

Agenda Including Addeds

Ecological Community Advisory Committee

2nd Meeting of the Ecological Community Advisory Committee

January 19, 2023, 4:30 PM

Advisory Committee Virtual Meeting - Please check the City website for current details

The City of London is situated on the traditional lands of the Anishinaabek (AUh-nish-in-ah-bek), Haudenosaunee (Ho-den-no-show-nee), Lūnaapéewak (Len-ah-pay-wuk) and Attawandaron (Add-a-won-da-run).

We honour and respect the history, languages and culture of the diverse Indigenous people who call this territory home. The City of London is currently home to many First Nations, Metis and Inuit people today.

As representatives of the people of the City of London, we are grateful to have the opportunity to work and live in this territory.

The City of London is committed to making every effort to provide alternate formats and communication supports for meetings upon request. To make a request specific to this meeting, please contact advisorycommittee@london.ca.

	Pages
1. Call to Order	
1.1 Disclosures of Pecuniary Interest	
2. Scheduled Items	
2.1 4:30 PM - Kyle Murray, Director, Financial Planning & Business Support - 2023 Budget Update	2
2.2 <i>(ADDED) 4:45 PM - Emily Williamson, Ecologist - Environmentally Significant Areas</i>	19
3. Consent	
3.1 1st Report of the Ecological Community Advisory Committee	30
3.2 Meadowlily Road Environmental Assessment	32
4. Sub-Committees and Working Groups	
4.1 Western Road and Sarnia Road - Philip Aziz Avenue Improvements - Working Group Comments	
a. <i>(ADDED) Working Group Comments</i>	33
5. Items for Discussion	
5.1 Notice of Planning Application - 1300 Fanshawe Park Road East - Stoney Creek South Subdivision	44
a. <i>(ADDED) Staff Response - EIS Required at a Future Date</i>	56
6. Adjournment	



2023 Budget Update

Ecological Community Advisory Committee

January 19, 2023

Agenda

- City of London Budget Process Overview
- 2023 Budget Update Summary
- 2023 Budget Amendments
- Looking Ahead – 2024-2027 Multi-Year Budget

City of London – Types of Budgets

Property Tax Supported Budget

- Operating
- Capital

Primarily funded through property taxes

Water Budget

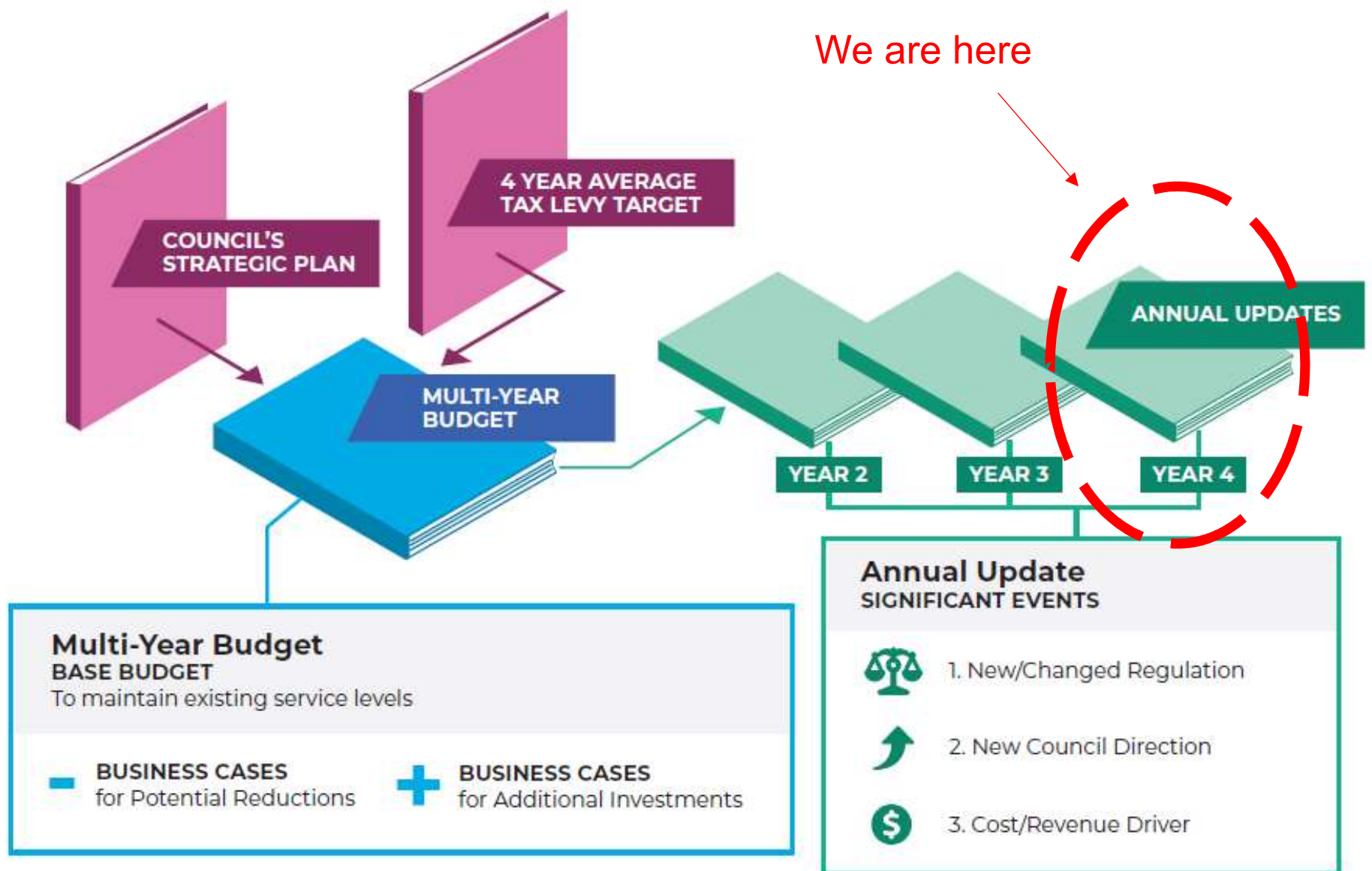
- Operating
- Capital

Primarily funded through water and wastewater charges collected on London Hydro bills

Wastewater & Treatment Budget

- Operating
- Capital

The Multi-Year Budget Cycle at the City of London



Categories of Budget Amendments

1. **New/Changed Regulation**

A new or changed legislation or regulation with a financial impact to the municipality

2. **New Council Direction**

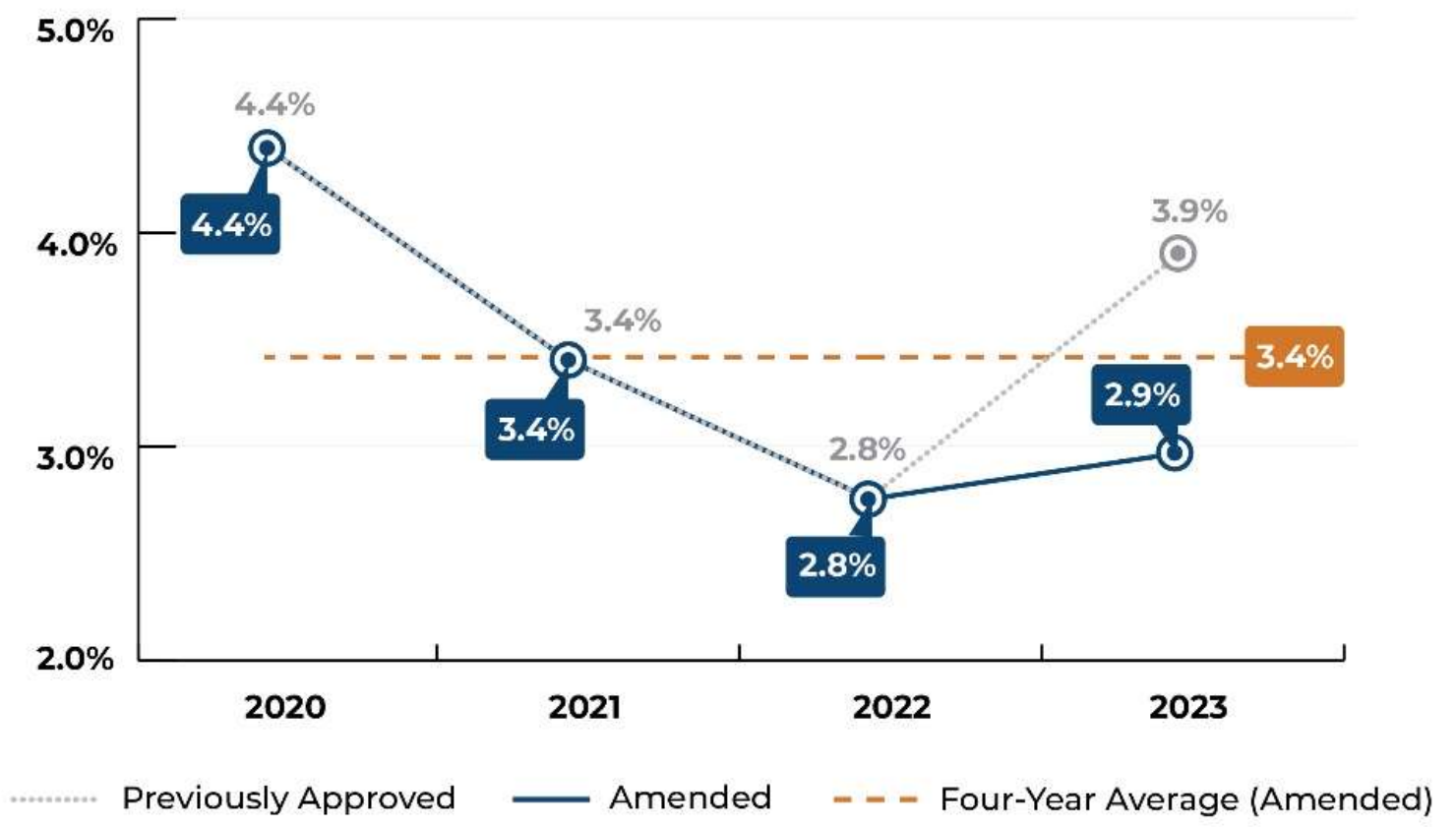
A new Council direction that has transpired after the approval of the Multi-Year Budget

3. **Cost/Revenue Driver**

A corporate or service area budget adjustment as a result of a change in economic conditions

Summary of the Proposed 2023 Property Tax Supported Budget Update – As Tabled

2020 to 2023 Multi-Year Budget Annual Tax Levy Increase



Average annual property owner impact: reduced from \$109 to \$101

(Average residential property with an assessed value of \$241,000 in 2019, excludes Education tax portion.)

