove the holding provision so that the zoning of the lands as a Residential R1  
Special Provision R1-6(4)) Zone comes into effect.
2. This by-law shall come into force and effect on the day it is passed.

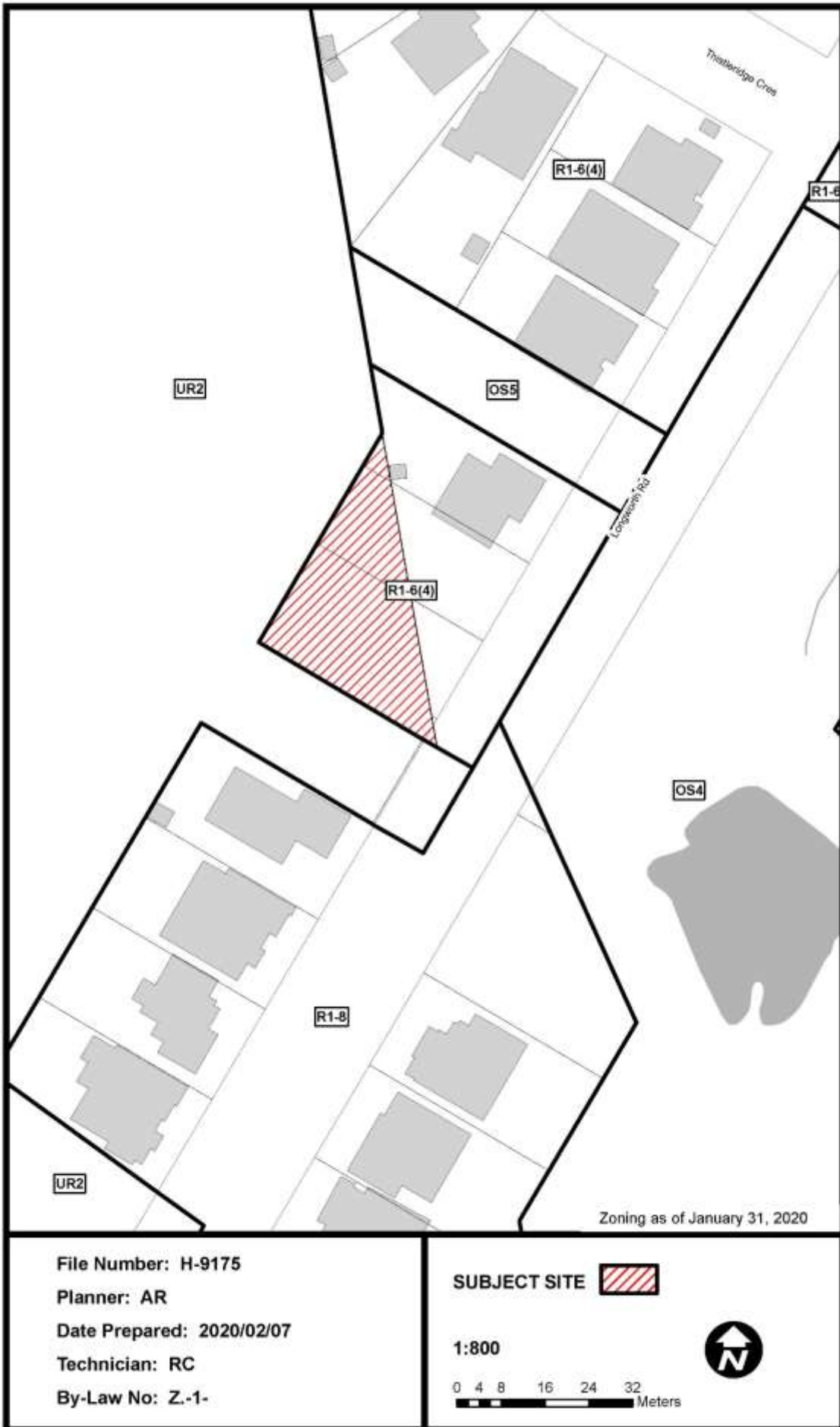
PASSED in Open Council on May 5, 2020.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – May 5, 2020  
Second Reading – May 5, 2020  
Third Reading – May 5, 2020

AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



Geobase

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

**From:** George Kotsifas, P. Eng.  
Managing Director, Development and Compliance Services  
and Chief Building Official

**Subject:** Exemption from Part-Lot Control  
Application By: Rockwood Homes  
Address: 2673 Asima Drive and 3313 Strawberry Walk

**Meeting on:** April 27, 2020

## Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by Rockwood Homes to exempt Blocks 50 and 51, Plan 33M-699 from Part-Lot Control:

- (a) Pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, the attached proposed by-law **BE INTRODUCED** at a future Council meeting, to Blocks 50 and 51, Plan 33M-699 from the Part-Lot Control provisions of subsection 50(5) of the said *Act*, **IT BEING NOTED** that these lands are subject to a registered subdivision agreement and are zoned Residential R4 Special Provision (R4-5(2)) which permits street townhouse dwellings;
- (b) The following conditions of approval **BE REQUIRED** to be completed prior to the passage of a Part-Lot Control By-law for Blocks 50 and 51, Plan 33M-699 as noted in clause (a) above:
  - i. The applicant be advised that the costs of registration of the said by-laws are to be borne by the applicant in accordance with City Policy;
  - ii. The applicant submit a draft reference plan to Development Services for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;
  - iii. The applicant submits to Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;
  - iv. The applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;
  - v. The applicant submit to the City Engineer for review and approval prior to the reference plan being deposited in the land registry office any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;
  - vi. The applicant shall enter into any amending subdivision agreement with the City, if necessary;
  - vii. The applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;

- viii. The applicant shall obtain confirmation from Development Services that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the land registry office;
- ix. The applicant shall obtain approval from Development Services of each reference plan to be registered prior to the reference plan being registered in the land registry office;
- x. The applicant shall submit to Development Services confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;
- xi. The applicant shall obtain clearance from the City Engineer that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Chief Building Official for lots being developed in any future reference plan;
- xii. The applicant shall provide a draft transfer of the easements to be registered on title; and
- xiii. That on notice from the applicant that a reference plan has been registered on a Block, and that Part Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question.

## Executive Summary

### Summary of Request

This report is for review and endorsement by Municipal Council to exempt Blocks 50 and 51, Plan 33M-699 from the Part-Lot Control provisions of the *Planning Act*.

### Purpose and Effect of Recommended Action

Exemption from Part-Lot Control will facilitate the creation of eight (8) street townhouse units, with access provided via Asima Drive, and seven (7) street townhouse units, with access provided via Strawberry Walk.

### Rationale for Recommended Action

The standard conditions for passing the Part-Lot Control By-law are attached and are to be reviewed and endorsed by Municipal Council prior to the final by-law.

