

Agenda Item #	Page #

File No.: OZ-8271
Planner: Mike Corby

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: THE CITY OF LONDON 15790 AND 15890 ROBINS HILL ROAD; 1010 AND 1030 WILTON GROVE ROAD; 2079 HURON STREET; 2072, 2080 DUNDAS STREET; 1473 DUNDAS STREET & 632, 646 AND 652 HALE STREET; 2536 AND 2544 COLONEL TALBOT ROAD AND 947 LONGWORTH ROAD NOTICE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD MEETING ON JUNE 17, 2014

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, in response to the letters of appeal to the Ontario Municipal Board, dated April 22, 2014 submitted by Anna Maria Valastro relating to Official Plan Amendments No. 568, 569, 570, 571 and 572, concerning 15790 and 15890 Robins Hill Road, 1010 and 1030 Wilton Grove Road, 2079 Huron Street, 2072, 2080 Dundas Street, 1473 Dundas Street and 632, 646 and 652 Hale Street and by Carol Wiebe on behalf of South Winds Development Co. Inc. relating to Official Plan Amendment No. 576 and Zoning By-law No. Z.-1-142282 concerning 2536 and 2544 Colonel Talbot Road and 947 Longworth Road, the Ontario Municipal Board **BE ADVISED** that the Municipal Council has reviewed its decision relating to this matter and sees no reason to alter it.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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On March 4, 2014 five reports were presented to the Planning and Environment Committee recommending approval of several Official Plan and Zoning By-law amendments which identified and protected significant natural heritage features on the subject sites where they exist and removed the natural heritage delineation from Official Plan Schedule "B-1" where no significant features have been identified as being present.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The recommended action would advise the Ontario Municipal Board that Municipal Council is in agreement with its previous decision of March 18, 2014 to:

- amend Schedule 'B-1' of the Official Plan to **DELETE** a portion of Unevaluated Vegetation Patch 04017 relating to the properties located at 1473 Dundas Street and 632, 646 and 652 Hale Street;
- amend Schedule 'B-1' of the Official Plan to **DELETE** Unevaluated Vegetation Patch 04022 relating to the properties located at 2072 and 2080 Dundas Street;
- amend Schedule 'B-1' of the Official Plan to **DELETE** Unevaluated Vegetation Patch 08023 relating to the property located at 2079 Huron Street.
- amend Schedule 'B-1' of the Official Plan to **DELETE** Unevaluated Vegetation Patch 10131 relating to the properties located at 1010 and 1030 Wilton Grove Road;

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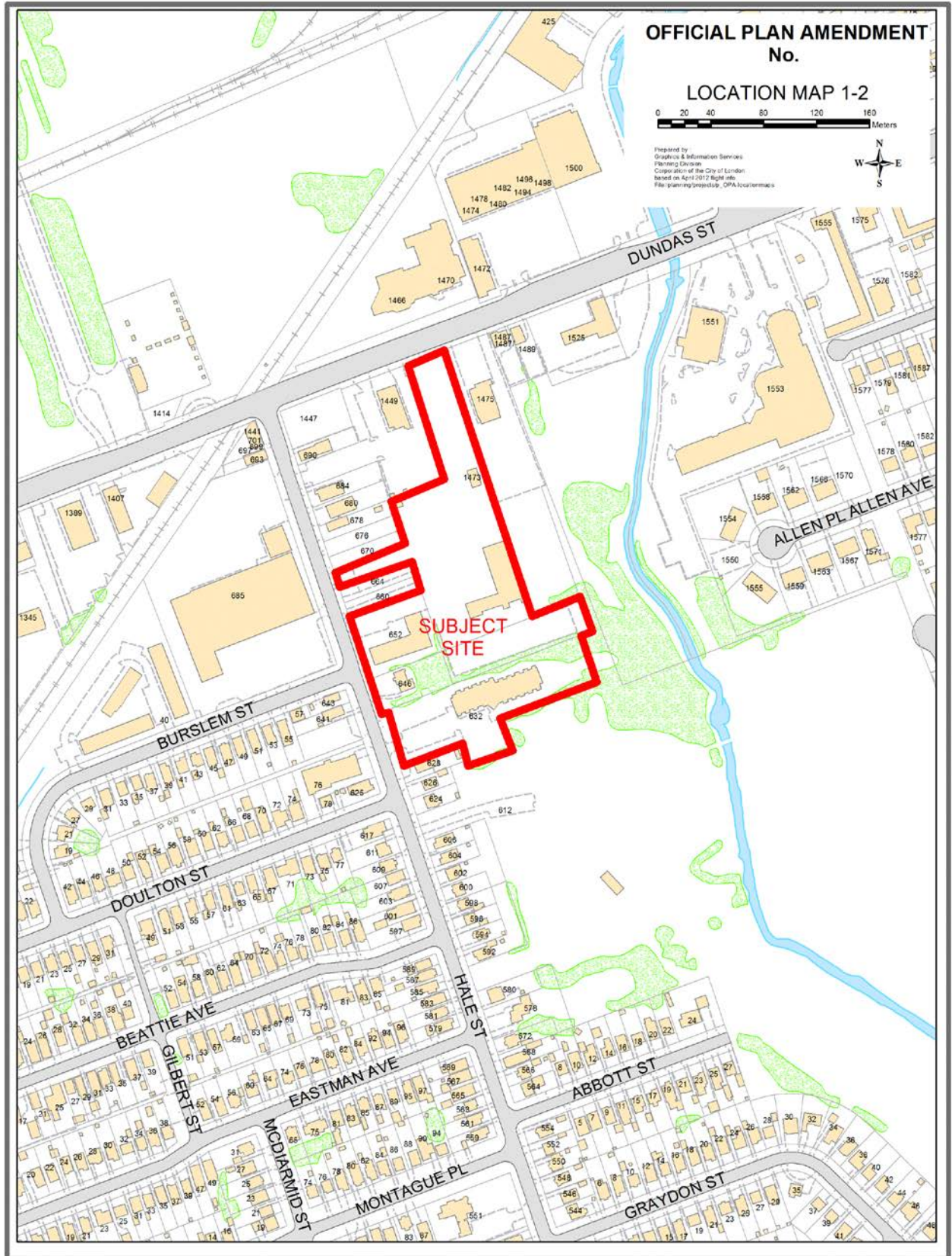
File No.: OZ-8271
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- amend Schedule 'B-1' of the Official Plan to **DELETE** the Unevaluated Vegetation Patch on the subject site relating to the properties located at 15790 and 15890 Robins Hill Road;
- amend Schedule 'A' of the Official Plan to amend the designation of the subject lands **FROM** a Low Density Residential, **TO** an Open Space designation relating to a portion of the properties located at 2536 and 2544 Colonel Talbot Road;
- amend Schedule 'B-1' of the Official Plan to change the designation of the subject lands **FROM** an Unevaluated Vegetation Patch, **TO** a Significant Woodland relating to a portion of the properties located at 2536 and 2544 Colonel Talbot Road;
- amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** an Urban Reserve (UR1) Zone and a Resource Extraction (EX) Zone **TO** an Open Space (OS5) Zone relating to a portion of the properties located at 2536 and 2544 Colonel Talbot Road;
- amend Schedule 'A' of the Official Plan to change the designation of the subject lands **FROM** an Urban Reserve Community Growth designation **TO** an Environmental Review designation relating to a portion of the property located at 947 Longworth Road;
- amend Schedule 'B-1' of the Official Plan to **DELETE** a portion of Unevaluated Vegetation Patch 10059 relating to a portion of the property located at 947 Longworth Road;
- amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** an Urban Reserve (UR2) Zone **TO** an Environmental Review (ER) Zone relating to a portion of the property located at 947 Longworth Road;