Suggested Process for 2023 Budget Deliberations

Step 1:

Review “Recommended” Property Tax Supported Operating Budget Amendments

Step 2:

Review “Recommended” Property Tax Supported Capital Budget Amendments

Step 3:

Review “For Consideration” Property Tax Supported Operating Budget Amendments

Step 4:

Review “For Consideration” Property Tax Supported Capital Budget Amendments

Step 5:

Review “Recommended” Water and Wastewater & Treatment Budget Amendments

Step 1: Recommended 2023 Operating Budget Amendments (\$000's)

#	Description	Annual Tax Levy Impact	
		2023	2024 & Beyond
P-1	Reductions due to Zero-based Reviews and Other Budget Right-sizing	(\$6,581)	(\$4,996)
P-2	Ontario Works and Children's Services - Reduction in Required 2023 Investments	(\$1,030)	\$0
P-3	Roadmap to 3,000 Affordable Units – Portable Benefits & Staff Resources	\$1,794	\$1,794
P-4	Project Clean Slate	\$200	\$200
P-5	Cybersecurity Infrastructure Expansion and Updates	\$1,009	\$1,009
P-6	1001 Inventions Exhibit	\$0*	\$0
P-7	Land Ambulance – Additional Resources to Address Service Pressures	\$0**	\$0

* \$125k total amount, recommended to be funded from Community Investment Reserve Fund

** \$1.75M total amount, proposed to be funded through Assessment Growth revenues in accordance with the Assessment Growth Policy

Step 2: Recommended 2023 Capital Budget Amendments (\$000's)

#	Description	Total Capital Budget Impact	
		2023	2024 & Beyond
P-8	Realignment and Adjustment of Transportation Capital Growth Projects	(\$10,225)	\$25,329
P-9	Project Timeline and Funding Realignment – Regeneration of Public Housing	\$21,000	(\$21,000)

NOTE: These capital budget amendments do not have a tax levy impact.

Step 3: For Consideration 2023 Operating Budget Amendments (\$000's)

#	Description	Annual Tax Levy Impact	
		2023	2024 & Beyond
P-10	Reduction to Previously Approved “For Consideration” Business Cases for Streetlights and Winter Maintenance, and Walkway Maintenance Reductions	(\$936)	(\$936)
P-11	Reduction in Horticulture Aesthetics	(\$200)	(\$200)
P-12	Reduction to Neighbourhood Playground Program Locations	(\$250)	(\$250)
P-13	Eliminate Printing of Council Agenda Materials	(\$8)	(\$57)
P-14	Humane Society of London & Middlesex Animal Campus	\$0*	\$0
P-15	Increase to Neighbourhood Decision Making Program	\$250	\$250
P-16	Funding for the Hamilton Road BIA	\$100	\$100
P-17	Reduction to Previously Approved “For Consideration” Business Case – Infrastructure Gap	(\$950)	(\$950)

* \$3.0M total amount, recommended to be funded from Community Investment Reserve Fund

Step 4: For Consideration 2023 Capital Budget Amendments (\$000's)

#	Description	Total Capital Budget Impact	
		2023	2024 & Beyond
P-18	Streetscape Master Plan for Dundas Street – Argyle BIA	\$150	\$0

NOTE: This capital budget amendment does not have a tax levy impact.

Step 5: Recommended Water and Wastewater & Treatment Budget Amendments (\$000's)

#	Description	Total Capital Budget Impact	
		2023	2024 & Beyond
W-1	Schedule Change for Springbank #2 Water Reservoir Replacement and Expansion	(\$37,581)	\$37,581
W-2	Schedule Changes for Water Growth Projects	(\$8,075)	\$8,075
WWT-1	Mud Creek East Branch Phase 2 Budget Increase & Related Project Deferrals	\$1,657	\$9,843

NOTE: These capital budget amendments do not have an impact on the previously approved 2023 water and wastewater rate increase of 2.5%.

ESG Considerations in the 2023 Budget Update

- Building on the inclusion of the Environmental, Social and Governance (ESG) section in 2022 budget amendments, the format for considering ESG factors in 2023 budget amendments has been modified to provide for enhanced flexibility.
- While each amendment may not focus on all ESG aspects, all three components are considered and evaluated. Both positive and negative considerations are noted as they may apply to each amendment.
- A graphical “ESG Profile” has also been included in each amendment, highlighting the relative weights of the ESG factors in that amendment:

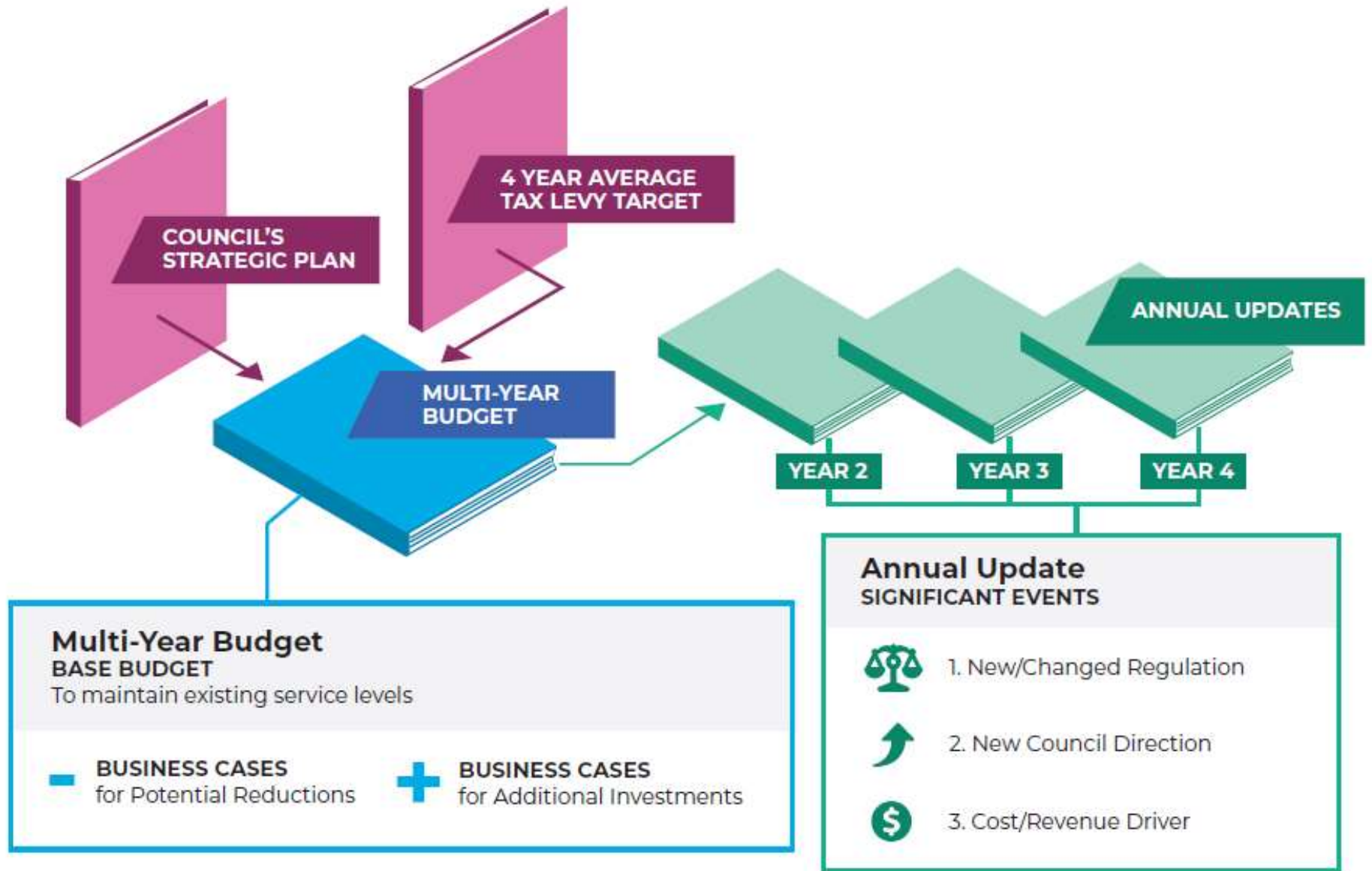


- Further integration of climate and equity impact considerations into other aspects of the City’s budgeting process (e.g., Business Plans, base budgets, etc.) will occur in preparation for the City’s 2024-2027 Multi-Year Budget.

Key Dates in the 2023 Budget Update Process

What / Where	Date
Tabling of the 2023 Annual Budget Update SPPC at 4:00pm	December 6
Public Participation Meeting SPPC at 4:00pm	January 17
2023 Annual Budget Update Review SPPC at 9:30am	January 26 January 27 (if required)
Final Approval of the 2023 Annual Budget Update Council at 1:00pm	February 14

Looking Ahead to the 2024-2027 Multi-Year Budget



Looking Ahead to the 2024-2027 Multi-Year Budget

Task/Item	Date
Development of the 2023-2027 Strategic Plan	Currently ongoing
Approval of the 2023-2027 Strategic Plan	April 2023
Tax Levy Target-Setting Report	April 2023
Development of 2024-2027 Multi-Year Budget	May to November 2023
Tabling of the 2024-2027 MYB	December 12, 2023 (tentative)
Engagement on the 2024-2027 MYB	December 2023 to February 2024
Budget Deliberations	Late January/February 2024 (dates TBD)
Final Budget Approval	February/March 2024 (dates TBD)



2020-2023 MULTI-YEAR BUDGET

City of London



LondonCanada



#Cityoflondonont



@CityofLdnOnt #LdnBudget



budget@london.ca



getinvolved.london.ca

London's Environmentally Significant Areas

ECAC – January 19, 2023

What is an Environmentally Significant Area?

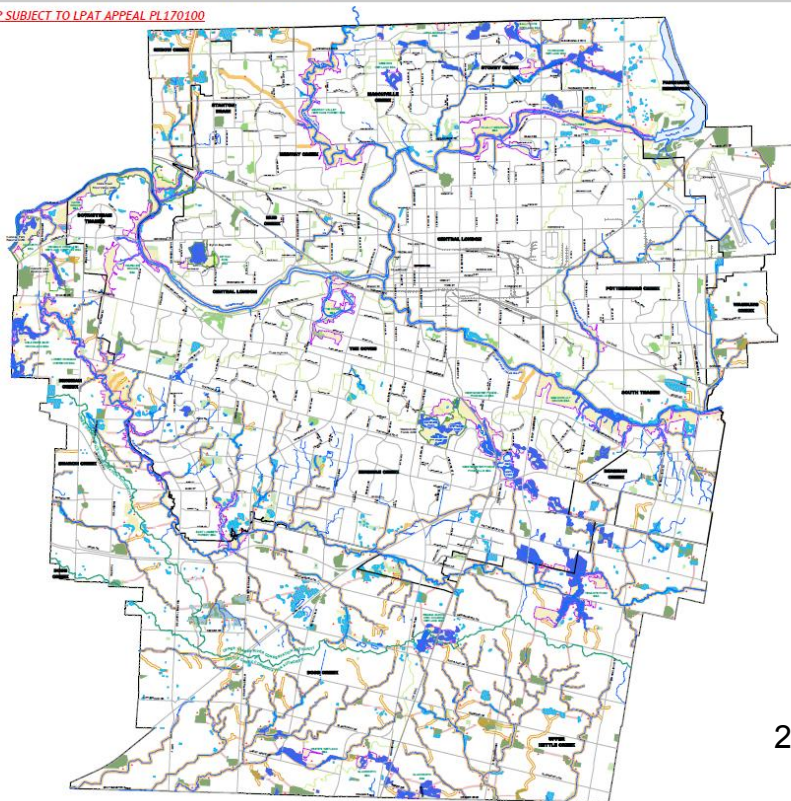
- Largest, core features of the Natural Heritage System
- Identified on London Plan Map 5 Natural Heritage based on ecological features and boundaries
- 1,870 hectares of ESA lands protected on public and private property
- 815 hectares are publicly owned and managed by City – acquire more every year










ESAs on London Plan Map 5

MAP 5 - NATURAL HERITAGE





MAP SUBJECT TO LPAT APPEAL PL170100












NATURAL HERITAGE SYSTEM

-  Provincially Significant Wetlands
-  Wetlands
-  Unevaluated Wetlands
-  Significant Woodlands
-  Woodlands
-  Significant Valleylands
-  Valleylands