## Analysis

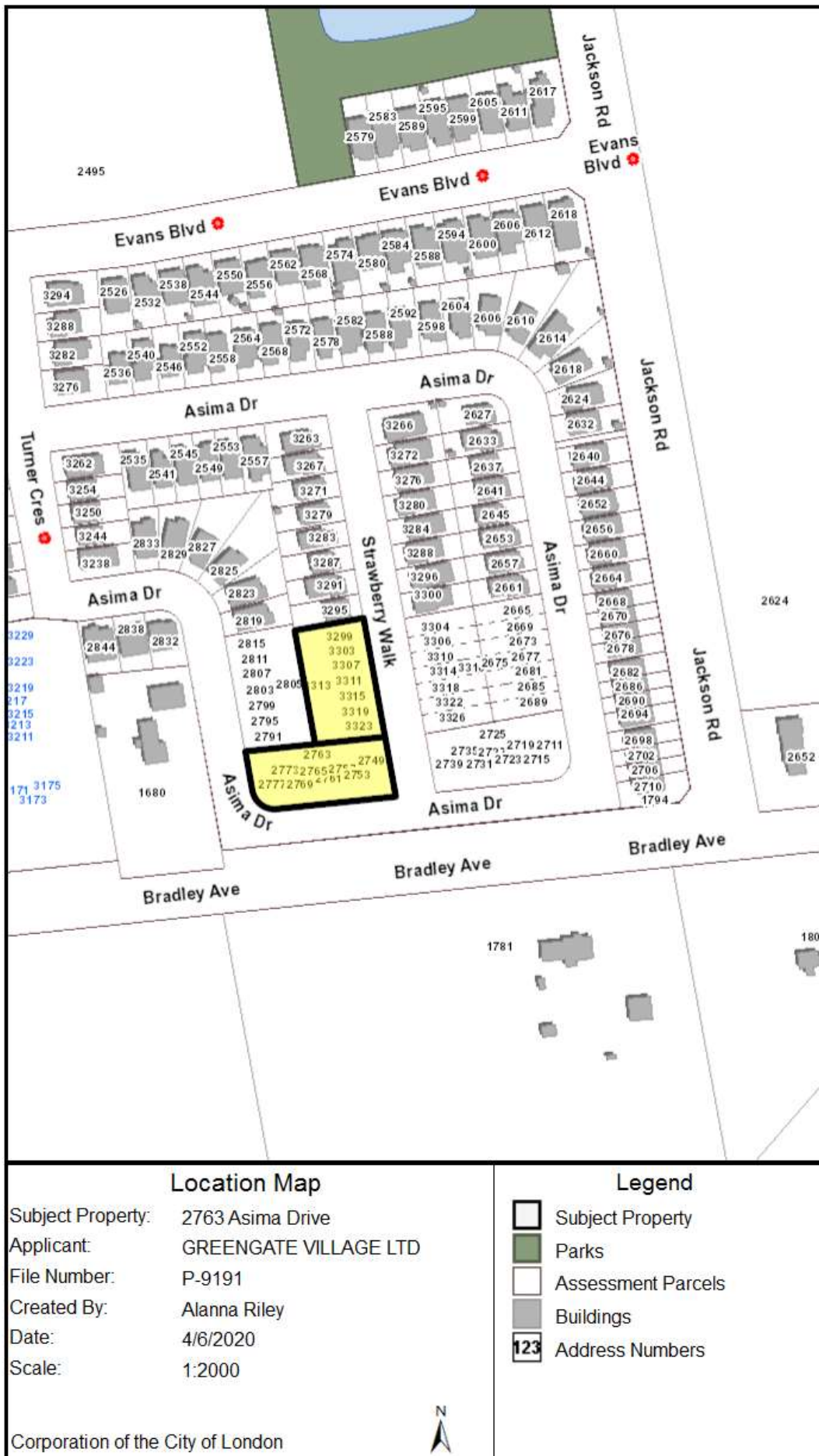
### 1.0 Property Description

The subject site is located off of Asima Drive and Strawberry Walk, which is generally located northwest of Bradley Ave and Jackson Road in the Summerside Community. The site has a mix of low and medium density residential located to the east and west, low density residential to the north, and medium density residential to the south. The site has proximity to Meadowgate Park, and Ecole Secondaire Gabriel-Dumont – First French Language Secondary School.

#### 1.1 Current Planning Information

- The London Plan Place Type – Neighbourhoods Place Type
- (1989) Official Plan Designation – Multi-Family, Medium Density Residential
- Existing Zoning – Residential R4 Special Provision (R4-5(2))