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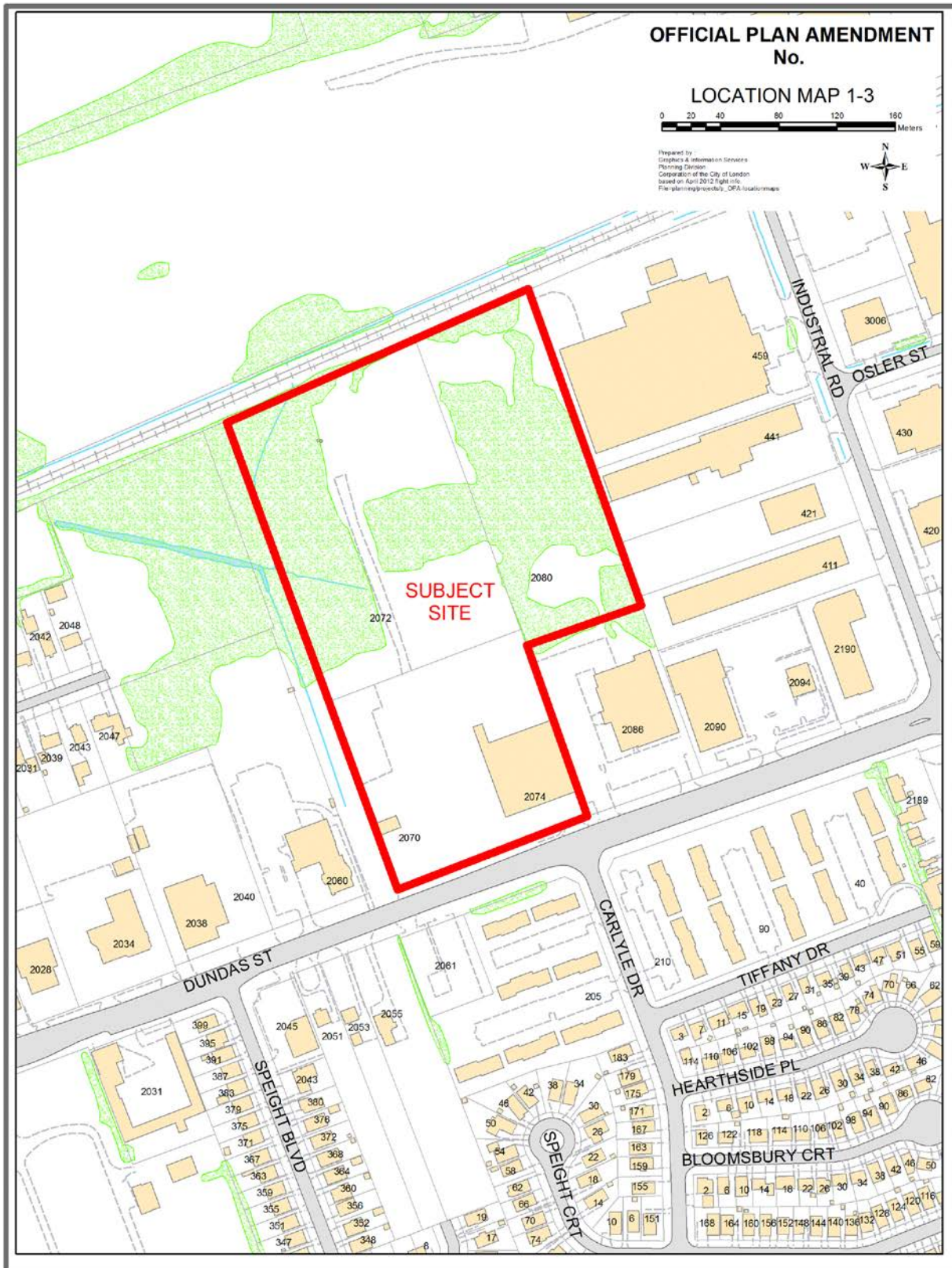
1473 Dundas Street and 632, 646 and 652 Hale Street (OPA No. 568)



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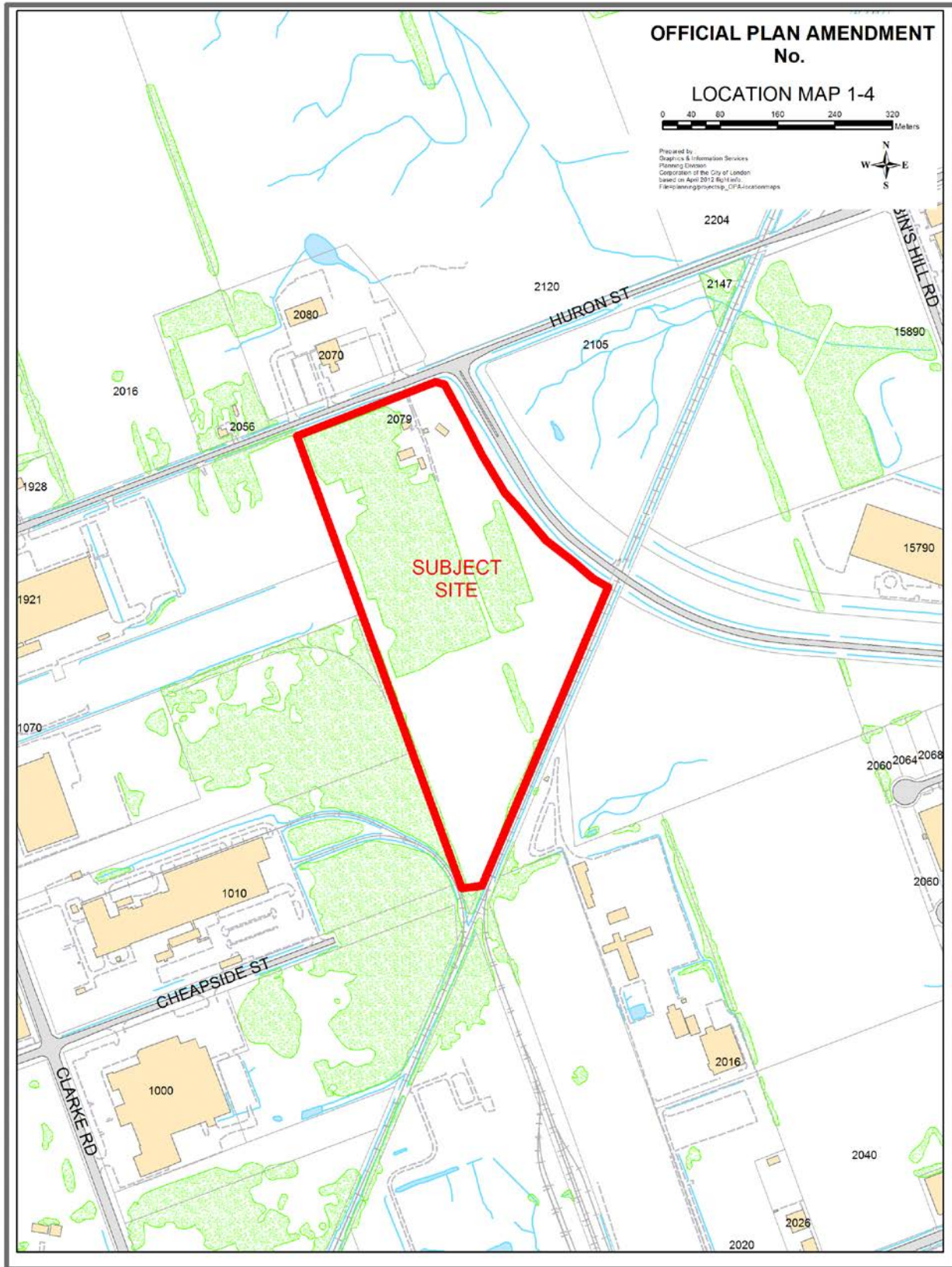
2072, 2080 Dundas Street (OPA No. 569)