BASE MAP FEATURES

-  Streets (See Map 3)
-  Railways
-  Urban Growth Boundary
-  Water Courses/Ponds

-  Areas of Natural and Scientific Interest
-  Environmentally Significant Areas (ESA)
-  Potential ESAs
-  Upland Corridors
-  Potential Naturalization Areas
-  Unevaluated Vegetation Patches

-  Water Bodies
-  Conservation Authority Boundary
-  Subwatershed Boundary
-  Subwatershed Name

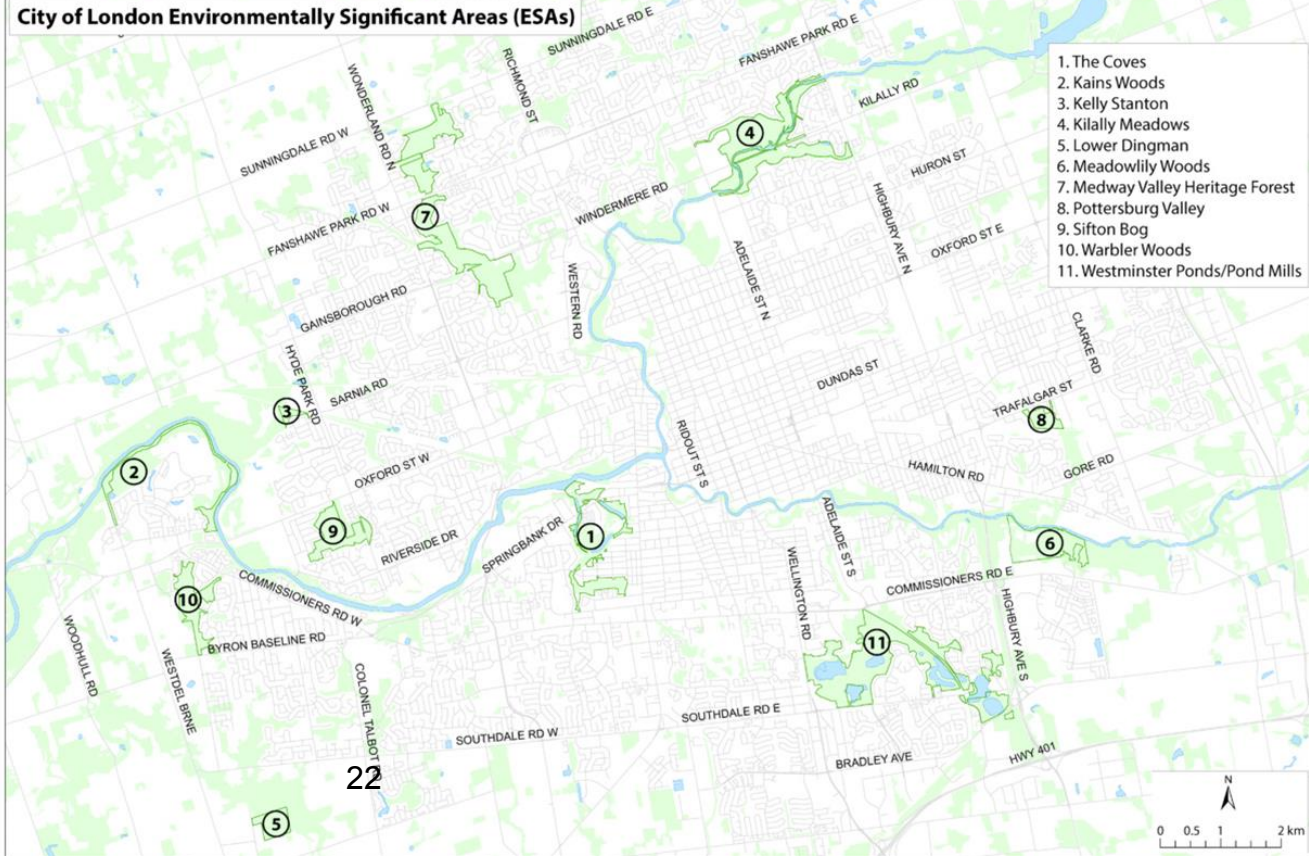
Publicly accessible ESAs and Maps

Medway Valley Heritage Forest

Environmentally Significant Area



ESA brochures & maps:
www.London.ca/esa





London
CANADA

How are ESAs Managed?

- London Plan policies
- Conservation Master Plans / Ecological Restoration Plans
- London Invasive Plant Management Strategy
- Guidelines for Management Zones and Trails in ESAs
- City funds contract with UTRCA for hands on ESA management



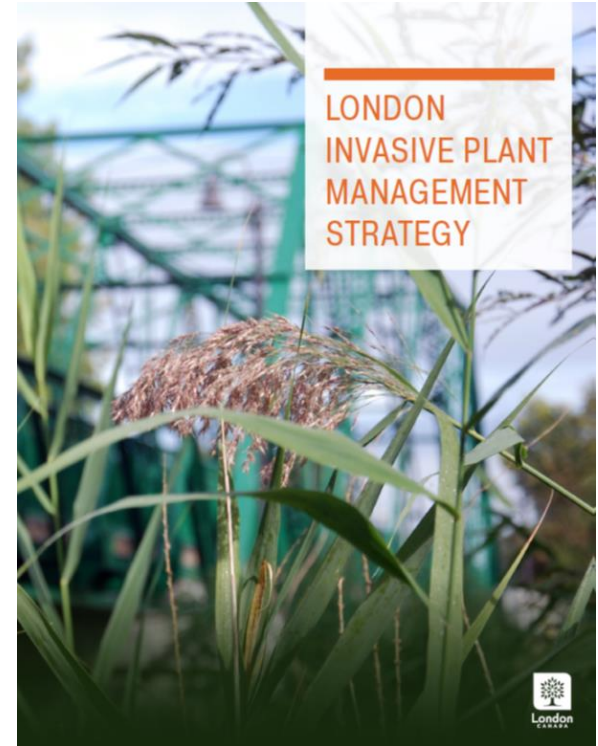


How are ESAs Managed?

The national [Invasive Species Centre](#) commended the City for excellent work completed under the London Invasive Plant Management Strategy (LIPMS):

“London is the first municipality in Ontario to create, approve and implement an invasive species strategy.”

“Beyond the tremendous ecological benefits of this strategy, London is enabling community-led engagement around invasive species control.”





How are ESAs Managed?

[London Plan Progress Report 2020:](#)

- 3 of the 5 priority invasive species in the LIPMS including Phragmites, Japanese Knotweed and Giant Hogweed have in large part been addressed in all ESAs.
- In some ESAs, most of the Buckthorn has also been removed, but in other ESAs Buckthorn control is still underway to protect and enhance our natural areas.

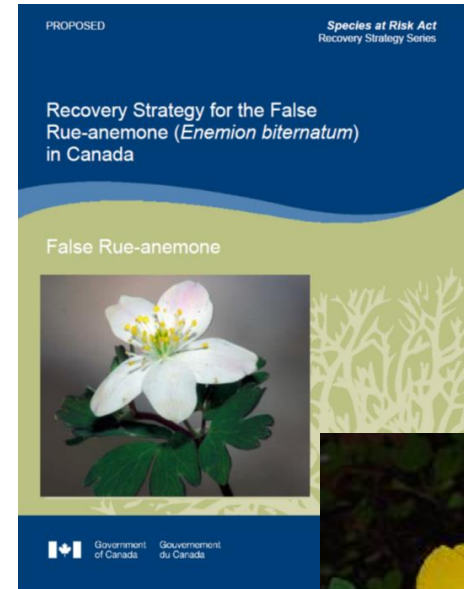


THE LONDON PLAN Progress Report 2020



Protecting & Enhancing Biodiversity in ESAs

- Very successful multi-year management and monitoring project to protect Species at Risk in the **Medway Valley Heritage Forest ESA**.
- Population has **increased by over 350% in six years**.
- **2022** initiated endangered Wood Poppy restoration with University of Lethbridge McCune Lab. Planted wood poppies grown at Western Field Lab station in London ESA.
- Success of transplants will be reviewed in 2023 year as part of a PhD project.



2022 ESA Works

Projects completed through the capital/operations budget:

- Phragmites management, risk trees, reptiles
- Sifton: Boardwalk
- Medway: Access Barricade, Snake Creek trail realignment, Boardwalk
- Coves: trail works and tree/shrub plantings
- Warbler: Parking Lot, Kiosk Sign, 2 Boardwalk Segments
- Westminster Ponds: 3 Boardwalk Segments
- Kains: Railing extension





2023 ESA Coming Attractions

- Invasive Work: Dingman, Medway, Coves, Kains, WMP, Kilally
- Structures: Boardwalks in Kains, Meadowlily, Westminster Ponds. Barricades in Warbler, WMP, Sifton and Medway, Kelly Stanton culvert
- Trail Work: Pitcarnie / Snake Creek to Gainsborough trail realignment, other sections of the Medway CMP.

Works subject to budgetary / staffing limitations.



London
CANADA

Thank you

Ecological Community Advisory Committee

Report

1st Meeting of the Ecological Community Advisory Committee
December 15, 2022

Attendance PRESENT: S. Levin (Chair), S. Evans, T. Hain, S. Hall, B. Krichker, K. Moser, S. Sivakumar and V. Tai and H. Lysynski (Committee Clerk)

ABSENT: P. Baker, K. Lee, M. Lima, R. McGarry, S. Miklosi and G. Sankar

ALSO PRESENT: S. Butnari, C. Creighton, K. Edwards, M. Shepley and A. Riley

The meeting was called to order at 4:47 PM

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Scheduled Items

None.

3. Consent

3.1 4th Report of the Ecological Community Advisory Committee

That it BE NOTED that the 4th Report of the Ecological Community Advisory Committee, from its meeting held on November 17, 2022, was received.

4. Sub-Committees and Working Groups

4.1 92 and 96 Tallwood Circle

That the Working Group comments relating to the properties located at 92 and 96 Tallwood Circle BE FORWARDED to the Civic Administration for review and consideration.

4.2 2060 Dundas Street

That the following actions be taken with respect to the Working Group comments relating to the property located at 2060 Dundas Street:

a) the Working Group comments BE FORWARDED to the Civic Administration for review and consideration; and,

b) the Forestry Department BE REQUESTED to investigate the property to the East of 2060 Dundas Street as there is a storage facility and a road through an Environmental Significant Area.

5. Items for Discussion

5.1 Oxford Street West Improvements - Municipal Class Environmental Assessment - Westdel Bourne to Sanitorium Road

That it BE NOTED that the Ecological Community Advisory Committee held a general discussion with respect to the Oxford Street West improvements - Municipal Class Environmental Assessment - Westdel Bourne to Sanitorium Road.

6. (ADDED) Additional Business

6.1 (ADDED) 2023 Budget Update (Verbal)

That a representative from Financial Planning and Policy BE INVITED to attend the January 19, 2023 meeting of the Ecological Planning Advisory Committee to provide an update on proposed budget matters relating to matters including, but not limited to, Environmentally Significant Areas, Conservation Master Plans and Stormwater Management.

6.2 (ADDED) Western Road and Sarnia Road - Philip Aziz Avenue Improvements - Schedule 'C' Class Environmental Assessment

That a Working Group consisting of S. Levin, P. Baker, S. Evans, S. Hall, K. Moser and V. Tai BE ESTABLISHED to review and report back on the Western Road and Sarnia Road - Philip Aziz Avenue Improvements - Schedule 'C' Class Environmental Assessment.