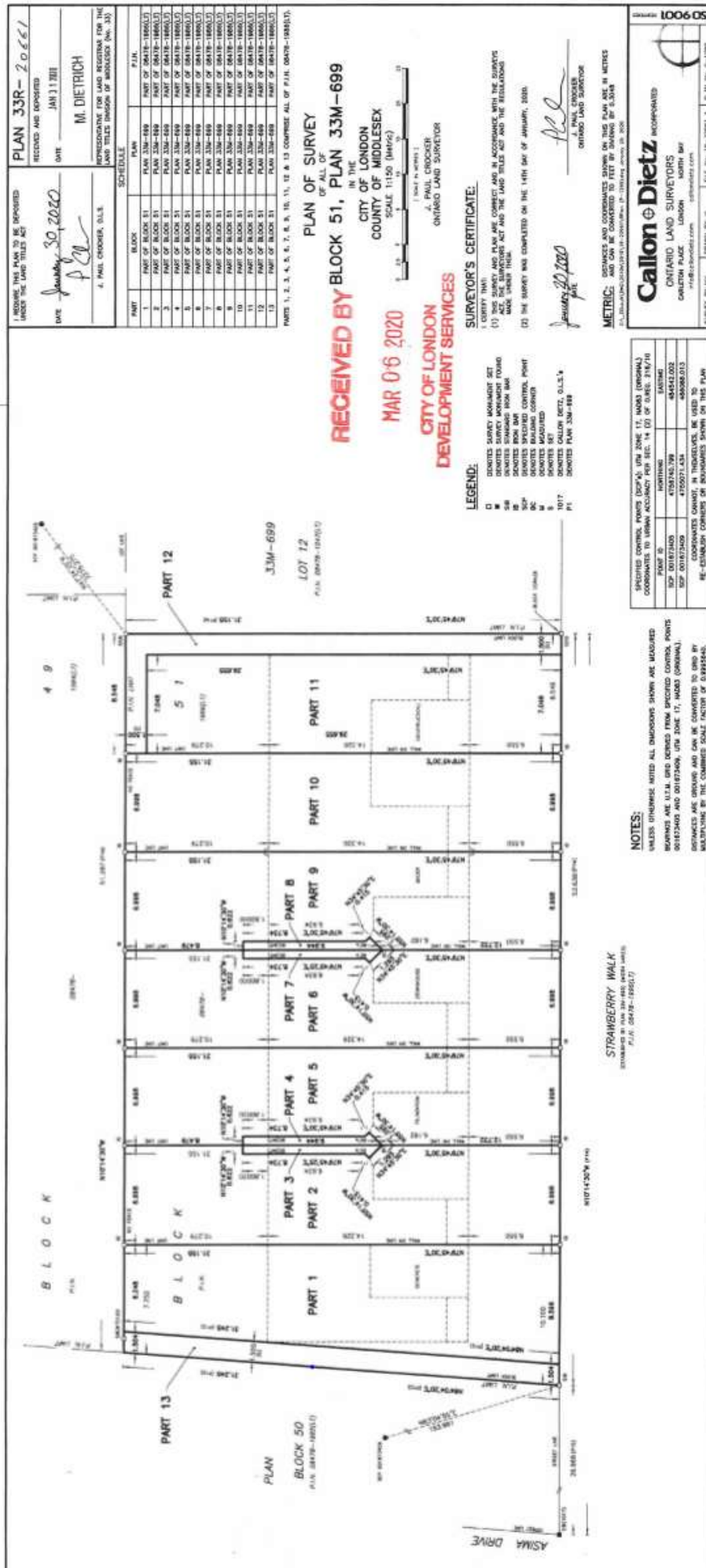
1.2 Location Map



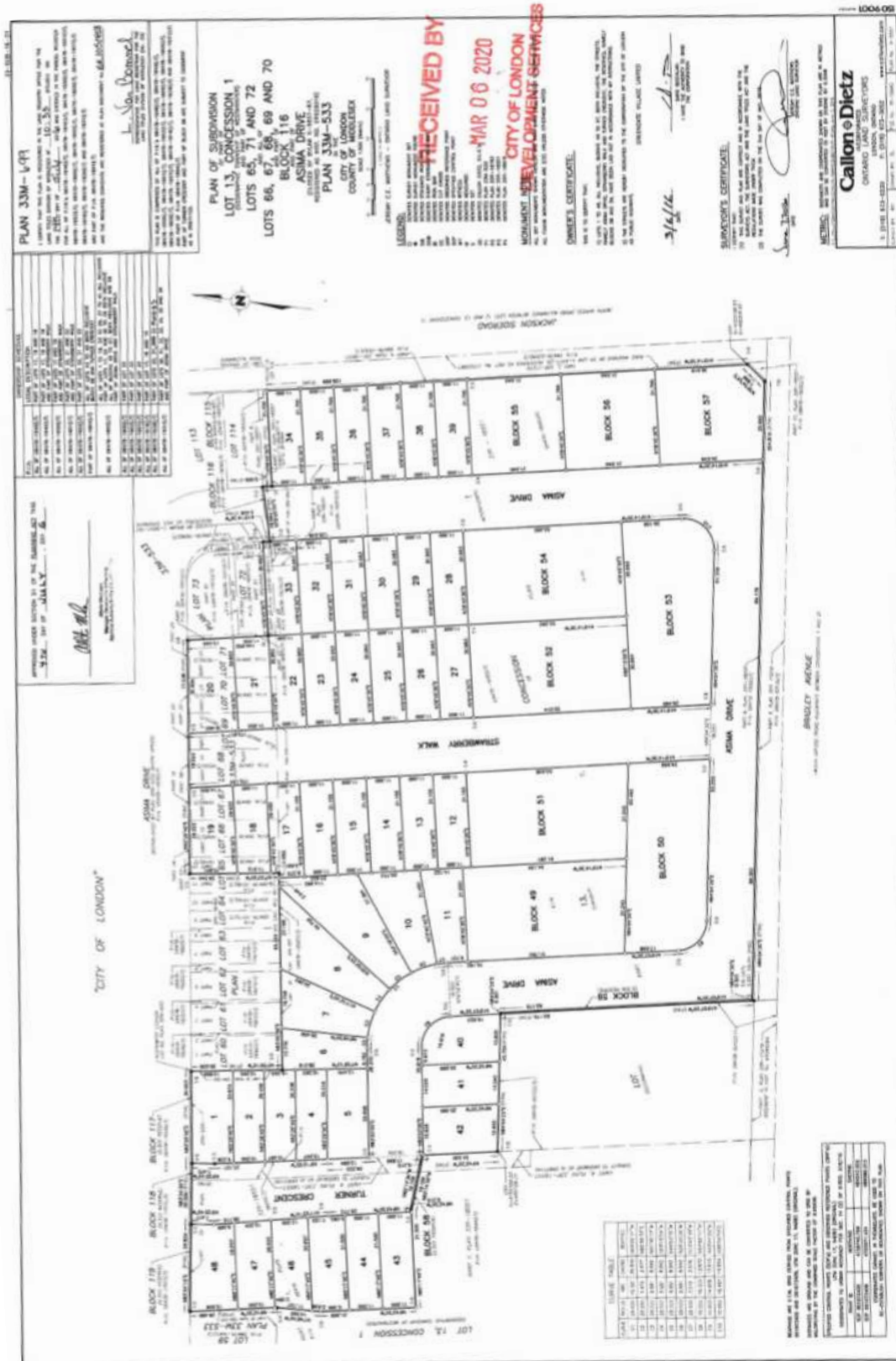




3313 Strawberry Walk



1.4 Plan of Subdivision 33M-699







### 1.6 Site Characteristics

- Current Land Use – vacant
- Frontage – N/A
- Area – Asima Drive 1.6 hectares/Strawberry Walk 1.6 hectares
- Shape – rectangular

### 1.7 Surrounding Land Uses

- North – residential
- East – residential
- South – residential
- West – residential

## 2.0 Description of Proposal

### 2.1 Development Proposal

The Applicant, Rockwood Homes, has requested exemption from part-lot control to create a total of fifteen (15) street townhouse units. The plan of subdivision was registered on July 14, 2016 as 48 single detached dwelling lots and nine (9) multi-family medium density residential blocks, all served by three (3) new local streets (Turner Crescent, Strawberry Walk and Asima Drive). The dwellings will consist of street townhouse units, one or two storeys in height with access off of Asima Drive and Strawberry Walk.

## 3.0 Relevant Background

### 3.1 Planning History

The subject lands were originally included in a 1992 subdivision application submitted by Jackson Land Corp. for lands bounded by Commissioners Road East, Jackson Road, Bradley Avenue, and Highbury Ave South (also referred to as Summerside Subdivision). The Ministry of Municipal Affairs granted draft approval in September of 1993.

In October of 2003, Jackson Land Corp requested revisions to 14.2 ha (35 acres) of lands within the draft approved Summerside subdivision, specifically the lands bounded by Evans Boulevard, Jackson Road, Bradley Avenue and Meadowgate Boulevard. The changes from the 1993 draft plan were of such significance that a new draft plan application was required (File No. 39T-03513). Municipal Council adopted the Official Plan and Zoning By-law Amendments in May of 2004 and at the same time recommended the City of London Approval Authority grant draft plan of subdivision approval to a revised plan subject to conditions.

