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December 10, 2013

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

Attention: Chair Baechler and Committee Members

**RE: City of London – Urban Growth Boundary Inclusion Requests (File: O-7938)
1620-1640 Fanshawe Park Road East – J-Aar Excavating Inc.
OUR FILE: Y347'E'**

We are writing on behalf of J-Aar Excavating Inc. (J-Aar) who has retained MHBC to assist with a request to include the above-referenced lands within the City's Urban Growth Boundary (UGB). In this capacity, we appeared before the Committee on July 23, 2013 to provide background details on the development potential of this site and to define the merits for including these lands within the UGB. A letter to this effect was also submitted to the Committee for consideration (dated July 23, 2013). Additionally, in conjunction with R.W. Stratford Consulting, we have provided City Staff with technical and financial information regarding site development in a submission dated September 13, 2013, and have subsequently met with staff to discuss this information in more detail.

SUBJECT LANDS

The lands in question are located on the north side of Fanshawe Park Road and to the east of Highbury Avenue. The majority of the lands (approximately 40 hectares) are currently licensed for gravel extraction. They are referred to as the Box Pit. Some rehabilitation of the pit is currently taking place where extraction has been completed.

This property is adjacent to the Kilally North Area Plan. The Area Plan anticipated that existing collector roads would connect through this property and that the ultimate development of this property would effectively round out the area plan. Further, as outlined in our July 23rd submission, the continued extraction of gravel creates land use conflicts for surrounding development. The continued operation of the gravel pit is protected in accordance with Provincial Policy and therefore the onus is on adjacent developers to incorporate mitigative measures such as noise and dust warning clauses, phasing of development and construction of berms. Should J-Aar be allowed to proceed with development plans on their lands, these land use conflicts would no longer remain and such mitigative measures would no longer be necessary.

COMMENTARY ON STAFF REPORT

We have had conducted a preliminary review of the Planning Division report, dated November 19, 2013, which sets out staff's findings and recommendations for the UGB assessment. Based upon our preliminary analysis, we have identified two immediate concerns with the assessment process:

1. **Public Consultation.** The study methodology, findings and recommendations set out in the staff report require detailed consideration, as well as further consultation with City staff to address technical matters. The report was made available for public review late in the afternoon of December 5, 2013. **In our opinion, there has been an inadequate amount of time made available to fully review this material and to determine what information gaps exist or additional clarification is necessary.**
2. **Evaluation Criteria.** Based upon our initial assessment of the staff report, we have identified several issues with the evaluation criteria utilized to determine if an inclusion request represents a 'near-term development opportunity'. This type of opportunity is defined in the report as follows:

'Near-term opportunities are defined as lands that could be developed within the next five years and are able to be serviced by existing or planned infrastructure and identified in the approved capital budgets and the GMIS to be in place within the next five years.'

It is further noted that the proposal must meet both of the aforementioned criteria in order to be fully considered in this analysis. As discussed in the report, only lands categorized as 'Tier 1' could meet the noted prerequisites as these sites only required works approved in past capital works budgets (i.e., lands that did not require a Development Charges fundable infrastructure project not currently planned in the City's Growth Management Infrastructure Strategy).

At this time, we have noted two fundamental concerns with this assessment methodology:

- i. Municipal Council, in its resolution dated July 30, 2013, directed staff to evaluate the possibility of re-adjusting the UGB *'when it represents logical sound planning and is cost-effective to the municipality by using infrastructure more effectively and efficiently'*. It is our position that the staff report does not provide an adequate level of technical and financial analysis needed to satisfy our client that inclusion of their site within the UGB would not provide the City with an opportunity to optimize the use of existing and planned infrastructure.
- ii. It is our understanding that there are relative few projects included in the GMIS which directly benefit lands currently outside the UGB. Notwithstanding, in the case of the J-Aar lands, the additional stormwater management works required to facilitate site development are not considered cost-prohibitive and may be less costly than capital investments required to service other sites in the UGB. Moreover, the report does not outline a mechanism by which infrastructure required for Tier 2 and Tier 3 sites could be introduced, provisionally, into the GMIS in order to avoid 'queue-jumping' designated projects. Further discussion is needed with staff to clarify these matters.

Given these considerations, we request that the Committee defer its decision on the Urban Growth Boundary inclusion requests in order to provide staff the opportunity to fully address our noted concerns and any other issues raised by interested parties.

Should you have any questions pertaining to matters presented in this submission, please contact the undersigned at your earliest convenience.

Respectfully submitted,

MHBC



Carol M. Wiebe, BES
Partner

c. Matt Falls, J-Aar Excavating Inc.