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2079 Huron Street (OPA No. 570)



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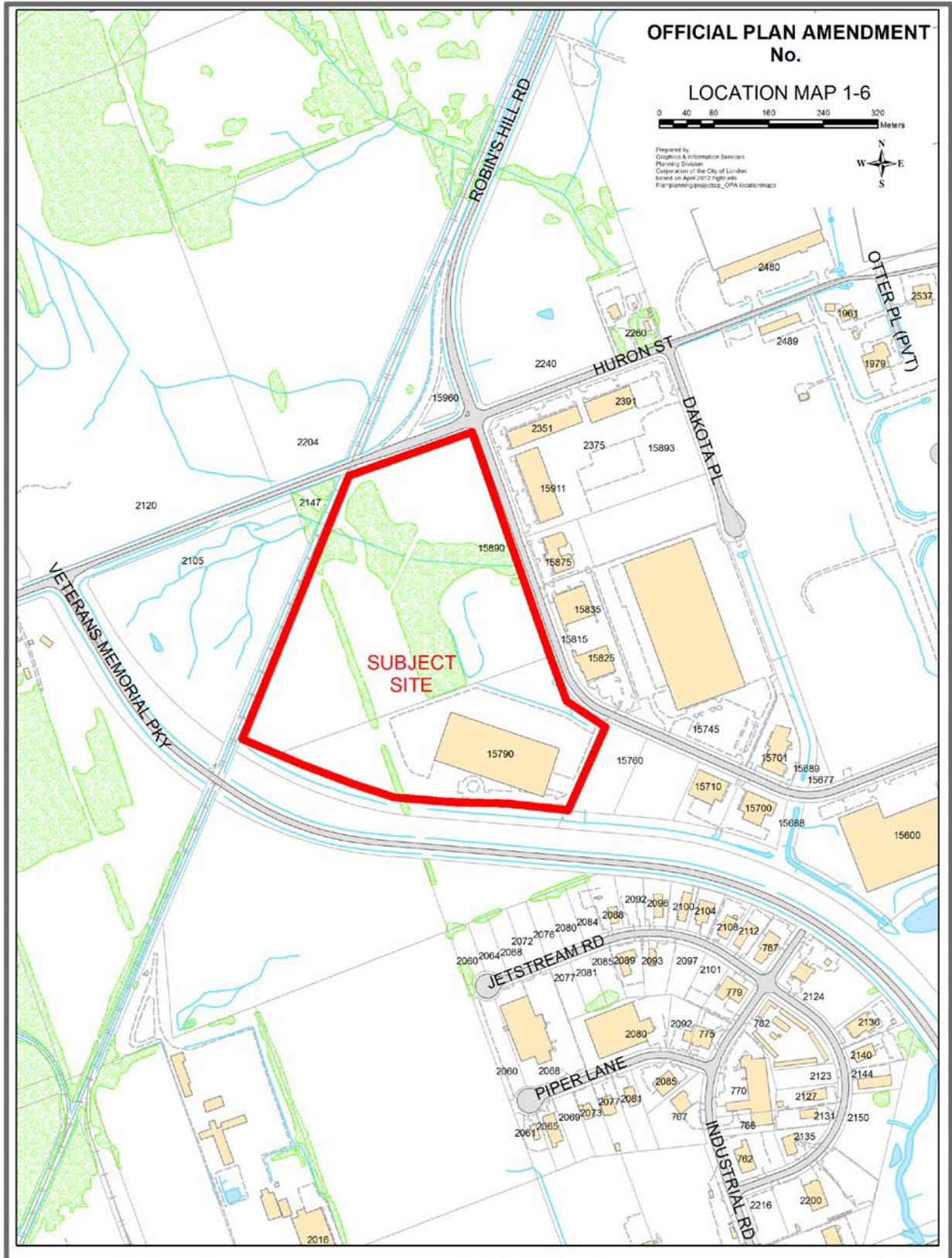
1010 and 1030 Wilton Grove Road (OPA No. 571)



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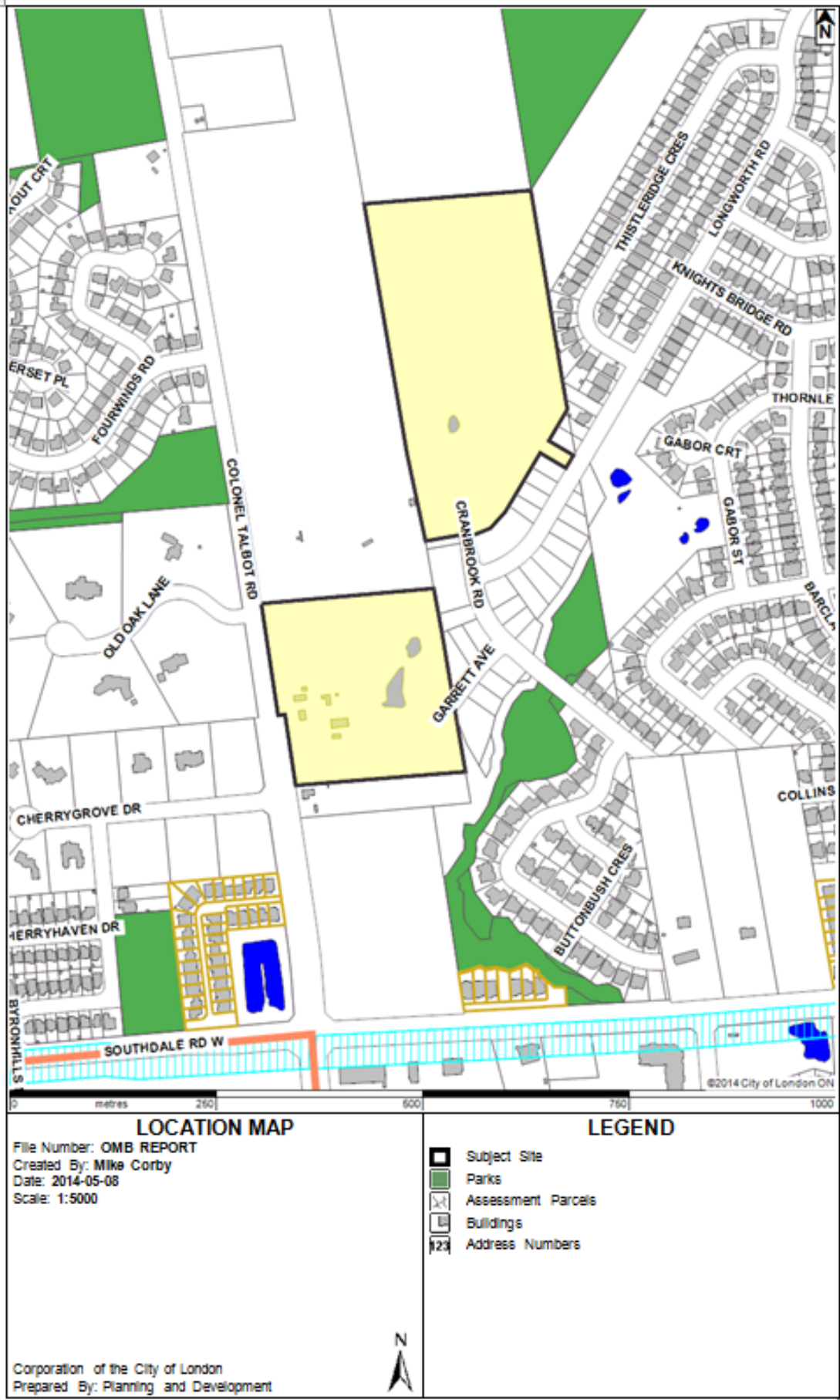
15790 and 15890 Robins Hill Road (OPA No. 572)