On October 21, 2005, the City of London Approval Authority granted final approval to the first phase of draft plan 39T-03513. This phase contained 114 single detached dwelling blocks served by the extension of Meadowgate Boulevard and two new local streets being Turner Crescent and Asima Drive. This phase, commonly referred to as Phase 12A, was registered on October 27, 2005 as Plan 33M-533.

In September of 2007, Jackson Land Corp. submitted a new plan consisting of 96 single detached lots and 21 multi-family blocks containing approximately 115 street townhouse dwellings all served by 3 local streets, including portions that would be developed as “window streets” (file 39T-07508).

In 2012, the London Consent Authority granted a consent to Jackson Land Corp. (file B.019/12) to sever the lands within this draft plan from the remaining Summerside Subdivision to create two new parcels (divided east and west of the future southerly extension of Turner Crescent).

The draft plan of subdivision 39T-07508 was approved by the Approval Authority as one (1) phase, consisting of 48 single family detached lots, and nine (9) multi-family medium density blocks, was registered on July 4, 2016 as plan 33M-699.

On January 25, 2020, Municipal Council passed a by-law to approve the exemption of Part Lot Control for Blocks 52 and 54, Plan 33M-699, located at 3316 Strawberry Walk and 2675 Asima Drive, part of the same subdivision plan 33M-699.

### **3.2 Community Engagement**

There is no legislated Community Engagement component to an Exemption from Part-Lot Control. A notice of the request for exemption from part-lot control and a list of standard draft conditions was circulated to internal departments (such as Engineering and the Building Division) and London Hydro. Development Engineering confirmed that the draft standard conditions are applicable and only one additional condition was required for servicing.

### **3.3 Policy Context**

In Ontario, the subdivision of land is governed by the *Planning Act*. Under this legislation, lot creation is permitted through the approval of a plan of subdivision, the granting of a Consent (commonly described as a “severance”) or, for lots within a registered plan of subdivision, through a by-law exemption from part-lot control. Section 50(28) of the *Planning Act*, R.S.O. 1990, c.P13, includes provisions to ensure that part of a lot or block within a registered plan of subdivision cannot be transferred without the approval of the municipality. The part-lot control provisions of the *Planning Act* allows a municipality to pass by-laws to remove part-lot control from all or any part of a registered plan of subdivision. Such a by-law has the effect of allowing the conveyance of a portion of a lot or block. Exemption from part-lot control is appropriate when a number of land transactions are involved and the resulting changes will not affect the nature or character of the subdivision.

Exemption from part-lot control is used to create street townhouse units. Part-Lot Control may be exempted to allow a property owner to legally divide a block within their registered plan of subdivision.

## **4.0 Key Issues and Considerations**

Council has adopted a policy to guide consideration of requests for exemption to Part-Lot Control, as follows:

- a) *appropriately zoned lots and blocks of registered plans of subdivision may be exempted from part-lot control for the purpose of establishing individual properties for conveyance or other purposes where municipal services or agreements for extension of services are in place;*

The subject lands are zoned Residential R4 (R4-5(2)) which permits street townhouse units. The applicant will be required to submit a draft reference plan to Development Services for review and approval to ensure the proposed lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the Land Registry Office.

- b) *exemption from part-lot control is used to implement the intended lotting of a portion of a registered plan where the complete division of land was not practical at the time of subdivision approval and registration;*

The subject block was registered and intended to be developed for street townhouse units at the time of the subdivision approval. The division of individual lots at the time of the subdivision was not practical, and is appropriate through part-lot control and successfully attaining site plan approval.

- c) *the nature and character of the subdivision are not to be changed by part-lot control exemption from that which was established by the subdivision plan and zoning by-law;*

This request is consistent with the intended use of the block as established through the plan of subdivision and zoning. The development of the site units is consistent with the development in the area.

- d) *the removal of part-lot control is appropriate when a series of land divisions is necessary to allow sale of the constructed buildings and associated part-lots;*

The exemption of part lot control creates fifteen (15) street townhouse units requiring separate and individual land divisions to create the interests in land.

- e) *references will be made to the land severance guidelines, guidelines for private streets, and other pertinent policies when considering the appropriateness of exemption; and*

The subject lands are within the Neighbourhoods Place Type in The London Plan and designated Multi-Family, Medium Density Residential in the (1989) Official Plan, which permits street townhouse dwellings. The proposal will facilitate the development of the parcel in accordance with the form of development established at the time of subdivision approval. The proposed lots will not result in any traffic problems and will have access to municipal services and utilities. Access will be provided off of Asima Drive and Strawberry Walk.

- f) *the registration costs of by-laws passed at the request of the developer or subdivider, to exempt lands from part-lot control, will be borne by the applicant.*

The applicant is responsible for all costs associated with the Exemption to Part-Lot Control.

The applicant has applied for and received site plan approval (SPA18-062) to construct fifteen (15) street townhouse units on two local streets which are registered on title as a Development Agreement. Securities have also been taken through the site plan process.

The applicant has requested exemption from Part-Lot Control as an alternative to submitting an application through the Consent Authority. The applicant requested exemption from the Part-Lot Control provisions of the *Planning Act* to facilitate the creation of fifteen (14) street townhouse units. The proposed plan has been reviewed with regards to the City's Policy on Exemption from Part-Lot Control, the 1989 Official Plan, The London Plan and the applicable zoning, and has been determined to meet existing policies and the City's Zoning By-law.

#### **4.1 Conditions**

It is recommended that the following conditions be applied and that the By-law for Blocks 50 and 51, Plan 33M-699 be passed at a future meeting of Municipal Council only when the following conditions have been complied with:

- i. The applicant be advised that the costs of registration of the said by-laws are to be borne by the applicant in accordance with City Policy;
- ii. The applicant submit a draft reference plan to Development Services for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;
- iii. The applicant submits to Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting



Standards and be referenced to the City's NAD83 UTM Control Reference;

- iv. The applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;
- v. The applicant submit to the City Engineer for review and approval prior to the reference plan being deposited in the land registry office any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;
- vi. The applicant shall enter into any amending subdivision agreement with the City, if necessary;
- vii. The applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;
- viii. The applicant shall obtain confirmation from Development Services that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the land registry office;
- ix. The applicant shall obtain approval from Development Services of each reference plan to be registered prior to the reference plan being registered in the land registry office;
- x. The applicant shall submit to Development Services confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;
- xi. The applicant shall obtain clearance from the City Engineer that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Chief Building Official for lots being developed in any future reference plan;
- xii. The applicant shall provide a draft transfer of the easements to be registered on title; and
- xiii. That on notice from the applicant that a reference plan has been registered on a Block, and that Part Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question.