7. Adjournment

The meeting adjourned at 5:22 PM.

Due to increased development interest and potential in the area of Meadowlily Road, the City is undertaking an EA and servicing study to provide full municipal servicing such that development can proceed, since at this time this area is without municipal servicing. It is anticipated that no infrastructure will be constructed within the ESA, as the preferred alternative from the Public Update Meeting (PUMP) shows. As of Monday January 9th, the PUM comment period has closed. The next step is that the City's consultant, MTE, is preparing the Project File Report before placing the report for public review.

More information can be found on the City of London's website, which is updated as more information becomes available. [Meadowlily Road Area Environmental Assessment | City of London](#)

Thanks,

Kevin Graham, GDPA, P.Eng
Environmental Services Engineer
Water Engineering
Environment & Infrastructure

Philip Aziz Improvement Environmental Assessment, November 2022, received by ECAC from City Ecologist M. Shepley after its December 15, 2022 meeting

Working Group Comments provided by P. Baker, S. Evans, S. Hall, S. Levin, K. Mosher, V. Tai

EXECUTIVE SUMMARY

ECAC has concerns about how impacts will be avoided and mitigated based on what appears to be some incomplete data in the document.

Although ECAC appreciates AECOM’s use of publically available information such as iNaturalist, ECAC strongly recommends that iNaturalist and eBird as well as the Western Biodiversity sites be reviewed during detail design for up to date data. See Appendix 1 for URLs as well as species not included in AECOM’s work that have been sighted. (For example, despite what the EIS says in Section 3.7, page 31, a Cerulean Warbler was reported and photographed in the area on May 14, 2021 by several experienced birders. The eBird observation is, however, noted in Table 3-10 on the following page. The inconsistency is troubling.

ECAC is unclear how involved Scott Gillingwater, the species at risk biologist at the Upper Thames River Conservation Authority (a recognized expert in aquatic reptiles of Southern Ontario) has been in this project since the site visit indicated in the EIS.

Given the two similar projects in close proximity (this project and the upstream removal of the water pipe), ECAC is concerned there may not have been a complete sharing of data for reptiles and mussels. ECAC has been given to understand that a significant amount of site information was provided to Stantec for the water pipe removal project which may or may not also have been provided to AECOM. (See Appendix 2 to this report for extracts from the August 6, 2021 Scoping Meeting where these issues were raised).

Given the conflicting “no work windows” for various species required by legislation and best practices, who will decide which harm is least concerning for this project?

ISSUES AND RECOMMENDATIONS

PRE-CONSTRUCTION

ECAC is unclear if information from the water pipe removal project (Stantec and City of London Water Engineering) as outlined in the August 6, 2021 scoping meeting has been shared. It is unclear whether or not the mussel relocation has been to an area outside the proposed site of the new sewer outlet. We are also unaware of any reporting to date as to the success of the relocation plan.

Based on the limited project description it is not clear as to why in-water works are required.

ADDITIONAL FIELD STUDIES

The document indicates on Page: ii -

“The following additional field studies may be required during detail design:

– Visual encounter and basking surveys for Queensnake and Spiny Softshell.”

However, it is well known that many of the Spiny Softshell Turtles known to use this site have been found buried in sand/mud, not just basking in the open. Scott Gillingwater will confirm this given his many years of work with this species. Also, as the document points out, Queensnake are not confirmed at the site, but suitable habitat exists.

Basking surveys are not enough to confirm presence of Spiny Softshell or Queensnake.

RECOMMENDATION #1: If in water work is required, searches through the substrate as advised by Scott Gillingwater MUST take place before equipment is used.

RECOMMENDATION #2: Before detail design is finalized, confirmation of successful mussel relocation be required. Detail design should include consideration of monitoring results from the upstream water pipe removal project.

RECOMMENDATION #3: Scott Gillingwater be included in the development of the detailed Environmental Management Plan including re-establishing any turtle basking sites if required, as well as construction monitoring and post construction monitoring of reptiles.

RECOMMENDATION #4: The EMP include the requirement to conduct pre-construction amphibian and reptile surveys as recommended by Scott Gillingwater.

RECOMMENDATION #5: Scott Gillingwater be retained to do the SAR training for construction staff and be retained to be on site during any and all construction work affecting aquatic SAR.

CONSTRUCTION IMPACTS

The document indicates dust suppression measures may be required at some point during construction.

RECOMMENDATION #6: Before dust suppression measures are used, the site supervisor must consider any contamination it might cause to the river or to species in and around the river vs the impact of dust on those species. If the supervisor is unclear, a City Ecologist or the onsite ecologist if retained, should be able to provide advice.

ECAC also notes there is nothing in the document about reducing or limiting contaminants with this project in order to provide a net benefit.

This new outflow provides no protection from road and field contaminants.

RECOMMENDATION #7: Detail design include measures to reduce contaminants from the road and athletic fields and any water quality monitoring that may be required as part of permitting.

Given the sensitivity of the area, ECAC feels weekly inspection of ESC measures may not be sufficient particularly prior to and after rain events.

RECOMMENDATION #8: Daily or every other day inspection of ESC measures be required.

Pipe Capping

The issue of habitat change once the old pipe is capped (outflow changes resulting in the possibility of less sediment deposited) is a potential issue, though the island/rocky habitat created in the area, most likely as a result of the upstream bridge, should still provide sediment deposits. The confirmed nesting area upstream of the site should not be impacted by capping the current pipe.

However, how the pipe will be capped? Will machinery enter the shallow water area to do this part of the project?

RECOMMENDATION #9: If at detail design, it is determined that in water work is required, Scott Gillingwater must be consulted. If habitat disturbance is required, additional permitting may be required.

Page 40

“Loss of Candidate Queensnake Habitat – Suitable aquatic open rocky habitat with an abundance of crayfish was identified along the Thames River. The Survey Protocol for Queensnake in Ontario (MNRF, 2015c) should be used to confirm species presence. This aquatic habitat was identified outside of the Study Area and impacts are not anticipated however, individuals may occur in the Study Area to reach hibernacula and disperse to other suitable habitats. Best practices for Reptile and Exclusion Fencing (MECP, 2019) should be used to prevent individuals from entering the CDA.”

Fencing areas for Queensnake can be difficult, as the species may use underground features for movement, including crayfish burrows, plant root systems, etc. Additionally, Queensnakes are able to climb, and will follow fencing until it ends or a gap is found.

RECOMMENDATION #10: When drafted, the detailed description of fencing for this species specifically should be reviewed by Scott Gillingwater for confirmation of effectiveness.

Page 40

“Loss of Turtle Nesting Areas (including habitat for turtle SOCC and SAR) – turtle nesting habitat can occur wherever there are sun-exposed sand/gravel/soil substrates in proximity to an aquatic feature; including, for example, watercourse banks, gravel bars and islands, road shoulders and embankments, lawns, gardens and gravel laneways and lots (WSP, 2018). Proposed works along the banks of the Thames River to accommodate the new stormwater outlet may result in the removal of potential turtle nesting areas. The existing stormwater outfall is in an area where natural deposition occurs in the Thames River; deposition of soft, muddy substrates is further amplified by the rapid deceleration of the stormwater flows as it joins the main channel. This has created preferable conditions for turtle species to carry out essential life stages by providing nesting habitat, cover and resting habitat. Changes to the existing stormwater outfall that affect the rate of stormwater flow may result in the loss of suitable turtle habitat as sediment might not accumulate at the same rate. It is recommended to relocate the new outfall at least 50 m downstream from the existing outfall, which will remain in place but will be plugged and not functional, to avoid direct impacts to the sensitive turtle habitat. There is potential that the accumulation of deposited suitable substrates may erode over time if there is no water flow from the existing outfall; however, the potential effects are not well understood at this time and a fluvial geomorphological assessment with review of the hydraulic properties (HEC RAS hydraulic model output) of the Thames River and the outlet channel (if available) would be required during detail design.”

RECOMMENDATION #11: The information here should not be focussed solely on nesting, since it is the shallow, soft-bottomed habitat that is used for various life stages of Spiny Softshell, Snapping Turtle and Map Turtle. The accumulated sediment above the water line may be used for nesting, but the accumulated sediment below the waterline is used for cover, aquatic thermoregulation and foraging. This is briefly mentioned in the body of the paragraph, but should be highlighted in the title of the paragraph as well. For example, it could be changed to: Loss of Turtle Nesting, Cover, Thermoregulation and Foraging Areas.

RECOMMENDATION #12: A fluvial geomorphological assessment with a review of the hydraulic properties MUST be conducted.

Similar to the point above, the title should be changed to: Loss of Turtle Nesting, Cover, Thermoregulation and Foraging Areas.

All shallow, soft-bottomed habitat in and around this area appears to be very good for Spiny Softshell nursery/cover/aquatic-thermoregulation habitat. There are not many areas that maintain extensive shallow, muddy/sandy, south-facing habitat of this type within the city (most areas have more rock or have canopy cover, or both). It is highly likely this area is used by softshell turtles to bury into the substrate for cover and thermoregulation (a typical behaviour of this species). Softshell turtles can be very difficult to locate in this type of habitat. Any in-water work (including machinery or foot traffic) in this area could result in injury/mortality. Incidentally, there is no mention of reptiles in Section 1.2 of Appendix F – Wildlife Exclusion Measures

RECOMMENDATION #13: Before any in water work take place, Scott Gillingwater must be consulted as to best practices for this section of the river.

NET IMPACT TABLE (Table 7-1)

There seems to be a disconnect in places. For example, potential impacts are listed as none or low yet on page 83 it says “Avoidance measures *can aid* in addressing these potential impacts”. It doesn’t say that avoidance measures will *ensure* no impacts – so how do we know there will be minimal impacts? What evidence is there? ECAC is unclear as to how the loss of turtle nesting areas is considered a low net negative impact when Medium Net Impact is defined as “indicating loss of habitat possessing moderate potential habitat value, or loss of a portion of habitat that may result in long term impact to the remaining habitat, or loss of associated key ecological functions.” Given the current outlet is already KNOWN habitat of value to a SAR species, the EA seems to be highly subjective.

RECOMMENDATION #14: Change 2.1.2 Loss of Turtle Nesting Areas (including habitat for turtle SOCC and SAR) in the net impacts table to MEDIUM from LOW.

ENVIRONMENTAL MANAGEMENT PLAN (EMP)

RECOMMENDATION #15: The EMP include a compensation plan for any loss of habitat (assuming such information will be required for some of the permits the city will need for the work).

RECOMMENDATION #16: The EMP include detailed compensation plans for loss of trees in the study area as it affects the FOD7-4 community.

The Table also suggests that impacts to SAR mussels will be low. However this is predicated on a successful relocation. If the removal is outside the required window (temperature over 16 degrees C), then the impact will be much more severe. It is also unknown to ECAC whether the relocation of mussels during the upstream water pipe removal relocation was a success, particularly with regard to mussel survival after relocation.

RECOMMENDATION #17: The table in 2.1.3, *Harmful Alteration, Disruption, or Destruction of Fish Habitat, Death of Fish, and alteration of Aquatic Species at Risk Individuals or Habitat* be changed to include “medium net impact if measures taken are not successful.”

INVASIVE SPECIES

RECOMMENDATION #18: The Invasive Species Plan to be included at detail design must also include an invasive species removal plan and monitoring program of no less than three years.