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2536 and 2544 Colonel Talbot Road and 947 Longworth Road (OPA No. 576, ZBA No. Z.-1-142282)



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BACKGROUND

Through a previous planning application that was processed by Municipal Staff a discrepancy between the Official Plan, Schedule “A” Landuse map and Schedule ‘B-1’ Natural Heritage Features map was identified in which the Unevaluated Vegetation Patches identified on Schedule ‘B-1’ were not identified on Schedule “A” as Environmental Review. In an effort to avoid future inconsistencies of the same nature Council directed Staff on August 27, 2013 to identify all Unevaluated Vegetation Patches on Schedule ‘B-1’ that are not protected by an appropriate land use designation on Schedule “A” of the Official Plan. Once identified, Staff were directed to determine the significance of each vegetation patch and make the appropriate changes to Schedules “A” and ‘B-1’.

On October 11, 2013, the City of London initiated an application for an Official Plan and Zoning By-law amendment for the Unevaluated Vegetation Patches identified by the City’s Ecologist. On March 4, 2014 Staff presented 5 reports recommending Official Plan and Zoning By-law amendment approvals for 10 of the identified vegetation patches. The recommendations for OPAs 568 – 572 were for the removal of the Unevaluated Vegetation Patches from the City’s Natural Heritage Features mapping (Schedule “B-1”). These patches did not meet the appropriate criteria to be deemed “Significant Woodlands”. The recommendation for OPA 576 and ZBA No. Z-1-142282 was for the protection of areas identified as Unevaluated Vegetation Patch by changing the Official Plan and the Zoning By-law to either Open Space or Environmental Review. The rationale for the proposed changes were that:

- i) The recommended amendment is consistent with the Provincial Policy Statement, 2005;
- ii) The recommended amendment is consistent with the City of London’s Official Plan;
- iii) The recommended amendment reconciles the inconsistencies between Schedules “A” and ‘B-1’;
- iv) Provides protection under the “Tree Conservation By-law” for certain woodlands which are currently unprotected, and;
- v) Removes ecological designations on lands/features which do not provide significant ecological functions and allows these lands to be developed in conformity with their underlying designation.

On March 19, 2014 Council approved the recommendations from Staff and on April 22nd, 2014, 5 appeals were submitted by Anna Maria Valastro and 1 appeal by Carol Wiebe on behalf of South Winds Development Co. Inc., in opposition to Municipal Council’s decision to approve the requested amendments. The reasons for appeal were based on the methods used to determine the significance of the vegetation patches and that the studies and analysis done were not significant enough to properly determine the significance of the identified vegetation patches. The reasons for appeal are included in detail in the Notice of Appeal, attached as Appendix “A” to this report.

ANALYSIS

Review of Provincial Policy Statement 2014

The previous application was reviewed through the relevant policies of the 2005 PPS. Since that time the new 2014 Provincial Policy Statement has been adopted and has come into force and effect. Any decisions of Municipal Council must be consistent with the relevant PPS policies. The policies used to review the application at the time of decision of Municipal Council; **Section 2.1 Natural Heritage Feature** in relation to the protection of natural features.

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CONCLUSION

A date for the Ontario Municipal Board Hearing has not yet been scheduled. Planning staff have reviewed the staff recommendation in view of the stated reasons for appeal. Planning Staff see no reason for Council to alter its decision relating to this matter.

PREPARED BY:	REVIEWED BY:
MIKE CORBY PLANNER II, CURRENT PLANNING	JAMES MACKAY, M.Sc. ECOLOGIST, ENVIRONMENTAL & PARKS PLANNING
REVIEWED BY:	SUBMITTED BY:
ANDREW MACPHERSON, OALA MANAGER, ENVIRONMENTAL & PARKS PLANNING	MICHAEL TOMAZINCIC, MCIP, RPP MANAGER, CURRENT PLANNING
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

March 19, 2014

MC/mc

Y:\Shared\implemen\DEVELOPMENT APPS\2013 Applications 8135 to\8271OZ - Unevaluated Vegetation Patches Schedule 'B' (MC)\Z-8271 - OMB re OPA referrals - ZBL appeals.docx

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Appendix "A"



Environment and Land Tribunals Ontario
Ontario Municipal Board
 655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5
 TEL: (416) 212-6349 or Toll Free: 1-866-448-2248
 FAX: (416) 326-5370
 www.elto.gov.on.ca

**APPELLANT FORM (A1)
PLANNING ACT**

**SUBMIT COMPLETED FORM
TO MUNICIPALITY/APPROVAL AUTHORITY**



Receipt Number (OMB Office Use Only)

Part 1: Appeal Type (Please check only one box)

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Minor Variance	<input type="checkbox"/> Appeal a decision	45(12)
Consent/Severance	<input type="checkbox"/> Appeal a decision	53(19)
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Failed to make a decision on the application within 90 days	53(14)
Zoning By-law or Zoning By-law Amendment	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
Interim Control By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
Official Plan or Official Plan Amendment	<input checked="" type="checkbox"/> Appeal a decision	17(24) or 17(36)
	<input type="checkbox"/> Failed to make a decision on the plan within 180 days	17(40)
	<input type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	22(7)
	<input type="checkbox"/> Application for an amendment to the Official Plan – refused by the municipality	
Plan of Subdivision	<input type="checkbox"/> Appeal a decision	51(39)
	<input type="checkbox"/> Appeal conditions imposed	51(43) or 51(48)
	<input type="checkbox"/> Failed to make a decision on the application within 180 days	51(34)

Part 2: Location Information

2536 Colonel Talbot Road; 2544 Colonel Talbot Road; 947 Longworth Road.
 Address and/or Legal Description of property subject to the appeal:

Municipality/Upper tier: City of London

Part 3: Appellant Information

First Name Stacey Last Name Graham
 Company Name or Association Name (Association must be incorporated - include copy of letter of incorporation) South Winds Development Co. Inc.
 Professional Title (if applicable) VICE-PRESIDENT
 E-mail Address _____
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone # _____ Alternate Telephone # _____
 Fax # _____

Mailing Address 9952 Glendon Drive Komoko
Street Address Apt/Suite/Unit# City/Town
Ontario N0L1R0
Province Country (if not Canada) Postal Code

Signature of Appellant [Signature] Date 04/21/14
(Signature not required if the appeal is submitted by a law office.)
STACEY E. GRAHAM VICE-PRESIDENT

Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.