**5.0 Conclusion**

In accordance with the provisions of the *Planning Act*, Municipal Council may pass by-laws to exempt all, or parts of registered plans of subdivision from part-lot control. The applicant has requested exemption from the Part-Lot Control provisions of the *Planning Act* to facilitate the creation of fifteen (15) street townhouse units, with access off Asima Drive and Strawberry Walk, which is appropriate to allow for the sale of these units to future homeowners. The recommended exemption is considered appropriate and in keeping with the registered phases of the subdivision, subject to the completion of the proposed conditions.

<b>Prepared by:</b>	<b>Alanna Riley, MCIP, RPP Senior Planner, Development Services</b>
<b>Recommended by:</b>	<b>Paul Yeoman, RPP, PLE Director, Development Services</b>
<b>Submitted by:</b>	<b>George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official</b>
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.	

cc: Matt Feldberg, Manager, Development Services (Subdivisions)  
Lou Pompilli, Manager, Development Planning  
Ted Koza, Manager, Development Engineering

April 8, 2020

AR/ar

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**Appendix A**

Bill No. *Number inserted by Clerk's Office*  
2020

By-law No. C.P.- *Number inserted by Clerk's Office*

A by-law to exempt from Part-Lot Control, lands located at 2673 Asima Drive and 3313 Strawberry Walk, legally described as Blocks 50 and 51, Plan 33M-699.

WHEREAS pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, and pursuant to the request from Rockwood Homes, it is expedient to exempt lands located at 2673 Asima Drive and 3313 Strawberry Walk, legally described as Blocks 50 and 51, Plan 33M-699, from Part Lot Control;

THEREFORE the Municipal Council of The Corporation of The City of London enacts as follows:

1. Blocks 50 and 51, Plan 33M-699, located at 2673 Asima Drive and 3313 Strawberry Walk, are hereby exempted from Part-Lot Control, pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c.P.13*, as amended, for a period not to exceed three (3) years; it being noted that these lands are zoned to permit street townhouse units in conformity with the Residential R4 Special Provision (R4-5(2)) Zone of the City of London Zoning By-law No. Z-1.
2. This by-law comes into force when it is registered at the Land Registry Office.

PASSED in Open Council on

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading –  
Second Reading –  
Third Reading –



London  
CANADA

## Development and Compliance Services Building Division

**To:** G. Kotsifas, P. Eng.  
Managing Director, Development & Compliance Services  
& Chief Building Official

**From:** P. Kokkoros, P. Eng.  
Deputy Chief Building Official

**Date:** March 13, 2020

**RE: Monthly Report for February 2020**

Attached are the Building Division's monthly report for February 2020 and copies of the Summary of the Inspectors' Workload reports.

### **Permit Issuance**

By the end of February, 533 permits had been issued with a construction value of \$100.4 million, representing 141 new dwelling units. Compared to last year, this represents a 0.9% increase in the number of permits, a 20.4% increase in the construction value and a 26% decrease in the number of dwelling units.

To the end of February, the number of single and semi-detached dwellings issued were 111, which was a 42.3% increase over last year.

At the end of February, there were 694 applications in process, representing approximately \$740 million in construction value and an additional 1,674 dwelling units, compared with 651 applications having a construction value of \$595 million and an additional 1,295 dwelling units for the same period last year.

The rate of incoming applications for the month of February averaged out to 14.7 applications a day for a total of 279 in 19 working days. There were 75 permit applications to build 75 new single detached dwellings, 8 townhouse applications to build 8 units, of which 8 were cluster single dwelling units.

There were 244 permits issued in February totalling \$50.1 million including 68 new dwelling units.

### **Inspections**

#### **BUILDING**

*Building Inspectors* received 1,908 inspection requests and conducted 2,533 building related inspections. An additional 7 inspections were completed relating to complaints, business licenses, orders and miscellaneous inspections. Based on a staff compliment of 12 inspectors, an average of 223 inspections were conducted this month per inspector.

Based on the 1,908 requested inspections for the month, 95% were achieved within the provincially mandated 48 hour time allowance.

#### **CODE COMPLIANCE**

*Building Inspectors* received 479 inspection requests and conducted 638 building related inspections. An additional 136 inspections were completed relating to complaints, business licenses, orders and miscellaneous inspections. Based on a staff compliment of 4 inspectors, an average of 153 inspections were conducted this month per inspector.

Based on the 479 requested inspections for the month, 92% were achieved within the provincially mandated 48 hour time allowance.

## **PLUMBING**

*Plumbing Inspectors* received 711 inspection requests and conducted 907 plumbing related inspections. An additional 4 inspections were completed relating to complaints, business licenses, orders and miscellaneous inspections. Based on a staff compliment of 6 inspectors, an average of 181 inspections were conducted this month per inspector.

Based on the 711 requested inspections for the month, 99 % were achieved within the provincially mandated 48 hour time allowance.

### **NOTE:**

In some cases, several inspections will be conducted on a project where one call for a specific individual inspection has been made. One call could result in multiple inspections being conducted and reported. Also, in other instances, inspections were prematurely booked, artificially increasing the number of deferred inspections.

AD:cm  
Attach.

c.c.: A. DiCicco, T. Groeneweg, C. DeForest, O. Katolyk, D. Macar, M. Henderson, S. McHugh