OTHER ISSUES

The project includes widening of roads in an area very close to the new Wampum Learning Center, which includes outdoor learning spaces. What are the potential impacts to the learning center? Has the *Western Office of Indigenous Initiatives* been consulted?

Although there is a list of the proposed components of the project, ECAC found it hard to envision the project. Maybe a visual description doesn't belong in the EA, but we have seen more detail in other EAs. It would really help to see this to properly evaluate the potential impacts. An overlay of the ELC areas using the air photo provided in the June 2022 presentation to the Committee would have been helpful.

In several places wording is “wishy washy” – for example in two places in Table 3.4 it says that Western University and sports fields *may be* sources of pollution – it should say that they *are* sources of pollution. In section 6.1 Fragmentation and Natural Vegetation and Habitat – the Thames River *is* a movement corridor – it is not necessary to say the Thames River is *likely* a movement corridor.

RECOMMENDATION #19: Wording to be changed

Will Western's decision on the entrance to the parking lot off Philip Aziz have an effect on the detail design? If so, a decision from Western is required before detail design is finalized.

APPENDIX 1

MISSING/INCORRECT SPECIES OCCURRENCE DATA

Below is a list of missing/incorrect species occurrence data from iNaturalist or eBird for the Philip Aziz EIS. Additionally, here is a link to the Western Biodiversity Inventory Project for review at detail design: <https://inaturalist.ca/projects/biodiversity-inventory-at-western>

UPDATES:

Silver Shiner: In the document it says 2021 as latest year. Observed in 2022 on iNat around the study area: <https://inaturalist.ca/observations/125492012>

Wavy-rayed Lampmussel: Document says NA as latest year. Observed in 2022 in study area: <https://inaturalist.ca/observations/111576562>

Spiny softshell: Document says 2021 as latest year. Many observations in 2022 in study area: <https://inaturalist.ca/observations/130957409>

Eastern Wood Pewee: Document says 2021. Observed in 2022 in study area on both Ebird and iNat: <https://ebird.org/map/eawpew?neg=true&env.minX=-81.29591028973744&env.minY=42.995806533965876&env.maxX=-81.24509852215931&env.maxY=43.01570358131446&zh=true&gp=false&ev=Z&excludeEx=&mr=1-12&bmo=1&emo=12&yr=all&byr=1900&eyr=2023>

<https://inaturalist.ca/observations/133824897>

Peregrin Falcon: Document says 2014. Observed flying in the vicinity of the study area in 2021. <https://ebird.org/checklist/S98948342>

Hackberry Emperor: Document says 2021. Observed right in the study area in 2022. <https://inaturalist.ca/observations/131363096>

Green Dragon: Document says N/A. Observed in study area in 2022. <https://inaturalist.ca/observations/121496045>

Cream Violet: Document says N/A. Observed in 2022 in study area: <https://inaturalist.ca/observations/117932698>

Northern Map Turtle: BREEDING EVIDENCE IN STUDY AREA IN 2022! Document says 2019: <https://inaturalist.ca/observations/122029456>

Snapping Turtle: BREEDING EVIDENCE IN STUDY AREA IN 2022! Document says 2021: <https://inaturalist.ca/observations/122106574>

SPECIES MISSED COMPLETELY:

Hazel Dodder: This species does not have a SAR designation, but it is extremely rare in Ontario and is considered critically imperiled (CR) on iNat. It was observed across the river from the study area in August. ID confirmed by Corey Burt from WSP, an expert on this Genus. Here is the link: <https://inaturalist.ca/observations/130959049>

Olive-sided flycatcher: It is designated as Special Concern in Ontario. Observed on campus in 2022. <https://inaturalist.ca/observations/118385059>

Evening Grosbeak: Special concern in Ontario. Observed in study area in 2022
<https://ebird.org/map/evegro?neg=true&env.minX=-81.29583252676836&env.minY=42.99927546635194&env.maxX=-81.24502075919024&env.maxY=43.01917139026299&zh=true&gp=false&ev=Z&excludeEx=&mr=1-12&bmo=1&emo=12&yr=all&byr=1900&eyr=2023>

Rusty Blackbird: Special Concern in Ontario. Observed in 2022 in study area. <https://ebird.org/map/rusbla?neg=true&env.minX=-81.29444047808217&env.minY=42.99830247200294&env.maxX=-81.24362871050404&env.maxY=43.018198711032205&zh=true&gp=false&ev=Z&excludeEx=&mr=1-12&bmo=1&emo=12&yr=all&byr=1900&eyr=2023>

Despite what the EIS says in Section 3.7, page 31, a Cerulean Warbler was reported and photographed in the area on May 14 2021 by several experienced birders. The eBird observation is, however, noted in Table 3-10 on the following page. The inconsistency is troubling.

<https://ebird.org/checklist/S88054789>

APPENDIX 2 (full minutes follow)

From Aug 6, 2021 Scoping Meeting attending by ECAC member S. Levin

“EEPAC: questioned if mussel studies in the Thames River are included. City of London indicated that a detailed EIS and permitting has been completed for the Huron Street Watermain which has an overlapping study area with this project. Detailed surveys have been completed to document presence of mussel species in the reach already. AECOM indicated that fish habitat assessments at the Thames River do not include in-water studies. Presence of mussels will be assumed or confirmed via background documentation and recommendations for a mussel relocation plan will be made if in-water works are proposed for the new or upgrade storm sewer outfall.”

“EEPAC noted that there was an EA completed a number of years ago for a repair/relocation of an exposed water line within the study area done for the city of London (Pat Lupton). City of London/EEPAC to provide referenced EA report.”

“City of London requested recommendations on whether there is a wait period between when mussels can be relocated again (i.e., if there is a rest period required), as mussels may need to be relocated again for this project after they have been relocated for the Huron Street Watermain. AECOM referenced the DFO Mussel Relocation Plan, which will be provided to City of London, and indicated that relocation is limited based on timing of year and temperature of the water (has to be >16°C). It is also recommended that mussels relocated for the Huron Street Watermain project should not be moved to the future construction footprint for the proposed outfall for this project. AECOM to provide DFO Mussel Relocation Plan. City of London to provide Mussel Relocation Plan for Huron Watermain for AECOM’s reference.”

“City of London requested recommendations on whether there is a wait period between when mussels can be relocated again (i.e., if there is a rest period required), as mussels may need to be relocated again for this project after they have been relocated for the Huron Street Watermain. AECOM referenced the DFO Mussel Relocation Plan, which will be provided to City of London, and indicated that relocation is limited based on timing of year and temperature of the water (has to be >16°C). It is also recommended that mussels relocated for the Huron Street Watermain project should not be moved to the future construction footprint for the proposed outfall for this project. AECOM to provide DFO Mussel Relocation Plan. City of London to provide Mussel Relocation Plan for Huron Watermain for AECOM’s Reference.”

Minutes of Meeting

Meeting name

Environmental Impact Study Scope Consultation (Meeting #5)

Subject

Western Road – Sarnia Road / Philip Aziz Environmental Assessment

Meeting date

6-August -2021

Time

11:00 am

Location

Microsoft Teams

AECOM Project Number

60661402

Prepared By: AECOM

Attendees:

Emily Williamson, City of London
Brent Verscheure, UTRCA
Sandy Levin, EEPAC

Olga Hropach, AECOM
John Pucchio, AECOM
Karl Grueneis, AECOM
Katie Easterling, AECOM
Paul Adams, AECOM

Circulation:

Jane Fullick, City of London
Karl Grabowski, City of London

PLEASE NOTE: If this report does not agree with your records of the meeting, or if there are any omissions, please advise, otherwise we will assume the contents to be correct

Ref	Item	Action
01	Introductions	
	.1 General introduction of the project team was completed.	INFO
02	Background/Overview	INFO
	.1 AECOM initiated consultation and conceptual design work as part of an original Municipal Class Environmental Assessment (MCEA) between 2015 to 2016 for this same study area. The project was placed on hold in 2016 to consider alternatives for Rapid Transit routes through the study area.	
	.2 Project background was presented for work previously completed in support of the 2015 EA and proposed 2021 Natural Heritage Scope of Work as described in the attached slideshow presentation.	
03	General Discussion	AECOM / City
	.1 EEPAC: questioned if mussel studies in the Thames River are included. City of London indicated that a detailed EIS and permitting has been completed for the Huron Street Watermain which has an overlapping study area with this project. Detailed surveys have been completed to document presence of mussel species in the reach already. AECOM indicated that fish habitat assessments at the Thames River do not include in-water studies. Presence of mussels will be assumed or confirmed via background documentation and recommendations for a mussel relocation plan will be made if in-water works are proposed for the new or upgrade storm sewer outfall.	

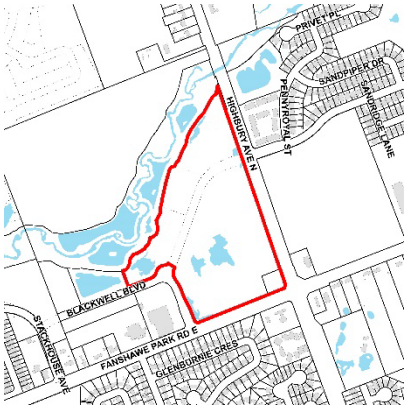
Ref	Item	Action
.2	EEPAC noted that the London BRT EIS also has overlapping study area and may have additional information about Species at Risk (SAR). City of London noted that AECOM is already in possession of this report.	
.3	EEPAC noted that there was an EA completed a number of years ago for a repair/relocation of an exposed water line within the study area done for the city of London (Pat Lupton). City of London/EEPAC to provide referenced EA report.	
.4	City of London indicated there are sensitive areas relating to reptile SAR along the east and west banks of the Thames River at the outlet and that extreme caution need to be taken during field investigations not to disturb habitat or potential SAR. AECOM noted that no in-field investigation work is proposed along the east bank. The City is to provide a high level map showing ecological concerns.	
.5	City of London noted that they can share Scott Gillingwater's report of his findings along the Thames River at the proposed outfall location with AECOM in order to provide better understanding of site sensitivity. City of London has already provided UTRCA report, which contains sensitive SAR information and is meant for AECOM's internal ecology team to review.	
.6	AECOM asked if someone from UTRCA needs to accompany AECOM field staff while completing work along the Thames River. UTRCA responded that its not required but Scott may want to attend, and AECOM should extend an invitation. AECOM to extend an invitation for field site visit which is currently planned for August 12, 2021.	
.7	City of London requested recommendations on whether there is a wait period between when mussels can be relocated again (i.e., if there is a rest period required), as mussels may need to be relocated again for this project after they have been relocated for the Huron Street Watermain. AECOM referenced the DFO Mussel Relocation Plan, which will be provided to City of London, and indicated that relocation is limited based on timing of year and temperature of the water (has to be >16°C). It is also recommended that mussels relocated for the Huron Street Watermain project should not be moved to the future construction footprint for the proposed outfall for this project. AECOM to provide DFO Mussel Relocation Plan. City of London to provide Mussel Relocation Plan for Huron Watermain for AECOM's reference	
.8	AECOM noted that the northwest area of the intersection of Western Road / Sarnia Road / Phillip Aziz Avenue, will consider future road connections from the University but development will be done by the University. Field work has been completed in that area in 2015 and will be re-confirmed in 2021 from publicly accessible areas.	
.9	EEPAC noted the presence of an environmentally significant area (ESA) in the area and mentioned that there has been restoration works with the University and a native nursery. Suggested contacting Michael Lunau for more information. City of London identified that there may be a new edge delineation for the ESA which they will provided once available. AECOM to confirm if work was previously done in the ESA. City of London provided contact for Michael Lunau. City of London to provide ESA delineation.	
.10	City of London, AECOM and EEPAC reviewed the EIS checklist. City of London requested that the PDF checklist be used instead and re-sent. City of London to provide vegetation patch numbers. AECOM to provide PDF checklist.	
.11	AECOM requested UTRCA to provide most recent regulated flood plain limits for the study area. UTRCA to provide regulation limits mapping.	



