

July 16, 2023

Planning and Environment Committee
City of London
P.O. Box 5035
300 Dufferin Avenue, 6th Floor
London, ON N6A 4L9

**RE: File: 39T-16509/Z-8720, Sifton Properties Limited
3614, 3630 Colonel Talbot Road and 6621 Pack Road, London**

To the Chair and Committee Members:

My name is Geoffrey Campbell and I am a graduate of Fanshawe College's Construction Engineering Technology program and a real estate developer in Simcoe County. I am representing my grandmother Christine Flaherty, owner and resident of 6499 Pack Road, London, Ontario regarding the implications of this proposal on her property.

The City of London designated 6499 Pack Road as *Open Space and Environmental Review* under the Southwest Area Plan (SWAP). The original SWAP was prepared using the AECOM Natural Heritage Study Report, March 2010, which was the basis of the environmental constraints framework used to identify the Natural Heritage System that required protection. This report identified no Natural Heritage Features, Natural Heritage System or areas recommended for consideration in the area surrounding 6499 Pack Road. Furthermore the Dingman Creek Subwatershed study identified 6499 Pack Road as agricultural and containing no Natural Heritage Features. To date no Environmental Impact Study (EIS) has been conducted at 6499 Pack Road as per the requirements of 20.5.16.4(ii) in the SWAP.

The Southwest Area Secondary Plan was referred to the Ontario Municipal Board with a decision reached on April 29, 2014 (File PL130020). The parties included Sifton Properties, Greenhills, York Developments and Southside Group of Companies, among others. In the decision it was noted that:

"...a great deal of time has been spent by the relevant parties, including the City. To arrive at a resolution of differences concerning the Natural Heritage and Open Space policies of the Plan (page 14)"

It is important to note that despite the above statement, the City of London and relevant parties did not include Christine Flaherty. As a result of the OMB decision, amendments were made to the areas designated on the map for Open Space and Environmental Review as well as the policies in the Secondary Plan. The resolution referred to above was to place the Open Space designation squarely on 6499 Pack Road and amend the "relevant party's" properties to Medium and Low Density Residential. In fact the Open Space/Environmental Review designation now covers 100% of 6499 Pack Road up to the property line (See Schedule 9 of the SWAP). It is highly unusual for a Natural Heritage Feature to be identified precisely along property boundaries.

Given the impact of this OMB decision on 6499 Pack Road and the City's participation, it would have been reasonable for the City of London to confer with Christine Flaherty and complete a Natural Heritage Study and Environmental Impact Study for her property to establish the evidence or lack thereof of Natural Heritage features. This OMB resolution is the constructive taking of private property as regulatory measures have deprived the owner of all reasonable or economic uses of its land.

Furthermore the SWAP includes language regarding the Fair Distribution of responsibilities and Resources;

20.5.16.8 Fair Distribution of responsibilities and Resources *The successful completion of the Southwest Planning Area depends on the co-operation of the owners and land developers to share in the equitable and fair distribution of commercial uses, residential density, affordable housing, unit types, community parkland, community facilities, affordable housing, open space, tree canopy cover, municipal infrastructure, etc., as required by this Plan. All Official*

Plan, subdivision, Zoning By-law amendment and site plan applications shall be required to include a statement of conformity with the requirements of this Plan, as part of a complete application. (SWAP page 106)

The Sifton proposal identifies 6499 Pack Road as a Future Neighbourhood Park (Drawing No 1). Cassels, the lawyers for Christine Flaherty have been in touch with the City regarding their intentions to expropriate the land as a future public park. We are in receipt of a letter from the City of London dated July 15, 2024 stating that the City has no intentions to expropriate the property. Sifton's identification of 6499 Pack Road as a Future Neighbourhood Park violates policy 20.5.16.8 mentioned above and as a result this proposal by Sifton is not in conformity with the Southwest Area Plan.

The Sifton proposal and supporting reports rely heavily on the concept of a Complete Corridor as justification for the removal of wetlands on their development site and for future storm water management as per the Report to Planning and Environment Committee by the Director, Planning and Development for the City of London. Their proposal references many studies within their submission that rely on 6499 Pack Road for their proposed Hydrogeological and Water Balance design, mitigation or implementation strategies, which is not permitted. There are also numerous references to the property at 6499 Pack Road referring to Wetland D, significant wildlife habitat; Turtle Wintering area; animal movement corridor; vegetation communities; and Amphibian Breeding habitat. In one instance a report indicated an Anuran Breeding Survey was conducted by listening from the roadside where access was not granted. In the case of 6499 Pack Road the roadside is over 150 meters from the area speculated to be anuran breeding habitat.

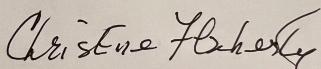
Christine Flaherty did not consent nor provide access to have any of these studies completed on her property meaning they were either obtained by way of trespass or are speculative in nature and cannot be included in this proposal.

For the reasons outlined in this letter we request that the City of London refuse to approve the zoning until Sifton demonstrates that they can develop their land without reliance on 6499 Pack Road for storm water management, hydrogeological and water balance design, open space or wetland compensation and restoration.