## CITY OF LONDON

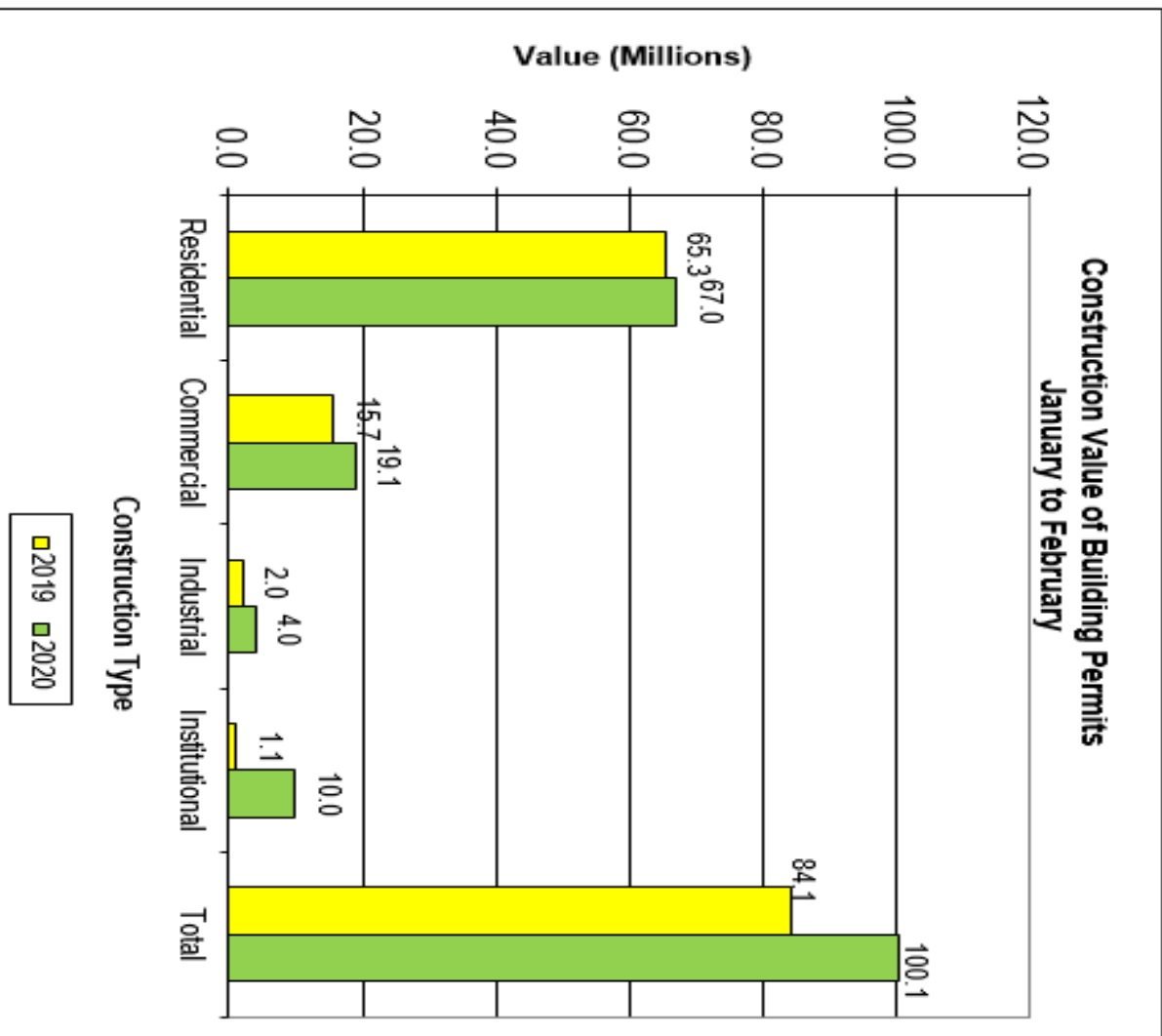
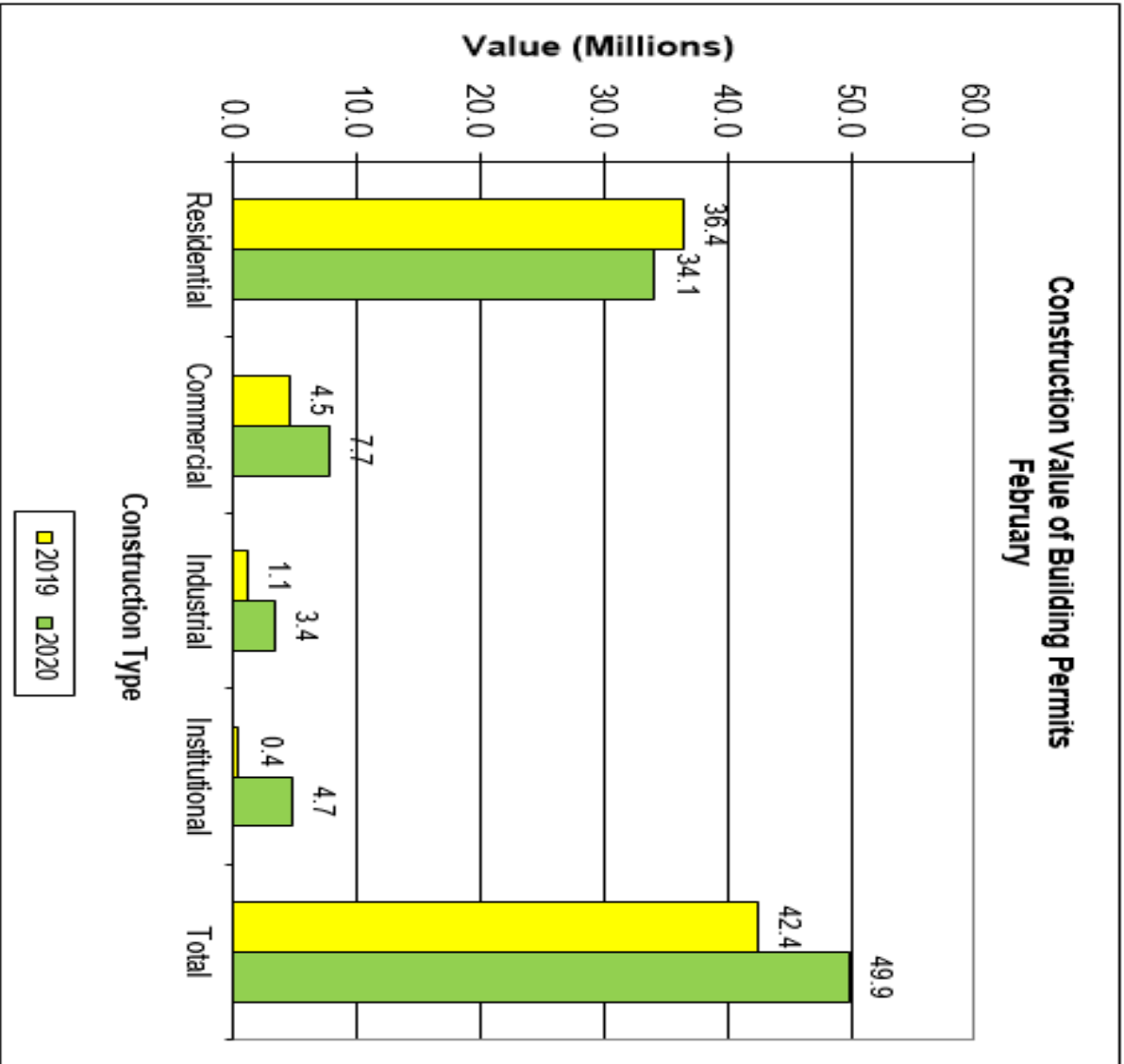
### SUMMARY LISTING OF BUILDING CONSTRUCTION ACTIVITY FOR THE MONTH OF February 2020

