

**BNEC.01**

**Shell Type = use for OPA Amendment**

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**File No: O-7958**  
**Planner: B. PAGE**

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING &amp; ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>JOHN M. FLEMING DIRECTOR OF LAND USE PLANNING AND CITY PLANNER</b>
<b>SUBJECT:</b>	<b>APPLICATION BY: CITY OF LONDON RECLASSIFICATION OF ENVIRONMENTALLY SIGNIFICANT AREAS  PUBLIC PARTICIPATION MEETING ON MONDAY, JANUARY 16, 2012</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Director of Land Use Planning and City Planner, based on the application of the City of London relating to policies for Environmentally Significant Areas, the proposed by-law attached hereto as a Appendix "A", **BE INTRODUCED** at the January 31<sup>st</sup>, 2012, Municipal Council meeting to amend the Official Plan by changing Section 16 and Section 18 to re-classify Environmentally Significant Areas as a new and separate category within the park hierarchy system and delete the requirement for Conservation Master Plans to be consistent with the Bicycle Master Plan.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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December 13, 2010    An information report to the Built and Natural Environment Committee regarding the Trails and Environmentally Significant Areas planning process.

<b>PURPOSE AND EFFECT OF RECOMMENDED ACTION</b>
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The proposed policy amendments will provide better definition and clarity to the role and the function of environmentally significant areas within the parks hierarchy system and to delete the requirement for Conservation Master Plans to be consistent with the Bicycle Master Plan.

<b>RATIONALE</b>
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A planning report from the General Manager of Planning and Development was considered by the Built and Natural Environment Committee on December 13, 2010 regarding trails and environmentally significant areas. Based on public input to the Trails and ESAs planning process, it was recommended in that report that the Official Plan be amended to clearly distinguish Environmentally Significant Areas as separate and distinct from traditional parks. In addition, the OP policy requiring Conservation Master Plans for ESAs to be consistent with the Bicycle Master Plan was seen to conflict with the overall intent for use of ESAs. On December 20, 2010, Municipal Council received the report and directed staff to prepare and proceed with text amendments to the Official Plan to address two main points of concern raised through the process. In response to that direction:

1. The proposed Official Plan amendment will ensure the objectives of the Provincial Policy Statement (PPS) are met for City-owned environmentally significant areas;
2. The proposed Official Plan amendments will clarify the unique classification of Environmentally Significant Areas with the parks hierarchy system, and;
3. The proposed Official Plan amendments will eliminate the need for Conservation Master

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Plans to be consistent with the Bicycle Master Plan.

<b>SIGNIFICANT DEPARTMENT/AGENCY COMMENTS</b>
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None.

<b>PUBLIC LIAISON:</b>	Living in the City Notice September 13, 2011	3 replies
<p><b>Nature of Liaison:</b> Possible amendment to the City's Official Plan to review the City's park hierarchy classification system to better clarify Environmentally Significant Areas (ESA's) as natural heritage areas and not as a city-wide park within the hierarchy system. Consideration of the review will be given to Chapter 16 and 18 of the Official Plan.</p>		
<p><b>Responses:</b> All replies were in support of the proposed amendments.</p>		

<b>ANALYSIS</b>
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The City's goals and strategies for the identification, protection and management of its Natural Heritage System are outlined in the Official Plan in Chapter 2.9 (Planning Framework) and Chapter 15 (Environmental Policies). The policies in these chapters were derived from the London Environmental Plan (Vision London March 1996) which provided an environmental vision, principles, goals, and strategies for implementation. One of the key strategies to achieve these environmental goals is the promotion of an ecosystem approach to environmental planning, where "ecosystem" is defined as a community of living co-existing organisms and non-living physical and chemical environment in which that community lives.

Environmentally Significant Areas (ESAs) are a major component of the natural heritage system which is governed through Official Plan policies that are consistent with the *Provincial Policy Statement* (PPS) issued under authority of Section 3 of the *Planning Act*. The PPS contains policies to protect natural values of provincial interest and the quality of the natural environment. The PPS recognizes the need for sustainable resource management to protect essential ecological processes, minimize environmental impacts, and conserve land and resources to help meet long-term needs (MMAH 2005). Natural Heritage areas and features are addressed in Section 2.1 of the PPS. Municipal official plans must be consistent with the minimum standards set in the PPS and for London, the environmental policies in Chapter 15 of the City of London Official Plan provide for the recognition of significant natural features and ecological functions that are to be protected from incompatible development and site alteration.