NOTICE OF PLANNING APPLICATION

Request for Extension of Plan of Subdivision Draft Approval

1300 Fanshawe Park Road East Stoney Creek South Subdivision



File: 39T-04512

Applicant: 700531 Ontario Limited c/o Tony Marsman

What is Proposed?

- Consideration of a request for a three (3) year extension to Draft Approval for the Stoney Creek South Subdivision
- Draft approval lapses on February 13, 2023



LEARN MORE & PROVIDE INPUT

Please provide any comments by **January 27, 2023**

Sean Meksula

smeksula@london.ca

519-661-CITY (2489) ext. 5349

Development Services, City of London, 300 Dufferin Avenue, 6th Floor,
London ON PO BOX 5035 N6A 4L9

File: 39T-04512

london.ca/planapps

You may also discuss any concerns you have with your Ward Councillor:

Jerry Pribil Ward 5

jpribil@london.ca

519-661-CITY (2489) ext. 4005

**If you are a landlord, please post a copy of this notice where your tenants can see it.
We want to make sure they have a chance to take part.**

Application Details

The Stoney Creek South Subdivision was granted draft approval on October 18, 2006 for: two (2) commercial blocks, two (2) high density residential blocks, two (2) medium density residential blocks, one (1) stormwater management block, one (1) open space block, one (1) park block, and several reserve and road widening blocks served by two (2) new secondary collector roads. Four extensions of draft plan approval were granted for the file in April, 2010, in October, 2013, February, 2017 and most recently in February, 2020.

Phase 1 of the draft plan (approximately 4.2 ha), consisting of one (1) multi-family block (street townhomes), one (1) commercial block, one (1) park block, one (1) stormwater management block, and five (5) reserve blocks, all served by two new secondary collector roads (Rob Panzer Road, and Blackwell Boulevard), was granted final approval by the Approval Authority on September 12, 2016 and is registered as 33M-701.

The Applicant has requested a three (3) year draft plan extension for the remainder of the lands. The current draft plan is set to expire on February 13, 2023.

Proposal

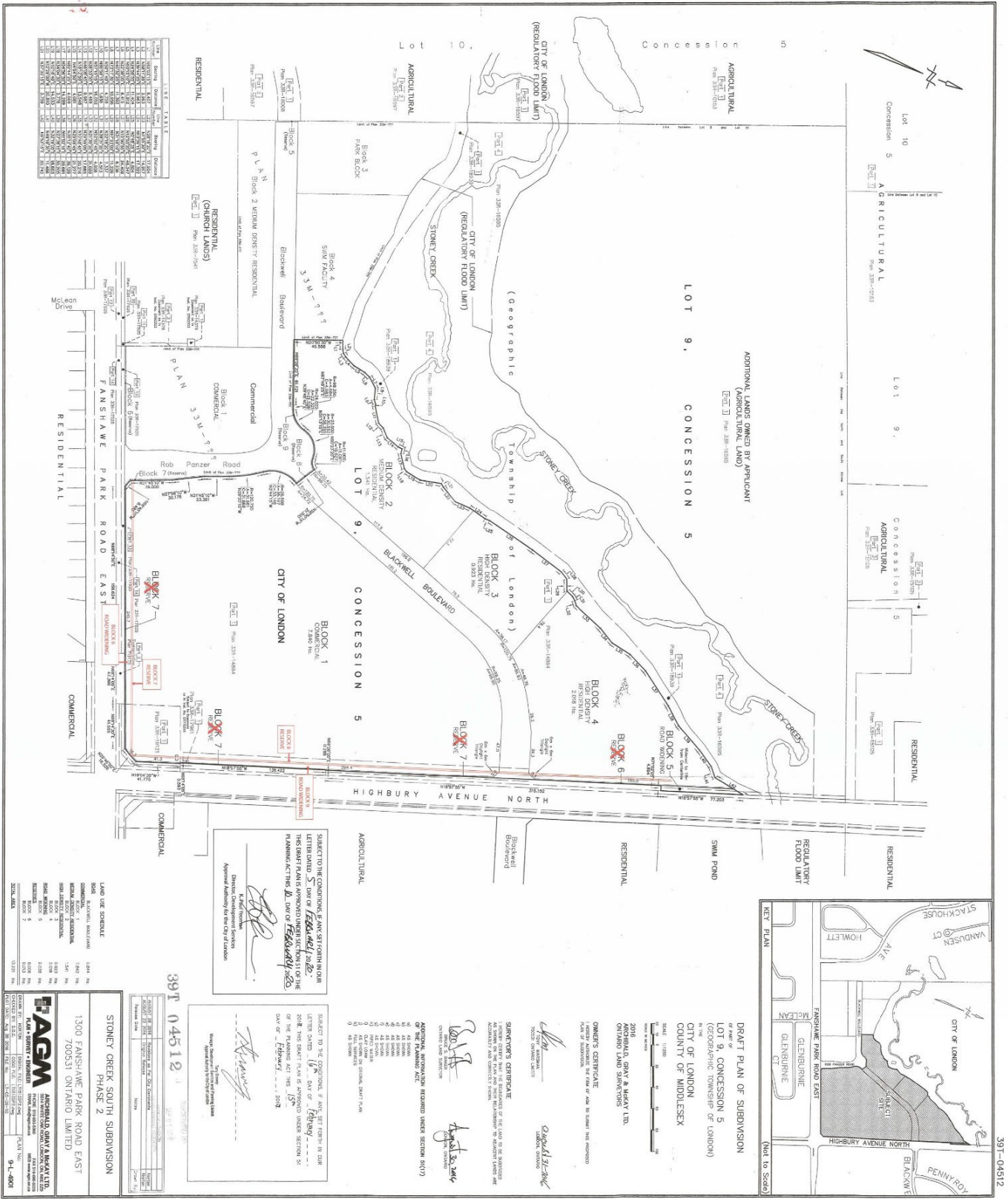
The request is for an extension to Draft Approval for the Stoney Creek South Subdivision for three (3) years. The extension will provide additional time for the applicant to satisfy conditions and register the remaining lands.

How to Comment

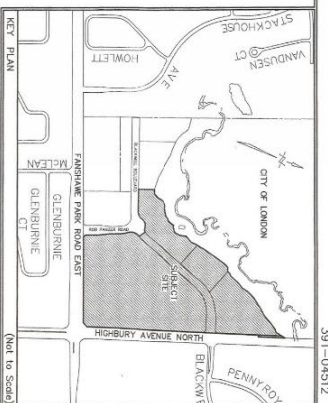
Please review the attached location map, reduced copy of the Draft Approved plan, and conditions of draft approval and forward any issues, comments or revisions to conditions of draft approval to this department no later than **January 27, 2023**. Should you require an extension for reply, please advise this department, in writing, as soon as possible. Comments will be reviewed and summarized in a report that will be submitted to the Planning and Environment Committee of City Council for consideration. If you would like to view the full scale version of the Draft Approved plan, please contact the file manager.

Accessibility – Alternative accessible formats or communication supports are available upon request. Please contact accessibility@london.ca or 519-661-CITY (2489) extension 2425 for more information.

Draft Plan of Subdivision



Block	Area (sq. m)	Area (sq. ft.)	Area (acres)
Block 1	1,234.56	14,456.78	3.54
Block 2	2,345.67	27,345.67	6.75
Block 3	3,456.78	39,678.90	10.00
Block 4	4,567.89	52,890.12	13.30
Block 5	5,678.90	65,456.78	16.40
Block 6	6,789.01	78,567.89	19.50
Block 7	7,890.12	91,234.56	22.60



39T 04512

STONEY CREEK SOUTH SUBDIVISION
 PHASE 2
 1300 FANSHAWE PARK ROAD EAST
 700531 ONTARIO LIMITED

FAGM ARCHIBALD, GRAY & MCKAY LTD.
 PLANNERS & ENGINEERS

APPROVED

[Signature]
 Director, Development Services
 Approved Authority for the City of London

APPROVED

[Signature]
 Director, Planning Services
 Approved Authority for the City of London

APPROVED

[Signature]
 Director, Engineering Services
 Approved Authority for the City of London

APPROVED

[Signature]
 Director, Planning Services
 Approved Authority for the City of London

APPROVED

[Signature]
 Director, Planning Services
 Approved Authority for the City of London

APPROVED

[Signature]
 Director, Planning Services
 Approved Authority for the City of London

APPROVED

[Signature]
 Director, Planning Services
 Approved Authority for the City of London

Conditions of Draft Approval

THE CORPORATION OF THE CITY OF LONDON'S CONDITIONS AND AMENDMENTS TO FINAL APPROVAL FOR THE REGISTRATION OF THIS SUBDIVISION, FILE NUMBER 39T- 04512 ARE AS FOLLOWS:

NO.	CONDITIONS
1.	This draft approval applies to the draft plan submitted by 700531 Ontario Limited, prepared by AGM Ltd., certified by Bruce Baker, Ontario Land Surveyor, dated August 30, 2016, File No. LT-05-09-10, Plan No. 9-L-4901, as redlined, which shows one (1) commercial block, two (2) high density residential blocks, one (1) medium density residential block, and several reserve and road widening blocks served by one (1) new secondary collector road (Blackwell Boulevard).
2.	This approval of the draft plan applies for three years, and if final approval is not given by that date, the draft approval shall lapse, except in the case where an extension has been granted by the Approval Authority.
3.	In conjunction with the first submission of engineering drawings, street(s) shall be named and the municipal addressing shall be assigned to the satisfaction of the City.
4.	Prior to final approval, the Owner shall submit to the Approval Authority a digital file of the plan to be registered in a format compiled to the satisfaction of the City of London and referenced to NAD83UTM horizon control network for the City of London mapping program.
5.	The Owner shall enter into a subdivision agreement with the City, in the City's current approved form (a copy of which can be obtained from Development Services), which includes all works and services required for this plan, and this agreement shall be registered against the lands to which it applies.
6.	Prior to final approval the Owner shall pay in full all financial obligations/encumbrances owing to the City on the said lands, including property taxes and local improvement charges.
7.	Prior to final approval, the Owner shall provide copies of all transfer documentation for all land transfers/dedications and easements being conveyed to the City, for the City's review and approval.
8.	The Owner shall comply with all City of London standards, guidelines and requirements in the design of this draft plan and all required engineering drawings, to the satisfaction of the City. Any deviations from the City's standards, guidelines or requirements shall be satisfactory to the City.
9.	Prior to final approval, for the purposes of satisfying any of the conditions of draft approval herein contained, the Owner shall file with the Approval Authority a complete submission consisting of all required clearances, fees, final plans, and any required studies, reports, data, information or detailed engineering drawings, and to advise the Approval Authority in writing how each of the conditions of draft approval has been, or will be, satisfied. The Owner acknowledges that, in the event that the final approval package does not include the complete information required by the Approval Authority, such submission will be returned to the Owner without detailed review by the City.

PARKS and OPEN SPACE

10. At the time of registration of the plan, an easement shall be given to the City over a portion of Block 4 (approx. 0.021 ha in size) to be used as part of the future pathway. This easement will satisfy parkland dedication for four (4) units. Cash-in-lieu of parkland

in accordance with By-law CP-9 shall be required for the 223rd dwelling unit or greater in residential Blocks 2, 3, and 4.