CLASSIFICATION	February 2020			to the end of February 2020			February 2019			to the end of February 2019		
	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS
SINGLE DETACHED DWELLINGS	60	26,144,600	60	111	49,251,120	111	42	17,129,600	42	78	32,892,510	78
SEMI DETACHED DWELLINGS	0	0	0	0	0	0	0	0	0	0	0	0
TOWNHOUSES	6	2,384,500	6	16	7,063,900	22	21	15,523,460	75	29	22,000,890	104
DUPLEX, TRIPLEX, QUAD, APT BLDG	0	0	0	0	0	0	0	0	0	1	1,250,000	0
RES-ALTER & ADDITIONS	99	5,595,575	2	196	10,701,475	8	78	3,727,530	6	207	9,127,810	11
COMMERCIAL -ERECT	1	940,000	0	1	940,000	0	2	1,329,480	0	2	1,329,480	0
COMMERCIAL - ADDITION	2	2,001,800	0	2	2,001,800	0	0	0	0	1	2,500,000	0
COMMERCIAL - OTHER	28	4,799,000	0	76	16,127,506	0	31	3,161,600	0	76	11,848,320	0
INDUSTRIAL - ERECT	1	3,000,000	0	1	3,000,000	0	0	0	0	1	100,000	0
INDUSTRIAL - ADDITION	1	118,800	0	1	118,800	0	2	65,000	0	2	65,000	0
INDUSTRIAL - OTHER	3	261,000	0	11	890,500	0	8	1,063,200	0	15	1,873,700	0
INSTITUTIONAL - ERECT	0	0	0	1	575,000	0	0	0	0	0	0	0
INSTITUTIONAL - ADDITION	0	0	0	1	2,000,000	0	0	0	0	0	0	0
INSTITUTIONAL - OTHER	9	4,657,500	0	19	7,412,000	0	9	403,670	0	15	1,141,670	0
AGRICULTURE	0	0	0	1	100,000	0	0	0	0	1	10,000	0
SWIMMING POOL FENCES	7	269,000	0	9	314,000	0	2	83,000	0	3	98,000	0
ADMINISTRATIVE	2	0	0	6	0	0	5	0	0	12	0	0
DEMOLITION	6	0	4	14	0	9	2	0	1	11	0	6
SIGNS/CANOPY - CITY PROPERTY	0	0	0	0	0	0	2	0	0	7	0	0
SIGNS/CANOPY - PRIVATE PROPERTY	19	0	0	67	0	0	49	0	0	67	0	0
<b>TOTALS</b>	<b>244</b>	<b>50,171,775</b>	<b>68</b>	<b>533</b>	<b>100,496,101</b>	<b>141</b>	<b>253</b>	<b>42,486,540</b>	<b>123</b>	<b>528</b>	<b>84,237,380</b>	<b>193</b>

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Note: 1) Administrative permits include Tents, Change of Use and Transfer of Ownership, Partial Occupancy.

2) Mobile Signs are no longer reported.



## City of London - Building Division

### Principal Permits Issued from February 1, 2020 to February 29, 2020

Owner	Project Location	Proposed Work	No. of Units	Construction Value
FANSHAWE COLLEGE OF APPLIED ARTS & TECHNOLOGY FANSHAWE COLLEGE OF APPLIED ARTS & TECHNOLOGY	1001 Fanshawe College Blvd	Alter Community College ALTER INTERIOR FOR TEACHING DENTAL CLINIC RENOVATION. BUILDING A LEVEL 1 PROVIDE SPRINKLER SHOP DRAWING	0	4,000,000
DREWLO HOLDINGS INC. DREWLO HOLDINGS INC.	1066 Commissioners Rd W	Alter Apartment Building INSTALLATION OF THE NEW MAG LOCKS AND CONCRETE COLUMN REPAIRS. An "Integrated Testing Plan" is required under this renovation.	0	200,000
BORIS REZVAN 1972242 Ontario Limited	1100 Commissioners Rd E	Alter Restaurant ALTER INTERIOR FOR RESTAURANT/SPORTS BAR UNIT 1 & 2	0	292,000
Mouhtouris Mary & Constantine,C/O Yyc Franchise Corporation	1135 Richmond St	Alter Retail Store CM - INTERIOR FIT UP FOR RETAIL STORE	0	104,000
Graystone Custom Homes Limited	1170 Riverbend Rd 7	Erect-Townhouse - Cluster SDD ERECT NEW CLUSTER SDD, 1 STOREY, 2 CAR, 4 BED, FINISHED BASEMENT, W/ DECK, W/ A/C, SB12 A5, MVLCP UNIT 3. SOILS REPORT REQUIRED.	1	443,500
LONDON SUMMERSIDE CORP. LONDON SUMMERSIDE CORP.	1305 Commissioners Rd E	Add Gymnasia INTERIOR ALTERATION TO CREATE A MULTI-TENANT SPACE. GENERAL WORK FOR THE FUTURE TENANT. PERMITS FOR TENANT FIT-UP REQUIRED.	0	2,000,000
PATRICK HAZZARD CUSTOM HOMES PATRICK HAZZARD CUSTOM HOMES	1820 Canvas Way 31	Erect-Townhouse - Cluster SDD ERECT NEW CLUSTER SDD, 2 STOREY, 2 CAR GARAGE, UNFINISHED BASEMENT, 3 BEDROOMS, NO DECK, A/C INCLUDED, SB-12.AQ, UNIT 33, SOILS REQUIRED, UTRCA REQ'D, HRV AND DWHR REQ'D	1	520,000
Patrick Hazzard 2584857 Ontario Inc	1820 Canvas Way 74	Erect-Townhouse - Cluster SDD ERECT NEW CLUSTER SDD, 2 STOREY, 2 CAR, 3 BEDROOM, UNFINISHED BASEMENT, NO DECK, W/ A/C, SB12 A1, MVLCP 927 UNIT 13, HRV & DWHR REQUIRED.	1	377,000
SIFTON LIMITED SIFTON PROPERTIES LIMITED	1850 Sandy Somerville Lane	Install-Site Services INSTALL SITE SERVICES FOR SANDY SOMERVILLE CONDO SITE		940,000
8432201 Canada Inc	2060 Oxford St E	Add Non-Residential Accessory Building ADD STORAGE BUILDING AND 4 CONCRETE PIERS FOR NEW CRANE STRUCTURE Shell Permit - Provide sealed crane shop drawings reviewed by the structural engineer of Record on a project, J.H. Cohnon Engineering to the Building Division for review prior to installation of the crane.	0	118,800
Station Park (London) Park C/O Davpart Inc	250 Sydenham St 106 256 Pall Mall St 3FL	Alter Apartment Building INTERIOR ALTERS TO SUITE 106 Alter Offices CM - INTERIOR FIT UP FOR CONNEX ONTARIO UNIT 300- THIRD FLOOR	0 0	250,000 250,000