Municipalities often acquire and manage these environmentally significant lands to protect and enhance natural features that contribute to biodiversity and ecosystem health, and to also provide for recreation opportunities for their residents, as ESAs are also part of the overall parks and open space system.

Municipal parks in Ontario are governed through application of the *Planning Act* (Statutes of Ontario, 1990) and the *Municipal Act* (Statutes of Ontario, 2001), that give municipalities the ability to pass by-laws with respect to cultural heritage, parks, recreation, and natural heritage. Historically, the goals and objectives of municipal parks have focused on meeting social, cultural and recreational needs. Some municipal Official Plans establish a classification for parks and open space based on objectives that recognize the range of conditions within their jurisdiction.

The City of London uses a four-tiered classification system to match parkland resources with user needs [neighbourhood, district, city-wide and regional parks (OP 16.2)]. The purpose, function, size, location, and activities that are intended to be provided are identified for each tier.

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Currently, ESAs are listed as a component of the “City-wide” parks tier and as such they may be construed as being subject to the provisions in section 16.2.5 that characterize the purpose, service radius, size, topography, location and use of City-wide parks, notwithstanding the specific cross-reference to the ESA policies in Section 15.3. Not all of these “parks” provisions are compatible with the objectives and goals of an ESA, therefore some minor amendments to the current policy are recommended to clarify and distinguish publicly owned natural areas such as ESAs as distinct and separate from “parks”.

To better clarify the unique classification of Environmentally Significant Areas, the Official Plan should establish a new classification for publicly owned ESAs that are recognized components of the Natural Heritage System as delineated on Schedule B1.

Chapter 16 should be amended to:

- a) Add a new general objective policy under 16.1 (x) for ESAs.

*16.1x) The provision of recreational opportunities within Environmentally Significant Areas is subject to the policies in Section 15 of the Official Plan.*

- b) Move clause 16.2.5.v) from the description under City-wide Parks to a new policy number that establishes ESAs as a separate classification outside of the four-tier park hierarchy.

*16.2.8 Environmentally Significant Areas*

*Environmentally Significant Areas identified as components of the Natural Heritage System include lands that are to be maintained in their natural state through appropriate management for the purposes for which it has been recognized. These lands will be subject to the policies of Section 15.3. Details of the management and recreational use of identified ESAs may be contained within a Conservation Master Plan as provided for in policy 15.3.8 of the Plan.*

The Transportation policies in Section 18 of the Official Plan state that one of the Transportation Objectives is:

*18.1.xii) Support the planning and development of bicycle routes and pedestrian paths that provide linkages among open space areas, major activity centers, employment nodes and the public transit system and that enhance the convenience, safety and enjoyment of these modes of travel.*

The Parks and Recreation OP policies provide direction to achieve these linkages, while the Parks and Recreation Strategic Master Plan (2009) provides overall direction and guidance for managing the City’s parks and recreation resources with a greater emphasis on achieving strong neighbourhoods, healthy lifestyles and sustainable environments.

The Bicycle Policies (18.2.13) refer to the Bicycle Master Plan as the framework to guide the development and implementation of a long-term comprehensive on and off-road commuter and recreational bicycling network. One of the policies states that:

*v) All development applications, including, but not limited to, plans of subdivision, severances, plans of condominium, Official Plan Amendments, zoning by-law amendments, site plans, Conservation Master Plans shall be reviewed to ensure that they are consistent with the Bicycle Master Plan.*

The inclusion of Conservation Master Plans in the list of development applications under 18.2.13.v) is not appropriate, as a Conservation Master Plan is about environmental protection and management and not “development”. Therefore, the reference to Conservation Master Plan in Section 18.2.13.v) of the Official Plan should be deleted.

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The intent of the Bicycle Master Plan in providing community linkages to support stronger neighbourhoods, active living and alternative transportation opportunities has been and will continue to be a consideration in the development of Conservation Master Plans. In London, most of our ESAs are surrounded by development and well used by the public for passive recreation and often to provide linkages between neighbourhoods. The two most recent Conservation Master Plans referenced Bicycle Master Plan objectives, but did not include continuous asphalt pathway linkages within the ESAs. The appropriateness of trail/pathway types and alignments are made during the environmental master planning process with the primary goal of the protection of the ESA.