11. The Owner shall not grade into any open space area. Where Blocks abut an open space area, all grading of the developing lots or blocks at the interface with the open space areas are to match grades to maintain existing slopes, topography and vegetation. In instances where this is not practical or desirable, any grading into the open space shall be to the satisfaction of the City.

SANITARY

12. In order to prevent any inflow and infiltration from being introduced to the sanitary sewer system, the Owner shall, throughout the duration of construction within this plan, undertake measures within this draft plan to control and prevent any inflow and infiltration and silt from being introduced to the sanitary sewer system during and after construction, satisfactory to the City, at no cost to the City, including but not limited to the following:
 - i) Not allowing any weeping tile connections into the sanitary sewers within this Plan;
 - ii) Permitting the City to undertake smoke testing or other testing of connections to the sanitary sewer to ensure that there are no connections which would permit inflow and infiltration into the sanitary sewer.
 - iii) Install Parson Manhole Inserts (or approved alternative satisfactory to the City Engineer) in all sanitary sewer maintenance holes at the time the maintenance hole(s) are installed within the proposed draft plan of subdivision. The Owner shall not remove the inserts until sodding of the boulevard and the top lift of asphalt is complete, all to the satisfaction of the City Engineer.
 - iv) Having his consulting engineer confirm that the sanitary sewers meet allowable inflow and infiltration levels as per OPSS 410 and OPSS 407; and
 - v) Implementing any additional measures recommended through the accepted Design Studies.
13. Prior to registration of this Plan, the Owner shall obtain consent from the City to reserve capacity at the Adelaide Pollution Control Plant for this subdivision. This treatment capacity shall be reserved by the City subject to capacity being available, on the condition that registration of the subdivision agreement and the plan of subdivision occur within one (1) year of the date specified in the subdivision agreement.

Failure to register the Plan within the specified time may result in the Owner forfeiting the allotted treatment capacity and, also, the loss of his right to connect into the outlet sanitary sewer, as determined by the City. In the event of the capacity being forfeited, the Owner must reapply to the City to have reserved sewage treatment capacity reassigned to the subdivision.

STORM AND STORMWATER MANAGEMENT

14. The Owner shall construct the storm sewers to serve this plan and connect them to this plan to the storm outlet for the subject lands which is the Stoney Creek via the existing storm sewer, namely, the 750 mm diameter storm sewer on Blackwell Boulevard and Rob Panzer Way.
15. The Owner shall have his consulting professional engineer design and construct the proposed storm/drainage and Stormwater Management servicing works for the subject lands, all to the specifications and satisfaction of the City in accordance to the requirements of the following:
 - i) The SWM criteria and environmental targets for the Stoney Creek Subwatershed Study;
 - ii) The approved Storm/Drainage and SWM Servicing Functional Report for the subject lands;
 - iii) The accepted Municipal Class EA for Storm Drainage and Stormwater Management Servicing Works for the Stoney Creek Undeveloped Lands (2008);
 - iv) The approved Functional Stormwater Management Plan report for the Stoney Creek Regional Flood Control Facility;
 - v) The stormwater Letter/Report of Confirmation for the subject development prepared and accepted in accordance with the file manager process;

- vi) The City's Waste Discharge and Drainage By-laws, lot grading standards, policies, requirements and practices;
 - vii) The City of London Environmental and Engineering Services Department Design Specifications and Requirements, as revised;
 - viii) The City's Design Requirements for Permanent Private Stormwater Systems approved by City Council and effective as of January 1, 2012. The stormwater requirements for PPS for all medium/high density residential, institutional, commercial and industrial development sites are contained in this document, which may include but not be limited to quantity/quality control, erosion, stream morphology, etc.;
 - ix) The Ministry of the Environment SWM Practices Planning and Design Manual (2003); and
 - x) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.
16. The Owner's shall implement SWM soft measure Best Management Practices (BMP's) within the plan 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. Prior to the acceptance of engineering drawings, the Owner's consulting engineer shall certify the development has been designed such that increased and accelerated stormwater runoff from this subdivision will not cause damage to downstream lands, properties or structures beyond the limits of this subdivision. Notwithstanding any requirements of and/or any approvals given by the City, the Owner shall indemnify the City against any damage or claim for damages arising out of or alleged to have arisen out of such increased or accelerated stormwater runoff from this subdivision.
18. In accordance with City standards or as otherwise required by the City, the Owner shall complete the following for the provision of stormwater management (SWM) and stormwater services for this draft plan of subdivision:
- i) Make provisions to oversize and deepen the internal storm sewers in this plan to accommodate flows from upstream lands within the drainage area external to this plan;
 - ii) Construct and implement erosion and sediment control measures as accepted in the Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation for these lands and the Owner shall correct any deficiencies of the erosion and sediment control measures forthwith; and
 - iii) Address forthwith any deficiencies of the stormwater works and/or monitoring program.
19. Prior to the issuance of any Certificates of Conditional Approval for any lot in this plan, the Owner shall complete the following:
- i) For lots and blocks in this plan or as otherwise approved by the City Engineer, all storm/drainage and SWM related works to serve this plan must be constructed and operational in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City;
 - ii) The SWM Facility to serve this plan must be constructed and operational; and
 - iii) Construct and have operational the major and minor storm flow routes for the subject lands, to the satisfaction of the City.
 - iv) Implement all geotechnical/slope stability recommendations made by the geotechnical report accepted by the City.
20. The Owner shall ensure the post-development discharge flow from the subject site must not exceed the capacity of the stormwater conveyance system. In an event, where the above condition cannot be met, the Owner shall provide SWM on-site controls that comply to the City's Design Specifications and Requirements for Permanent Private Stormwater Systems.
21. The Owner shall ensure that all existing upstream external flows traversing this plan of subdivision, as shown on the accepted engineering drawings for Plan 33M-701, are accommodated within the overall minor and major storm conveyance servicing system(s) design, all to the specifications and satisfaction of the City Engineer.

22. The Owner shall develop a sediment and erosion control plan(s) that will identify all required sediment and erosion control measures for the subject lands in accordance with City of London and Ministry of the Environment, Conservation and Parks standards and requirements, all to the satisfaction of the City. The sediment and erosion control plan(s) shall identify all interim and long term measures that would be required for both registration and construction phasing/staging of the development and any major revisions to these plans after the initial acceptance shall be reviewed/accepted by the City of London for conformance to our standards and Ministry of the Environment, Conservation and Parks requirements. Prior to any work on the site, the Owner's professional engineer shall submit these measures as a component of the Functional Storm/Drainage Servicing Report and is to have these measures established and approved all to the satisfaction of the City Engineer. Further, the Owner's Professional Engineer must confirm that the required sediment and erosion control measures are being maintained and operated as intended during all phases of construction.

WATER

23. Prior to the issuance of any Certificate 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 services for this draft plan of subdivision:
- i) Construct watermains to serve this Plan and connect them to the existing municipal system, namely, the existing 250 mm diameter watermain on Blackwell Boulevard and the 300 mm diameter watermain on Highbury Avenue.
 - 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 or commercial equivalent; and
 - iii) The available fireflow and appropriate hydrant colour code (in accordance with the City of London Design Criteria) are to be shown on engineering drawings. The fire hydrant colour code markers will be installed by the City of London at the time of Conditional Approval.
24. The Owner shall obtain all necessary approvals from the City Engineer for individual servicing of blocks in this subdivision, prior to the installation of any water services for the blocks.
25. Prior to the issuance of any Certificates of Conditional Approval the Owner shall install and commission the accepted water quality measures required to maintain water quality within the water distribution system during build-out, all to the satisfaction of the City Engineer, at no cost to the City. The measures which are necessary to meet water quality requirements, including their respective flow settings, etc shall be shown clearly on the engineering drawings.
26. With respect to the proposed Blocks, the Owner shall include in all agreements of purchase and sale, and/or lease of Blocks in this plan, a warning clause advising the purchaser/transferee that should these develop as a Vacant Land Condominium or in a form that may create a regulated drinking water system under O.Reg. 170/03, the Owner shall be responsible for meeting the requirements of the legislation.

If deemed a regulated system, there is potential the City of London could be ordered to operate this system in the future. As such, the system would be required to be constructed to City standards and requirements.

27. The Owner shall ensure implemented water quality measures shall remain in place until there is sufficient occupancy demand to maintain water quality within the Plan of Subdivision without their use. The Owner is responsible for the following:
- i) To meter and pay the billed costs associated with any automatic flushing devices including water discharged from any device at the time of their installation until removal;
 - ii) Any incidental and/or ongoing maintenance of the automatic flushing devices;
 - iii) Payment for maintenance costs for these devices incurred by the City on an ongoing basis until removal;
 - iv) All works and the costs of removing the devices when no longer required; and
 - v) Ensure the automatic flushing devices are connected to an approved outlet.

28. The Owner shall ensure the limits of any request for Conditional Approval shall conform to the staging and phasing plan as set out in the accepted water servicing report and shall include the implementation of the interim water quality measures. In the event the requested Conditional Approval limits differ from the staging and phasing as set out in the accepted water servicing report, the Owner would be required to submit revised plans and hydraulic modeling as necessary to address water quality.

TRANSPORTATION

29. The Owner shall be permitted one limited access vehicular access from Block 1 to Highbury Avenue North and one limited access vehicular access from Block 1 to Fanshawe Park Road East. The location of these access points shall be to the satisfaction of the City.
30. The Owner shall not be permitted any vehicular access from Block 4 to Highbury Avenue North.
31. The Blackwell Boulevard road allowance at Highbury Avenue North shall be a minimum of 28 m for a minimum length of 45 metres. Within this road allowance the Owner shall construct gateway treatments. Beyond this widened road allowance, the road allowance shall be tapered to 21.5 m.
32. The Owner shall construct sidewalks within this plan on both sides of Blackwell Boulevard, to the satisfaction of the City.
33. Any dead ends and open sides of road allowances created by this draft plan, or by phasing of this plan, shall be terminated in 0.3 metre reserves to be conveyed to the City of London until required for the future production of such road allowance.
34. The Owner shall direct all construction traffic to Highbury Avenue North to the satisfaction of the City.
35. The Owner shall dedicate 0.3 m (1') reserves blocks to the City of London at the following locations:
- i) Along the entire frontage of Fanshawe Park Road East; and
 - ii) Along the entire frontage of Highbury Avenue North.
36. In the event any work is undertaken on an existing street, the Owner shall establish and maintain a Traffic Management Plan (TMP) in conformance with City guidelines and to the satisfaction of the City for any construction activity that will occur on existing public roadways. The Owner shall have its contractor(s) undertake the work within the prescribed operational constraints of the TMP. The TMP will be submitted in conjunction with the subdivision servicing drawings for this plan of subdivision.
37. All through intersection and connections with existing streets and internal to this subdivision shall align with the opposing streets based on the centrelines of the street aligning through their intersections thereby having these streets centred with each other, unless otherwise approved by the City.
38. Within one year of registration of the plan, the Owner shall install street lighting on all streets and walkways within this plan to the satisfaction of the City, at no cost to the City. Where an Owner is required to install street lights in accordance with this draft plan of subdivision and where a street from an abutting developed or developing area is being extended, the Owner shall install street light poles and luminaires, along the street being extended, which match the style of street light already existing or approved along the developed portion of the street, to the satisfaction of the London Hydro for the City of London.
39. The Owner shall be required to make minor boulevard improvements on Fanshawe Park Road East and Highbury Avenue North 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.