## City of London - Building Division

### Principal Permits Issued from February 1, 2020 to February 29, 2020

Owner	Project Location	Proposed Work	No. of Units	Construction Value
Shu Health First Inc	280 King Edward Ave	Alter Medical Offices CM- INTERIOR ALTER FOR MEDICAL OFFICES	0	200,000
SIFTON LIMITED SIFTON PROPERTIES LIMITED	2810 Sheffield Pl 3	Erect-Townhouse - Cluster SDD ERECT NEW CLUSTER SDD, 1 STOREY, 1 CAR GARAGE, 4 BEDROOM, PARTIAL FINISHED BASEMENT, NO DECK, A/C INCLUDED, SB-12 PERFORMANCE, DPN 2 M.V.L.C.P. No. 900, 1.2UV WINDOWS, NO DWHR UNIT REQUIRED	1	270,000
1246643 Ontario Inc	335 Sovereign Rd	Alter Warehousing INTERIOR ALTERATION OF UNIT # 3	0	150,000
1390958 Ontario Limited	355 McCarrell Dr	Install-Care Facility INSTALL TO REPLACE FIRE ALARM CONTROL PANEL AND 8 ANNUNCIATOR SUB PANELS	0	125,000
Willow Bridge Construction Inc	3560 Singleton Ave 37	Erect-Townhouse - Cluster SDD ERECT CLUSTER SDD, 2 STOREY, 2 CAR GARAGE, UNFINISHED BASEMENT, 4 BEDROOMS, NO DECK, NO A/C, SB-12 A1, UNIT 52 33R-17943 CONDO No. 842, HRV & DWHR REQUIRED, SOILS REQUIRED. DPN 37	1	350,000
Willow Bridge Construction Inc	3560 Singleton Ave 39	Erect-Townhouse - Cluster SDD ERECT CLUSTER SDD, 2 STOREY, 2 CAR GARAGE, UNFINISHED BASEMENT, 4 BEDROOMS, NO DECK, NO A/C, SB-12 A1, UNIT 51 33R-17943 CONDO PLAN No. 842, HRV & DWHR REQUIRED, SOILS REQUIRED. DPN 39	1	424,000
Newlife Properties Inc	3777 Westminster Dr	Erect-Plant for Manufacturing ID - CONCRETE BATCH PLANT Foundation Permit Only Fire Protec: Submit the design for the STANDPIPE and new WATER SUPPLY as per OBC.	0	3,000,000
772866 Ontario Limited C/O Larlyn Property Mgmt	524 Oxford St W	Alter Restaurant CM - ALTER - TENANT FIT UP FOR "STARBUCKS"	0	200,000
772866 Ontario Limited C/O Larlyn Property Mgmt	530 Oxford St W	Erect-Retail Plaza COMM - ERECT 4 UNIT COMMERCIAL PLAZA Shell Permit Only -Provide sealed the roof access shop drawings to the Building Division for review prior to work in these areas	0	940,000
OLD OAK PROPERTIES INC. OLD OAK PROPERTIES INC.	575 Proudfoot Lane	Alter Apartment Building ALTER TO UPGRADE FIRE ALARM SYSTEM. For this retro-fit, an INTEGRATED TESTING Co-ordinator [under OBC 3.2.10.1], is not required.	0	250,000
OLD OAK PROPERTIES INC. OLD OAK PROPERTIES INC.	585 Proudfoot Lane	Alter Apartment Building ALTER TO UPGRADE FIRE ALARM SYSTEM. This phase of work will not require 'Integrated Testing' where only one safety system is affected.	0	250,000
OLD OAK PROPERTIES INC. OLD OAK PROPERTIES INC.	605 Proudfoot Lane	Alter Apartment Building ALTER TO UPGRADE FIRE ALARM SYSTEM	0	250,000
CAMPUS LIVING CENTRES INC. ITF WCPT FIRST STREET INC. CAMPUS LIVING CENTRES INC	625 First St	Alter Apartment Building INTERIOR ALTER TO LEVEL 1 FOR NEW COMMON SPACE AND MARKET	0	300,000

## City of London - Building Division

### Principal Permits Issued from February 1, 2020 to February 29, 2020

Owner	Project Location	Proposed Work	No. of Units	Construction Value
	657 Hamilton Rd	Alter Duplex RA - ALTER - CHANGE OF USE FROM TRIPLEX TO DUPLEX, BASEMENT UNIT IS TO BE REMOVED, REPAIR DUE TO FIRE DAMAGE, W/ STRUCT	0	195,000
Richmond Block London Corporation	685 Richmond St	Alter Retail Store CM - FIRE AND FLOWER INTERIOR FIT UP	0	156,000
LONDON CITY	707 Exeter Rd	Alter Automobile Repair Garage CM - ALTERATION TO REPLACE EXISTING HVAC SYSTEM & LIGHTNING	0	600,000
CORPORATION OF LONDON CORPORATION OF THE CITY OF LONDON	723 Lorne Ave	Alter Site Services ADD TO EXISTING STORM SEWER	0	470,000
Barvest Realty Inc	725 Baransway Dr	Alter Office Complex (Retail/office) INTERIOR RENOVATION TO THE EXISTING OFFICES	0	700,000
Kanco-756 Kipps Ltd C/O Transglobe Mgmt Services	756 Kipps Lane	Add Garage for Apartment Building REPAIR OF UNDERGROUND PARKING GARAGE	0	250,000
MANAGEMENT SECRETARIAT MANAGEMENT BOARD SECRETARIAT	80 Dundas St	Alter Offices CM - INTERIOR ALTER FOR NEW TENANT. 1ST FLOOR, OPGT office relocation.	0	360,000
LONDON & MIDDLESEX COMMUNITY HOUSING INC. LONDON & MIDDLESEX COMMUNITY HOUSING INC.	85 Walnut St	Install-Apartment Building INSTALL PASSIVE HEAT RECOVERY PANEL		244,400
Hydro One Networks Inc	855 Pond Mills Rd	Install-Offices INSTALL PRE-FABRICATED TRAILER, 60' X 60' FOUNDATION PERMIT ONLY		750,000
Hydro One Networks Inc	855 Pond Mills Rd	Install-Offices INSTALL PRE-FABRICATED TRAILER, 60' X 60'	0	750,000
Total Permits 35    Units 6    Value 20,679,700				

*\* Includes all permits over \$100,000, except for single and semi-detached dwellings.*

**Commercial building permits issued - subject to Development Charges under By-law C.P. -1535-144**

OWNER
CAPTAIN GENERATION-MALL LIMITED CAPTAIN GENERATION-MALL LIMITED

**From:** van Holst, Michael  
**Sent:** Wednesday, March 04, 2020 9:01 PM  
**To:** PEC <[pec@london.ca](mailto:pec@london.ca)>  
**Subject:** Hamilton Road CIP forgivable loan programs

Dear chair and members of the PEC,

During the budget discussions, it was determined that the funds necessary to continue the forgivable loan programs for the Hamilton Road CIP were small and could be accommodated in the CIP Loan Reserve Fund.

I am pleased to report that the programs were successful in incentivising a number of projects and that tangible results in urban regeneration are being produced.

For the reasons above, I would request ask that you kindly consider the following motion:

That Civic Administration to take the actions necessary to implement the Façade Improvement and Upgrade to Building Code forgivable loan programs for Hamilton Road, it being noted that funding to support these programs are available in the CIP Loan Reserve Fund.

Sincerely,

Michael van Holst  
City Councillor, Ward 1