<b>CONCLUSION</b>
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Environmentally Significant Areas are unique features of the City's Natural Heritage and Open Space System. Publically owned ESAs are a special classification of park and are managed under the guidance of Conservation Master Plans and not development applications. The primary objective of these master plans is to protect sensitive ecological features and functions, while providing safe accessible recreational opportunities.

The proposed changes to the Official Plan will assist in protection and the enhancement of these sensitive natural areas as distinct and separate areas from traditional parks.

<b>PREPARED BY:</b>	<b>SUBMITTED BY:</b>
<b>BRUCE PAGE – SR. PLANNER PARKS PLANNING &amp; DESIGN</b>	<b>A. W. MACPHERSON MANAGER- PARKS PLANNING &amp; DESIGN</b>
<b>RECOMMENDED BY:</b>	
<b>JOHN M. FLEMING, MCIP, RPP DIRECTOR OF LAND USE PLANNING AND CITY PLANNER</b>	

January 5, 2012  
bp  
Attach

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**Responses to Public Liaison Letter and Publication in “Living in the City”**

**Email**

Sandy Levin

**Written**

Nature London

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APPENDIX A

Bill No. (number to be inserted by Clerk's Office)  
2012

By-law No. C.P.-1284-\_\_\_\_\_

A by-law to amend the Official Plan for the City of London, 1989 relating to the Environmentally Significant Areas within the park hierarchy system.

The Municipal Council of The Corporation of the City of London enacts as follows:

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on January 31, 2011.

Joe Fontana  
Mayor

Catharine Saunders  
City Clerk

First Reading – January 31, 2012  
Second Reading – January 31, 2012  
Third Reading – January 31, 2012

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**AMENDMENT NO.**  
  
**to the**  
  
**OFFICIAL PLAN FOR THE CITY OF LONDON**

**A. PURPOSE OF THIS AMENDMENT**

The purpose of this Amendment is:

To add a new policy to Section 16.1 of the Official Plan to define and clarify the unique classification of Environmentally Significant Areas within the Park's Hierarchy System. To delete the reference in Section 18.2 requiring Conservation Master Plans to be consistent with the Bicycle Master Plan.

**B. LOCATION OF THIS AMENDMENT**

1. This Amendment applies to all lands located in the City of London.

**C. BASIS OF THE AMENDMENT**

Environmentally Significant Areas are listed as a component of the City-wide parks tier and as such they may be construed as being subject to the provisions in section 16.2.5 that characterize the purpose, service radius, size, topography, location and use of City-wide parks, notwithstanding the ESA policies of the Plan. Not all of the provisions within the City-wide park tier are compatible with the objectives and goals of an ESA. A new category for ESAs is required.

The Bicycle policies of the Official Plan refer to the Bicycle Master Plan as the framework to guide the development and implementation of a long-term comprehensive on and off-road commuter and recreational bicycling network. ESAs are guided by Conservation Master Plans unique to each individual ESA. The Official Plan requires all Conservation Master Plans to be consistent with the Bicycle Master Plan. The inclusion of Conservation Master Plans in the list of development applications is not considered appropriate, as a Conservation Master Plan is about environmental management and not development and therefore should be deleted from the list in Section 18.2 of the Official Plan.

**D. THE AMENDMENT**

The Official Plan for the City of London is hereby amended as follows:

1. By amending Section 16.1 of the Official Plan to add:

**16.1. GENERAL OBJECTIVES FOR PARKS AND RECREATION**

16.1(xi) *The provision of recreational opportunities within Environmentally Significant Areas is subject to the policies in Section 15 of the Official Plan.*

2. By amending Section 16.2.5.v of the Official Plan as follows:

~~16.2.5.v~~ **16.2.8**      *Environmentally Significant Areas*

*Environmentally Significant Areas identified as components of the Natural Heritage System include lands that are to be maintained in their natural state through appropriate management for the purposes for which they have been recognized. These lands will be subject to the policies of Section 15.3. Details of the management and recreational use of identified ESAs may be contained within a Conservation Master Plan as provided for in policy 15.3.8 of the Plan.*



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3. By amending Section 18.2.13.v of the Official Plan as follows:

18.2.13.v    All development applications, including, but not limited to, plans of subdivision, severances, plans of condominium, Official Plan Amendments, zoning by-law amendments and site plans, and ~~Conservation Master Plans~~ shall be reviewed to ensure that they are consistent with, and implement, the Bicycle Master Plan.