Part 4: Representative Information (if applicable)

I hereby authorize the named company and/or individual(s) to represent me:

First Name Carol Last Name Wiebe
 Company Name MHBC Planning
 Professional Title Partner
 E-mail Address _____
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone # _____ Alternate Telephone # _____
 Fax # _____

Mailing Address 630 Colborne St. Suite 202 London
Street Address Apt/Suite/Unit# City/Town
Ontario N6B2V2
Province Country (if not Canada) Postal Code

Signature of Appellant [Signature] Date 04/21/14

Please note: If you are representing the appellant and are NOT a solicitor, please confirm that you have written authorization as required by the Board's Rules of Practice and Procedure to act on behalf of the appellant. Please confirm this by checking the box below.

I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

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**File No.: OZ-8271
Planner: Mike Corby**

Part 5: Language and Accessibility

Please choose preferred language: English French

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible.

Part 6: Appeal Specific Information

1. Provide specific information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):

(Please print)

Official Plan Amendment No. 576; Planning Division File No. OZ-8271.

Please refer to attached cover letter for description of appeal.

2. Outline the nature of your appeal and the reasons for your appeal. Be specific and provide land-use planning reasons (for example: the specific provisions, sections and/or policies of the Official Plan or By-law which are the subject of your appeal - if applicable). **If more space is required, please continue in Part 9 or attach a separate page.

(Please print)

Please refer to the attached cover letter.

THE FOLLOWING SECTIONS (a&b) APPLY ONLY TO APPEALS OF ZONING BY-LAW AMENDMENTS UNDER SECTION 34(11) OF THE *PLANNING ACT*.

a) **DATE APPLICATION SUBMITTED TO MUNICIPALITY:** _____
(If application submitted before January 1, 2007 please use the O1 'pre-Bill 51' form.)

b) Provide a brief explanatory note regarding the proposal, which includes the existing zoning category, desired zoning category, the purpose of the desired zoning by-law change, and a description of the lands under appeal:
**If more space is required, please continue in Part 9 or attach a separate page.

Part 7: Related Matters (if known)

Are there other appeals not yet filed with the Municipality? YES NO

Are there other planning matters related to this appeal? YES NO

(For example: A consent application connected to a variance application)

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:

(Please print)

Other appeals are being submitted on behalf of South Winds Development Co. Inc. pertaining to City of London Zoning By-law Amendment Z.-1-14228 (Planning Division File No. OZ-8271).

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**APPELLANT FORM (A1)
PLANNING ACT**

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	<input type="checkbox"/> Appeal changed conditions	53(14)
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Zoning By-law or Zoning By-law Amendment	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	38(4)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	17(24) or 17(36)
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	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Failed to make a decision on the application within 180 days	

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2536 Colonel Talbot Road; 2544 Colonel Talbot Road; 947 Longworth Road.
Address and/or Legal Description of property subject to the appeal:
Municipality/Upper tier: City of London

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First Name Stacey Last Name Graham
 Company Name or Association Name (Association must be incorporated include copy of letter of incorporation) South Winds Development Co. Inc.
 Professional Title (if applicable) VICE-PRESIDENT
 E-mail Address _____
By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone # _____ Alternate Telephone # _____
 Fax # _____

Mailing Address 9952 Glendon Drive Komoko
Street Address Apt/Suite/Unit# City/Town
Ontario N0L1R0
Province Country (if not Canada) Postal Code

Signature of Appellant [Signature] Date 04/21/14
(Signature not required if the appeal is submitted by a law office.)
STACEY E. GRAHAM VICE-PRESIDENT

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First Name Carol Last Name Wiebe
 Company Name MHBC Planning
 Professional Title Partner
 E-mail Address _____
to receive communications from the OMB by e-mail

Daytime Telephone # _____ Alternate Telephone # _____
 Fax # _____

Mailing Address 630 Colborne St. Suite 202 London
Street Address Apt/Suite/Unit# City/Town
Ontario N6B 2V2
Province Country (if not Canada) Postal Code

Signature of Appellant [Signature] Date 04/21/14

Please note: If you are representing the appellant and are NOT a solicitor, please confirm that you have written authorization, as required by the Board's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

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Part 6: Appeal Specific Information

1. Provide specific information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):

(Please print)

London Zoning By-law Amendment Z.-1-142282; Planning Division File No. OZ-8271.

Please refer to attached cover letter for description of appeal.

2. Outline the nature of your appeal and the reasons for your appeal. Be specific and provide land-use planning reasons (for example: the specific provisions, sections and/or policies of the Official Plan or By-law which are the subject of your appeal - if applicable). **If more space is required, please continue in Part 9 or attach a separate page.

(Please print)

Please refer to the attached cover letter.

THE FOLLOWING SECTIONS (a&b) APPLY ONLY TO APPEALS OF ZONING BY-LAW AMENDMENTS UNDER SECTION 34(11) OF THE PLANNING ACT.

a) **DATE APPLICATION SUBMITTED TO MUNICIPALITY:** _____
(If application submitted before January 1, 2007 please use the O1 'pre-Bill 51' form.)

b) Provide a brief explanatory note regarding the proposal, which includes the existing zoning category, desired zoning category, the purpose of the desired zoning by-law change, and a description of the lands under appeal:
**If more space is required, please continue in Part 9 or attach a separate page.

Part 7: Related Matters (if known)

Are there other appeals not yet filed with the Municipality? YES NO

Are there other planning matters related to this appeal? YES NO
(For example: A consent application connected to a variance application)

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:

(Please print)

Other appeals are being submitted on behalf of South Winds Development Co. Inc. pertaining to City of London Official Plan Amendment No. 576 (Planning Division File No. OZ-8271).

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File No.: OZ-8271
Planner: Mike Corby



KITCHENER
WOODBRIDGE
LONDON
KINGSTON
BARRIE

April 22, 2014

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

Attention: Catherine Saunders, City Clerk

Dear Ms. Saunders:

**RE: Notice of Appeal of Official Plan Amendment No. 576 and Zoning By-law
No. Z.-1-142282
2536 and 2544 Colonel Talbot Road and 947 Longworth Road, City of London
OUR FILE 0915C**

We are acting on behalf of South Winds Development Co. Inc. (referred to herein as the "Appellant"), with respect to the above noted matter. On behalf of the Appellant, we hereby appeal Official Plan Amendment No. 576 and Zoning By-law Z.-1-142282, as adopted by City Council on March 18, 2014.

A letter was submitted by Patton Cormier & Associates on March 4, 2014, advising the Planning and Environment Committee that the proposed Official Plan Amendment and Zoning By-law Amendment could have significant impacts on their client's (the Appellant) aggregate and extraction license and also upon the rehabilitation of the lands located at 2470 Colonel Talbot Road. At the Public Meeting scheduled on March 4, 2014, Mr. Patton made representation to Planning and Environment Committee and expanded upon these concerns.

In addition to the concerns with respect to the potential impacts on our client's aggregate operation, we also wish to identify several other concerns as follows:

- The matter has not been sufficiently reviewed or studied to determine whether the natural heritage features identified as Patch 10059 should be considered significant.
- No on site evaluations were undertaken to determine whether all of the components of Patch 10059 should be considered part of the same natural heritage feature;
- Insufficient analysis has been completed to demonstrate that these disparate components provide a significant ecological function warranting designation as Open Space.
- Particular concern arises with respect to the natural heritage feature adjacent to Colonel Talbot Road in proximity to our client's aggregate extraction operation as this component of Patch 10059 is to be zoned Open Space (OS5) Zone. The implementation of the OS5 zone on a portion of the natural heritage feature could have implications on the balance of the feature.