40. The Owner shall have the common property line of Fanshawe Park Road East and Highbury Avenue North graded in accordance with the City of London Standard "Subdivision Grading Along Arterial Roads", at no cost to the City.

Further, the grades to be taken as the centreline line grades on Fanshawe Park Road East and Highbury Avenue North are the future ultimate centreline of road grades as determined by the Owner's professional engineer, satisfactory to the City. From these, the Owner's professional engineer is to determine the ultimate elevations along the common property line which will blend with the existing road, all to the satisfaction of the City.

41. The Owner shall ensure access to lots and blocks for the portion adjacent to gateway treatments as shown on the accepted engineering drawings will be restricted to rights-in and rights-out only.
42. The Owner shall make modifications to the curb radii on Highbury Avenue North and all associated works, to the satisfaction of the City, at no cost to the City.
43. At the time of registration of the plan, the Owner shall provide a road widening dedication on Fanshawe Park Road East measured 24.0m from center line to the satisfaction of the City Engineer.
44. At the time of registration of the plan, the Owner shall provide a road widening dedication on Highbury Avenue North measured 24.0m from center line to the satisfaction of the City Engineer.

OTHER SERVICING ISSUES

45. Prior to final approval, the Owner shall make arrangements with the affected property owner(s) for the construction of any portions of services or grading situated on private lands outside this plan, and shall provide satisfactory easements over these works, as necessary, all to the specifications and satisfaction of the City, at no cost to the City.
46. Once construction of any private services, ie: water storm or sanitary, to service the lots and blocks in this plan is completed and any proposed relotting of the plan is undertaken, the Owner shall reconstruct all previously installed services in standard location, in accordance with the approved final lotting and approved revised servicing drawings all to the specification of the City Engineer and at no cost to the City.
47. The Owner shall connect to all existing services and extend all services to the limits of the draft plan of subdivision, at no cost to the City, all to the specifications and satisfaction of the City.
48. In the event the draft plan develops in phases, upon registration of any phase of this subdivision, the Owner shall provide land and/or easements along the routing of services which are necessary to service upstream lands outside of this draft plan to the limit of the plan.
49. In the event the Owner wishes to further phase this plan of subdivision, the Owner shall submit as part of the revised engineering plan submission a phasing plan identifying all required temporary measures, and identify land and/or easements required for the routing of services which are necessary to service upstream lands outside this draft plan to the limit of the plan to be provided at the time of registration of each phase, all to the specifications and satisfaction of the City. All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.
50. The Owner shall remove any temporary works when no longer required and restore the land, at no cost to the City, to the specifications and satisfaction of the City.
51. With respect to any services and/or facilities constructed in conjunction with this plan, the Owner shall permit the connection into and use of the subject services and/or facilities by outside owners whose lands are served by the said services and/or facilities, prior to the said services and/or facilities being assumed by the City.

The connection into and use of the subject services by an outside Owner will be conditional upon the outside Owner satisfying any requirements set out by the City, and agreement by the outside Owner to pay a proportional share of the operational maintenance and/or monitoring costs of any affected unassumed services and/or facilities.

52. The Owner shall have its engineer notify existing property owners in writing, regarding the sewer and/or road works proposed to be constructed on existing City streets in conjunction with this subdivision, all in accordance with Council policy for "Guidelines for Notification to Public for Major Construction Projects".
53. The Owner shall advise the City in writing at least two weeks prior to connecting, either directly or indirectly, into any unassumed services constructed by a third party, and to save the City harmless from any damages that may be caused as a result of the connection of the services from this subdivision into any unassumed services.

Prior to connection being made to an unassumed service, the following will apply:

- i) In the event discharge is to unassumed services, the unassumed services must be completed and conditionally accepted by the City; and
- ii) The Owner must provide a video inspection on all affected unassumed sewers;

Any damages caused by the connection to unassumed services shall be the responsibility of the Owner.

54. The Owner shall pay a proportional share of the operational, maintenance and/or monitoring costs of any affected unassumed sewers or SWM facilities (if applicable) to third parties that have constructed the services and/or facilities to which the Owner is connecting. The above-noted proportional share of the cost shall be based on design flows, to the satisfaction of the City, for sewers or on storage volume in the case of a SWM facility. The Owner's payments to third parties shall:
 - i) Commence upon completion of the Owner's service work, connections to the existing unassumed services; and
 - ii) Continue until the time of assumption of the affected services by the City.
55. If, during the building or constructing of all buildings or works and services within this subdivision, any deposits of organic materials or refuse are encountered, the Owner shall report these deposits to the City Engineer and Chief Building Official immediately, and if required by the City Engineer and Chief Building Official, the Owner shall, at his own expense, retain a professional engineer competent in the field of methane gas to investigate these deposits and submit a full report on them to the City Engineer and Chief Building Official. Should the report indicate the presence of methane gas then all of the recommendations of the engineer contained in any such report submitted to the City Engineer and Chief Building Official shall be implemented and carried out under the supervision of the professional engineer, to the satisfaction of the City Engineer and Chief Building Official and at the expense of the Owner, before any construction progresses in such an instance. The report shall include provision for an ongoing methane gas monitoring program, if required, subject to the approval of the City Engineer and review for the duration of the approval program.

If a permanent venting system or facility is recommended in the report, the Owner shall register a covenant on the title of each affected lot and block to the effect that the Owner of the subject lots and blocks must have the required system or facility designed, constructed and monitored to the specifications of the City Engineer, and that the Owners must maintain the installed system or facilities in perpetuity at no cost to the City. The report shall also include measures to control the migration of any methane gas to abutting lands outside the Plan.

56. Should any contamination or anything suspected as such, be encountered during construction, the Owner shall report the matter to the City Engineer and the Owner shall hire a geotechnical engineer to provide, in accordance with the Ministry of the Environment "Guidelines for Use at Contaminated Sites in Ontario", "Schedule A – Record of Site Condition", as amended, including "Affidavit of Consultant" which summarizes the site assessment and restoration activities carried out at a contaminated

site, in accordance with the requirements of latest Ministry of Environment and Climate Change “Guidelines for Use at Contaminated Sites in Ontario” and file appropriate documents to the Ministry in this regard with copies provided to the City. The City may require a copy of the report should there be City property adjacent to the contamination.

Should any contaminants be encountered within this Plan, the Owner shall implement the recommendations of the geotechnical engineer to remediate, removal and/or disposals of any contaminates within the proposed Streets, Lot and Blocks in this Plan forthwith under the supervision of the geotechnical engineer to the satisfaction of the City at no cost to the City.

In the event no evidence of contamination is encountered on the site, the geotechnical engineer shall provide certification to this effect to the City.

57. If any temporary measures are required to support the interim conditions in conjunction with the phasing, the Owner shall construct temporary measures and provide all necessary land and/or easements, to the specifications and satisfaction of the City, at no cost to the City.

58. The Owner shall decommission any abandoned infrastructure, at no cost to the City, including cutting the water service and capping it at the watermain, all to the specifications and satisfaction of the City.

The Owner shall remove all existing accesses and restore all affected areas, all to the satisfaction of the City, at no cost to the City.

59. In conjunction with the revised engineering drawings, the Owner shall provide to the City for review and acceptance an updated hydrogeological and geotechnical report and/or supplemental letter prepared by a qualified consultant, to determine, including but not limited to, the following:

i) Provide recommendations for foundation design should high groundwater be encountered, all to the satisfaction of the City.

60. Prior to the issuance of any Certificate of Conditional Approval, the Owner’s professional engineer shall certify that any remedial or other works as recommended in the accepted updated hydro geological and geotechnical report are implemented by the Owner, to the satisfaction of the City, at no cost to the City.

61. Should the current or any future Owner come in with a revised development proposal for these lands, the applicant may be required to complete a design studies submission as per the File Manager process and resubmit engineering drawings, all to the satisfaction of the City.

62. The Owner shall either register against the title of Block 1 in this Plan, or shall include in the agreement of purchase and sale for the transfer of each of the Blocks, 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 approved otherwise by the City Engineer.

63. The Owner shall submit the required revised engineering drawings to the satisfaction of the City for review and acceptance by the City.

64. The Owner shall construct this plan of subdivision in accordance with the accepted Design Studies for this plan of subdivision, to the satisfaction of the City.

65. 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 arrangement 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.

66. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make adjustments to the existing works and services on Blackwell Boulevard, Highbury Avenue North and Fanshawe Park Road East, 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, al to the satisfaction of the City Engineer, at no cost to the City.
67. In conjunction with engineering drawings submission, the Owner shall submit a Development Charge work plan outlining the costs associated with the design and construction of the DC eligible works. The work plan must be approved by the City Engineer and City Treasurer (as outlined in the most current DC By-law) prior to advancing a report to Planning and Environment Committee recommending approval of the special provisions for the subdivision agreement.
68. In conjunction with registration of the Plan, the Owner shall provide to the appropriate authorities such easements and/or land dedications (e.g. 0.3 metre reserve blocks) as may be required for all municipal works and services associated with the development of the subject lands, such as road, utility, drainage or stormwater management (SWM) purposes, to the satisfaction of the City, at no cost to the City.
69. Prior to the issuance of a Certificate of Conditional Approval for each construction stage of this subdivision, all servicing works for the stage and downstream works must be completed and operational, in accordance with the approved design criteria and accepted drawings, all to the specification and satisfaction of the City.
70. The Owner shall not commence construction or install *any* services (eg. Clearing or servicing of land) involved with this plan prior to entering into a site alteration agreement or subdivision agreement and obtaining all necessary permits, approvals and/or certificates that need to be issued in conjunction with the development of the subdivision, unless otherwise approved by the City in writing; (e.g. MOE certificates; City/Ministry/Agency permits: Approved Works, water connection, water-taking, navigable waterways; approvals: UTRCA, MNR, MOE, City; etc; etc.).
71. Prior to any work on the site, the Owner shall decommission and permanently cap any abandoned wells located in this Plan, in accordance with current provincial legislation, regulations and standards. In the event that an existing well in this Plan is to be kept in service, the Owner shall protect the well and the underlying aquifer from any development activity.
72. The Owner's professional engineer shall provide inspection services during construction for all work to be assumed by the City, and shall supply the City with a Certification of Completion of Works upon completion, in accordance with the plans accepted by the City Engineer.

From: smeksula@London.ca
To: s.levin@sympatico.ca
Sent: Friday, January 13, 2023 10:32 AM
Subject: RE: [EXTERNAL] 39T-04512

Hi Sandy,

Happy New Year. Sorry for the delay I had to check the file as this has been around for awhile. The condition was added below in the original conditions and cleared as part of phase 1 in 2016. I hope this helps.

“The Owner shall prepare an Environmental Impact Statement Addendum to the satisfaction of the City to address the possible impacts of the stormwater management facility outlet on Stoney Creek.”

Regards,



Sean Meksula, MCIP, RPP (He/Him)

Senior Planner, Subdivision Planning

Planning and Development, Planning and Economic Development



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From: s.levin s.levin <s.levin@sympatico.ca>

Sent: Wednesday, January 11, 2023 4:14 PM

To: Meksula, Sean <smeksula@London.ca>

Subject: [EXTERNAL] 39T-04512

Hi Sean, happy new year. I see the notice of extension for the draft plan is on the ECAC agenda. I assume as no development is imminent, we needn't do anything with this , is that correct? Looking ahead tho, will an EIS be required as part of the draft approval or was one already done ??

Regards

Sandy