Sincerely,



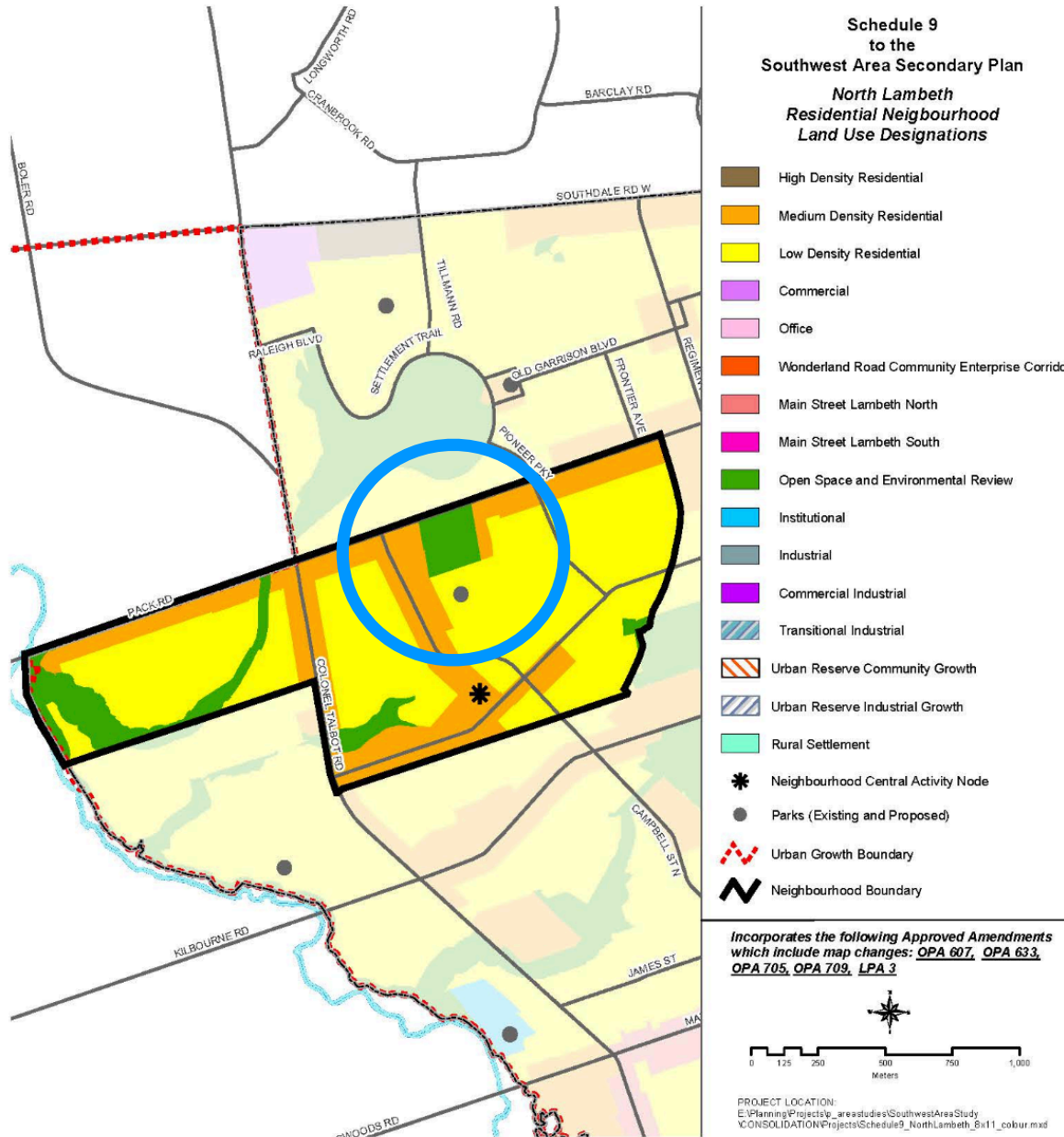
Geoffrey Campbell
Managing Partner
Oakleigh Holdings Inc.



Christine Flaherty
Owner
6499 Pack Road

SWAP

SCHEDULE 9



- Schedule 9 of the SWAP showing 6499 Pack Road as Open Space/Environmental Review
- Medium Density on both adjacent property lines
- Open Space and Environmental Review designation matches the property lines of 6499 Pack Road.

VEGETATION COMMUNITIES

Vegetation communities shown on 6499 Pack Road despite no permission or access granted to the site. The assumptions are based on data obtained by way of trespass or are speculative in nature.



Map 3

Hudson Park

Vegetation Communities

Legend

- Subject Lands
- Project Phase
- Butternut Location (*Juglans cinerea*)
- Dripline (NRSI surveyed Sept 29, 2023)
- Permanent Watercourse
- Intermittent Drainage Feature
- Ecological Land Classification (ELC)
- (Ag) Annual Row Crops
- (CUM1-1) Dry - Moist Old Field Meadow Type
- (CUP) Plantation
- (FOD4) Dry - Fresh Deciduous Forest Ecosite
- (FOD9-5) Fresh - Moist Bitternut Hickory Deciduous Forest Type
- (H) Hedgerow
- (MAM2-2) Reed-cannary Grass Mineral Meadow Marsh Type
- (MAS2-1) Cattail Mineral Shallow Marsh
- (SAF1-3) Duckweed Floating-leaved Shallow Aquatic Type
- Inclusion (ELC)
- (CUT1) Mineral Cultural Thicket Ecosite
- (CUW1) Mineral Cultural Woodland Ecosite
- (FOD7) Fresh - Moist Lowland Deciduous Forest Ecosite
- (SAS1) Submerged Shallow Aquatic Ecosite

Map Produced by Natural Resource Solutions Inc. This map is proprietary and confidential and must not be duplicated or distributed by any means without express written permission of NRSI. Data provided by MNRFO Copyright: King's Printer Ontario. Imagery: ESRI (2023).

Project: 1762	NAD83 - UTM Zone 17
Date: February 14, 2024	Size: 11x17"
1:3,500	

0 50 100 150 200 Metres

N

SIGNIFIANT WILDLIFE HABITAT

“Confirmed” Significant Amphibian Breeding Habitat Wetland identified on 6499 Pack Road despite no access to the site.
 Report states that it was evaluated by listening from the roadside.