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- We are concerned that an environmental impact study has not been completed as set out in the City's own guideline documents.

Based on the foregoing, we are hereby appealing Official Plan Amendment No.576 and Zoning By-law Z-1-142282. As well, through this appeal, we expressly reserve the right to submit or raise other concerns, objections or issues as may become apparent whether related to the above specific concerns or otherwise.

We enclose two (2) money orders in the amount of \$125.00 each, payable to the Minister of Finance, which represents the required filing fee for these appeals and the completed Ontario Municipal Board Appellant Form (A1). Should you have any questions with respect to this matter, kindly contact the undersigned.

Yours truly

MHBC



Carol Wiebe
Partner

C S. Graham, South Winds Development Co. Inc.
Elizabeth Cormier, Patton Cormier & Associates

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Planner: Mike Corby



Environment and Land Tribunals Ontario
Ontario Municipal Board
 655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5
 TEL: (416) 212-6349 or Toll Free: 1-866-448-2248
 FAX: (416) 326-5370
 www.elt.o.gov.on.ca

APPELLANT FORM (A1)
PLANNING ACT

SUBMIT COMPLETED FORM
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Receipt Number (OMB Office Use Only)

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Part 2: Location Information

Unevaluated Vegetative Patches – City Wide

Address and/or Legal Description of property subject to the appeal:

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**File No.: OZ-8271
Planner: Mike Corby**

Municipality/Upper tier:

Part 3: Appellant Information

First Name: AnnaMaria

Last Name: Valastro

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable):

E-mail Address:

By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #

Alternate Telephone #:

Fax #:

Mailing Address: 133 John Street, Unit 1 London, Ontario N6A 1N7

Street Address

Apt/Suite/Unit#

City/Town

Province

Country (if not Canada)

Postal Code

Signature of Appellant:

A. Valastro
(Signature not required if the appeal is submitted by a law office.)

Date:

APRIL 27 2014

Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.

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Part 4: Representative Information (if applicable)

I hereby authorize the named company and/or individual(s) to represent me:

First Name:

Last Name:

Company Name:

Professional Title:

E-mail Address:

By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #:

Alternate Telephone #:

Fax #:

Mailing Address:

Street Address

Apt/Suite/Unit#

City/Town

Province

Country (if not Canada)

Postal Code

Signature of Appellant:

Date:

Please note: If you are representing the appellant and are NOT a solicitor, please confirm that you have written authorization, as required by the Board's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

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Agenda Item #	Page #

**File No.: OZ-8271
Planner: Mike Corby**

Part 5: Language and Accessibility

Please choose preferred language: English French

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible.

Part 6: Appeal Specific Information

1. Provide specific information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):

(Please print)

Please see attached - AMENDMENTS 568

2. Outline the nature of your appeal and the reasons for your appeal. Be specific and provide land-use planning reasons (for example: the specific provisions, sections and/or policies of the Official Plan or By-law which are the subject of your appeal - if applicable). **If more space is required, please continue in Part 9 or attach a separate page.

(Please print)

Please see attached

THE FOLLOWING SECTIONS (a&b) APPLY ONLY TO APPEALS OF ZONING BY-LAW AMENDMENTS UNDER SECTION 34(11) OF THE *PLANNING ACT*.

a) **DATE APPLICATION SUBMITTED TO MUNICIPALITY:** _____
(If application submitted before January 1, 2007 please use the O1 'pre-Bill 51' form.)

b) Provide a brief explanatory note regarding the proposal, which includes the existing zoning category, desired zoning category, the purpose of the desired zoning by-law change, and a description of the lands under appeal:
**If more space is required, please continue in Part 9 or attach a separate page.

Part 7: Related Matters (if known)

Are there other appeals not yet filed with the Municipality? YES NO

Are there other planning matters related to this appeal? YES NO
(For example: A consent application connected to a variance application)

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:

(Please print)

Agenda Item # Page #

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**File No.: OZ-8271
Planner: Mike Corby**



Environment and Land Tribunals Ontario
Ontario Municipal Board
655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5
TEL: (416) 212-6349 or Toll Free: 1-866-448-2248
FAX: (416) 326-5370
www.elto.gov.on.ca

**APPELLANT FORM (A1)
PLANNING ACT**

**SUBMIT COMPLETED FORM
TO MUNICIPALITY/APPROVAL AUTHORITY**



Receipt Number (OMB Office Use Only)

Part 1: Appeal Type (Please check only one box)

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Minor Variance	<input type="checkbox"/> Appeal a decision	45(12)
	<input type="checkbox"/> Appeal a decision	53(19)
Consent/Severance	<input type="checkbox"/> Appeal conditions imposed	53(27)
	<input type="checkbox"/> Appeal changed conditions	53(14)
	<input type="checkbox"/> Failed to make a decision on the application within 90 days	34(19)
	<input type="checkbox"/> Appeal the passing of a Zoning By-law	34(11)
Zoning By-law or Zoning By-law Amendment	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
Interim Control By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
Official Plan or Official Plan Amendment	<input checked="" type="checkbox"/> Appeal a decision	17(24) or 17(36)
	<input type="checkbox"/> Failed to make a decision on the plan within 180 days	17(40)
	<input type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	22(7)
	<input type="checkbox"/> Application for an amendment to the Official Plan – refused by the municipality	
Plan of Subdivision	<input type="checkbox"/> Appeal a decision	51(39)
	<input type="checkbox"/> Appeal conditions imposed	51(43) or 51(48)
	<input type="checkbox"/> Failed to make a decision on the application within 180 days	51(34)

Part 2: Location Information

Unevaluated Vegetative Patches – City Wide

Address and/or Legal Description of property subject to the appeal:

Agenda Item #	Page #

**File No.: OZ-8271
Planner: Mike Corby**

Municipality/Upper tier:

Part 3: Appellant Information

First Name: AnnaMaria

Last Name: Valastro

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable):

E-mail Address:

By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #

Alternate Telephone #:

Fax #:

Mailing Address: 133 John Street, Unit 1 London, Ontario N6A 1N7

Street Address

Apt/Suite/Unit#

City/Town

Province

Country (if not Canada)

Postal Code

Signature of Appellant:

A. Valastro
(Signature not required if the appeal is submitted by a law office.)

Date:

APRIL 22 2014

Please note: You must notify the Ontario Municipal Board of any change of address or telephone number in writing. Please quote your OMB Reference Number(s) after they have been assigned.

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Part 4: Representative Information (if applicable)

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Date:

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Agenda Item #	Page #

**File No.: OZ-8271
Planner: Mike Corby**

Part 5: Language and Accessibility

Please choose preferred language: English French

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Part 6: Appeal Specific Information

1. Provide specific information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):

(Please print)

Please see attached - AMENDMENTS 509

2. Outline the nature of your appeal and the reasons for your appeal. Be specific and provide land-use planning reasons (for example: the specific provisions, sections and/or policies of the Official Plan or By-law which are the subject of your appeal - if applicable). **If more space is required, please continue in Part 9 or attach a separate page.

(Please print)

Please see attached

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Part 7: Related Matters (if known)

Are there other appeals not yet filed with the Municipality? YES NO

Are there other planning matters related to this appeal? YES NO
(For example: A consent application connected to a variance application)

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:

(Please print)

Agenda Item #	Page #
---------------	--------

**File No.: OZ-8271
Planner: Mike Corby**



Environment and Land Tribunals Ontario
Ontario Municipal Board
655 Bay Street, Suite 1500 Toronto, Ontario M5G 1E5
TEL: (416) 212-6349 or Toll Free: 1-866-448-2248
FAX: (416) 326-5370
www.elt.o.gov.on.ca

**APPELLANT FORM (A1)
PLANNING ACT**

**SUBMIT COMPLETED FORM
TO MUNICIPALITY/APPROVAL AUTHORITY**

Date Stamp - Appeal Received by Municipality

RECEIVED

APR 22 2014

Receipt Number (OMB Office Use Only)

Part 1: Appeal Type (Please check only one box)

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Minor Variance	<input type="checkbox"/> Appeal a decision	45(12)
	<input type="checkbox"/> Appeal a decision	53(19)
Consent/Severance	<input type="checkbox"/> Appeal conditions imposed	53(27)
	<input type="checkbox"/> Appeal changed conditions	53(14)
	<input type="checkbox"/> Failed to make a decision on the application within 90 days	34(19)
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Interim Control By-law	<input checked="" type="checkbox"/> Appeal the passing of an Interim Control By-law	17(40)
Official Plan or Official Plan Amendment	<input type="checkbox"/> Appeal a decision	22(7)
	<input type="checkbox"/> Failed to make a decision on the plan within 180 days	51(39)
	<input type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	51(43) or 51(48)
	<input type="checkbox"/> Application for an amendment to the Official Plan – refused by the municipality	51(34)
Plan of Subdivision	<input type="checkbox"/> Appeal a decision	
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Failed to make a decision on the application within 180 days	

Part 2: Location Information

Unevaluated Vegetative Patches – City Wide

Address and/or Legal Description of property subject to the appeal:

Agenda Item #	Page #

**File No.: OZ-8271
Planner: Mike Corby**

Municipality/Upper tier:

Part 3: Appellant Information

First Name: AnnaMaria

Last Name: Valastro

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable):

E-mail Address:

By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone #:

Alternate Telephone #:

Fax #:

Mailing Address: 133 John Street, Unit 1 London, Ontario N6A 1N7

Street Address

Apt/Suite/Unit#

City/Town

Province

Country (if not Canada)

Postal Code

Signature of Appellant:

A. Valastro
(Signature not required if the appeal is submitted by a law office.)

Date:

APRIL 22
2014

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Signature of Appellant:

Date:

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Agenda Item #	Page #

**File No.: OZ-8271
Planner: Mike Corby**

Part 5: Language and Accessibility

Please choose preferred language: English French

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Part 6: Appeal Specific Information

1. Provide specific information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):

(Please print)

Please see attached — AMENDMENTS 570

2. Outline the nature of your appeal and the reasons for your appeal. Be specific and provide land-use planning reasons (for example: the specific provisions, sections and/or policies of the Official Plan or By-law which are the subject of your appeal - if applicable). **If more space is required, please continue in Part 9 or attach a separate page.

(Please print)

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Part 7: Related Matters (if known)

Are there other appeals not yet filed with the Municipality? YES NO

Are there other planning matters related to this appeal? YES NO
(For example: A consent application connected to a variance application)

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:

(Please print)

Agenda Item # Page #

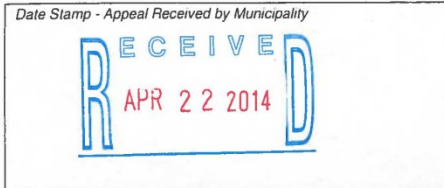
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**File No.: OZ-8271
Planner: Mike Corby**



**APPELLANT FORM (A1)
PLANNING ACT**

**SUBMIT COMPLETED FORM
TO MUNICIPALITY/APPROVAL AUTHORITY**



Receipt Number (OMB Office Use Only)

Part 1: Appeal Type (Please check only one box)

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Minor Variance	<input type="checkbox"/> Appeal a decision	45(12)
	<input type="checkbox"/> Appeal a decision	53(19)
Consent/Severance	<input type="checkbox"/> Appeal conditions imposed	53(27)
	<input type="checkbox"/> Appeal changed conditions	53(14)
	<input type="checkbox"/> Failed to make a decision on the application within 90 days	34(19)
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Zoning By-law or Zoning By-law Amendment	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	38(4)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	17(24) or 17(36)
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Interim Control By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	22(7)
	<input type="checkbox"/> Failed to make a decision on the plan within 180 days	51(39)
	<input type="checkbox"/> Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	51(43) or 51(48)
	<input type="checkbox"/> Application for an amendment to the Official Plan – refused by the municipality	51(34)
Official Plan or Official Plan Amendment	<input type="checkbox"/> Appeal a decision	
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Failed to make a decision on the application within 180 days	
Plan of Subdivision	<input type="checkbox"/> Appeal a decision	
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Failed to make a decision on the application within 180 days	

Part 2: Location Information

Unevaluated Vegetative Patches – City Wide

Address and/or Legal Description of property subject to the appeal:

Agenda Item #	Page #

**File No.: OZ-8271
Planner: Mike Corby**

Municipality/Upper tier:

Part 3: Appellant Information

First Name: AnnaMaria

Last Name: Valastro

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable):

E-mail Address:

By providing an e-mail address you agree to receive communications from the OMB by e-mail.

Daytime Telephone: Alternate Telephone #:

Fax #:

Mailing Address: 133 John Street, Unit 1 London, Ontario N6A 1N7

Street Address

Apt/Suite/Unit#

City/Town

Province

Country (if not Canada)

Postal Code

Signature of Appellant:

A. Valastro
(Signature not required if the appeal is submitted by a law office.)

Date:

APRIL 27 2014

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Agenda Item #	Page #

**File No.: OZ-8271
Planner: Mike Corby**

Part 5: Language and Accessibility

Please choose preferred language: English French

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Part 6: Appeal Specific Information

1. Provide specific information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):

(Please print)

Please see attached - AMENDMENTS 571

2. Outline the nature of your appeal and the reasons for your appeal. Be specific and provide land-use planning reasons (for example: the specific provisions, sections and/or policies of the Official Plan or By-law which are the subject of your appeal - if applicable). **If more space is required, please continue in Part 9 or attach a separate page.

(Please print)

Please see attached

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a) DATE APPLICATION SUBMITTED TO MUNICIPALITY: _____
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**If more space is required, please continue in Part 9 or attach a separate page.

Part 7: Related Matters (if known)

Are there other appeals not yet filed with the Municipality? YES NO

Are there other planning matters related to this appeal? YES NO
(For example: A consent application connected to a variance application)

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:

(Please print)

Agenda Item # Page #

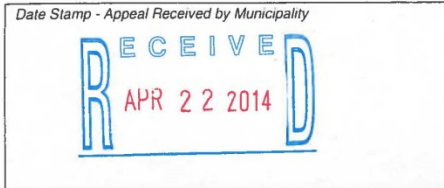
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File No.: OZ-8271
Planner: Mike Corby



APPELLANT FORM (A1)
PLANNING ACT

SUBMIT COMPLETED FORM
TO MUNICIPALITY/APPROVAL AUTHORITY



Receipt Number (OMB Office Use Only)

Part 1: Appeal Type (Please check only one box)

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Minor Variance	<input type="checkbox"/> Appeal a decision	45(12)
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	<input checked="" type="checkbox"/> Appeal the passing of an Interim Control By-law	22(7)
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Plan of Subdivision	<input type="checkbox"/> Appeal a decision	
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Failed to make a decision on the application within 180 days	

Part 2: Location Information

Unevaluated Vegetative Patches – City Wide

Address and/or Legal Description of property subject to the appeal:

Agenda Item #	Page #

**File No.: OZ-8271
Planner: Mike Corby**

Municipality/Upper tier:

Part 3: Appellant Information

First Name: AnnaMaria

Last Name: Valastro

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title (if applicable): _____

E-mail Address: _____

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Daytime Telephone: _____

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Mailing Address: 133 John Street, Unit 1 London, Ontario N6A 1N7

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Signature of Appellant: _____

(Signature not required if the appeal is submitted by a law office.)

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APRIL 22 2014

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Agenda Item #	Page #

**File No.: OZ-8271
Planner: Mike Corby**

Part 5: Language and Accessibility

Please choose preferred language: English French

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Part 6: Appeal Specific Information

1. Provide specific information about what you are appealing. For example: Municipal File Number(s), By-law Number(s), Official Plan Number(s) or Subdivision Number(s):

(Please print)

Please see attached — AMENDMENTS 572

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Please see attached

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Part 7: Related Matters (if known)

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Are there other planning matters related to this appeal? YES NO
(For example: A consent application connected to a variance application)

If yes, please provide OMB Reference Number(s) and/or Municipal File Number(s) in the box below:

(Please print)

Agenda Item #	Page #

**File No.: OZ-8271
Planner: Mike Corby**

I am appealing changes to the City of London's Official Plan: Amendment No. : 568, 569, 570, 571, 572.

Specifically, I am appealing the method in which these changes to the City's Official Plan were assessed and achieved.

The discrepancy occurs in the method and criteria used by the City to determine the value of the City's **last remaining unevaluated open spaces**.

The method that resulted in the amendments is what is being challenged.

The method offends:

Section 2.1.2, 2.1.3; 2.1.4 d) of the Provincial Policy Statement because the method used to assess these **last vegetative patches** could not have detected many of the natural features that require legislative protection.

Section 15.1.1, i, ii, iii, iv, v, vii, 15.3.1, 15.3.7, 15.4.1.3, 15.4.2, 15.4.4, 15.4.5, 15.4.6, 15.4.7, 15.4.12, and 15.4.14 of the City of London's Official Plan. The method used to evaluate the City's **last remaining unevaluated vegetative patches** failed to consider or even attempt to fulfill the City's Environmental Objectives under Section 15 Environmental Policies of the Official Plan.

Background

In 1993, under amalgamation, the City of London expanded its boundaries to include adjacent townships and open woodlands and fields. A responsible municipality would have evaluated the newly acquired lands soon after annexation and prior to development expansion for a cohesive and thoughtful planning process.

That didn't happen and the City expanded in a patchwork of development proposals dictated by economics and revenue streams.

The above amendments to the City's OP is a knee-jerk reaction to an error that was discovered when a large developer – Pen Equity – became embroiled in a land use dispute that resulted in an OMB challenge - currently open – File No. PL131116

Pen Equity purchased land zoned commercial with no potential natural heritage features listed according to Schedule A – Land Use of the OP.

Unfortunately, Schedule A did not match land designations under Schedule B-1 Natural Heritage Features of the City's OP which identified a large woodland with a potentially significant wetland on the property.

Pen Equity's own assessment was deficient and rejected by the Ministry of Natural Resources and the Upper Thames River Conservation Authority, but City Council passed a motion to allow the development to proceed.

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This triggered the OMB challenge brought forward by the Upper Thames River Conservation Authority.

To avoid another similar conflict, on August 28, 2013, Council ordered its staff to evaluate all remaining unevaluated vegetation patches "in the most expedient manner" and to hire a qualified ecologist to assist in the evaluation recognizing that a proper and thorough examination of ecological significance is complex.

The Civic Administration placed greater emphasis on the direction for 'the most expedient manner' and less importance on a need for a thorough assessment of ecological features, such as species at risk, connectivity and the presence of wetlands.

The result was that Civic Administration conducted only a desktop review of the remaining vegetative patches, only evaluated for significant woodlands and did not hire an ecologist.

It is not clear why the action was so urgent that it would rationalize a less than rigorous evaluation of the City's last remaining unevaluated open spaces. I don't believe that was the original intention of Council because it is inconsistent with the direction to hire a qualified ecologist.

It is also unclear as to why only woodlands were considered as this was not specified in Council's directive unless if not listed as an 'unevaluated wetland' on Schedule B-1 it is simply considered a 'woodland'.

A computer layering model program specifically designed to assess woodlands using aerial imaging was the main tool used to assess for natural heritage qualities.

Computer modeling provides a general assessment. A computer model alone is not sufficient to assess for natural heritage features. A more detailed biological inventory requires a field study. Without a field study, it is impossible to assess for nesting habitat, vernal ponds, species at risk and so on.

A computer model can tell you whether a creek exists, types of tree stands, open areas within a woodland, a large wetland but it cannot confirm how the area is being used as habitat by wildlife, by migrants such as migratory birds, endangered pollinators such native butterflies and bees, as migration corridors or the existence of endangered plant species, or recreational usage by local residents because it is simply a snapshot in time. It can only describe large features that are rooted through time such as tree stands.

Once the large features are described, the rest is extrapolated. For example, areas of tree canopy adjacent to an open grassy field is considered ideal White-tailed Deer habitat and the presence of deer is assumed.

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Section 2.0 – Data Collection Standards for Ecological Inventory of the City's Environmental Management Guidelines requires a three-season inventory to assess for natural heritage features. This is acknowledged by staff.

In the first two pages it outlines when it might be appropriate to use a 'landscape' level assessment without a detailed site inventory.

A landscape level assessment is appropriate depending on the development proposal and supplementary detailed inventories. **As these patches have never been assessed, there are currently no detailed inventory lists.**

On the second page, it describes the specific requirements in which a detailed three-season inventory may be waived, reduced or refined.

Desktop assessments still require supplementary site specific biological studies produced by the City or another reliable source, wetland evaluations, vegetation trends, population species and so on.

It only waives a three-season inventory without supplementary studies if "significance of the natural heritage feature or function is not an issue" and "This is often applied at a site plan application where there are no permanent changes proposed for Official Plan or Zoning By-Laws."

The Guideline Document for the Evaluation of Ecologically Significant Woodlands, Section 4 of the City's Environmental Management Guidelines confirms that evaluation of a woodland "will be evaluated through an appropriate ecological inventory in accordance with the Draft City of London Data Collection Standards For Natural Areas (July 1997) and using the methodology described below and in the Woodland Patch Assessment Score Sheets."

Much of the criteria contained in the Score Sheets calls for site inventories.

Even within the desktop review, there are inconsistencies with applications of criteria from one vegetative patch to another such as size and connectivity.

I personally visited the sites I am appealing and can concur with concerns raised by the Ministry of Natural Resources regarding the presence of wetlands and can observe the largeness and connectivity of the sites in question. In addition the 'remoteness' or isolation of these sites make them ideal for wildlife habitat because they are undisturbed.

In some cases the proximity to parkland serves to extend the green space making the vegetative patch socially important.

These are the very last of the City's open spaces. The City's has now developed to the edge of its Urban Growth Boundary.

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If the City is permitted to ignore its own environmental policies and remove environmental protection by a stroke of a keyboard, the opportunity to embrace the City's Environmental Objectives to develop a series of city-wide green connected corridors which are recognized as ecologically significant in of themselves, and ensure the protection and restoration of habitat that may prove invaluable to species at risk, wildlife and the sheer enjoyment of its residents will be permanently lost, as **this is the last hurrah.**

Thank You



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