

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.

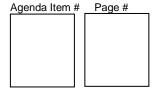
## PREVIOUS REPORTS PERTINENT TO THIS MATTER

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.

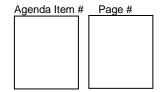
#### PURPOSE AND EFFECT OF RECOMMENDED ACTION

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

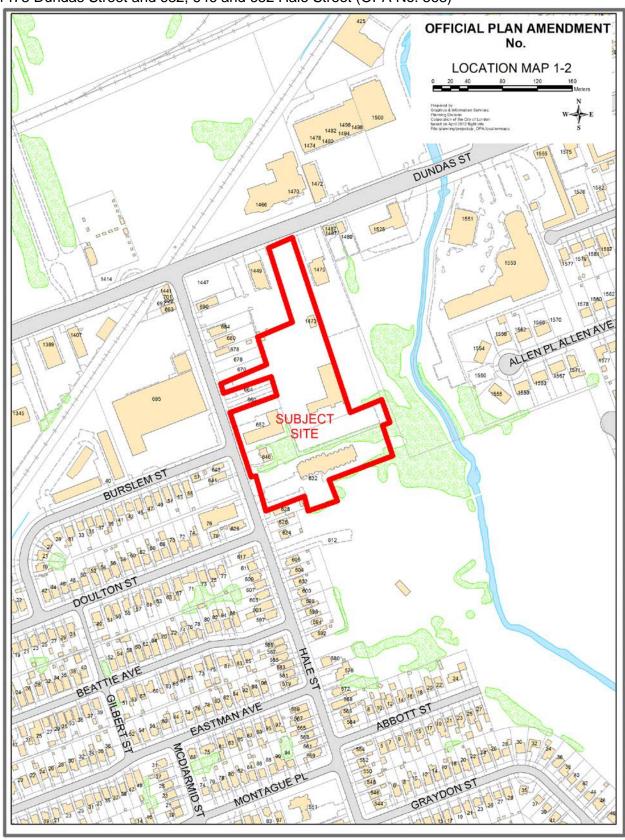
- amend Schedule 'B-1' of the Official Plan to **DELETE** a portion of Unevaluated Vegetation Patch 04017 relating to the properties located at 1473 Dundas Street and 632, 646 and 652 Hale Street;
- amend Schedule 'B-1' of the Official Plan to **DELETE** Unevaluated Vegetation Patch 04022 relating to 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;

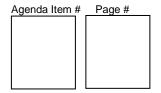


- amend Schedule 'B-1' of the Official Plan to **DELETE** the Unevaluated Vegetation Patch on the subject site relating to the properties located at 15790 and 15890 Robins Hill Road:
- amend Schedule 'A' of the Official Plan to amend the designation of the subject lands FROM a Low Density Residential, 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;

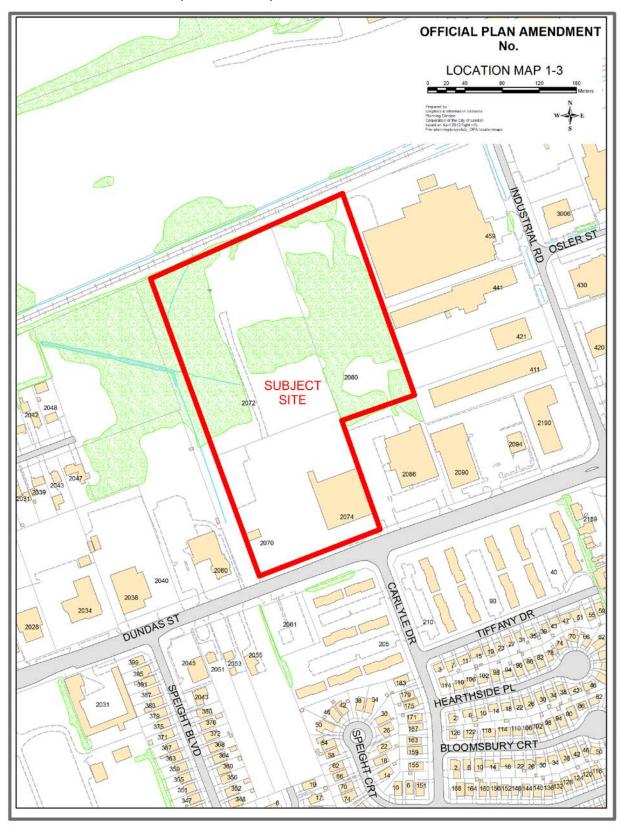


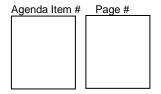
1473 Dundas Street and 632, 646 and 652 Hale Street (OPA No. 568)



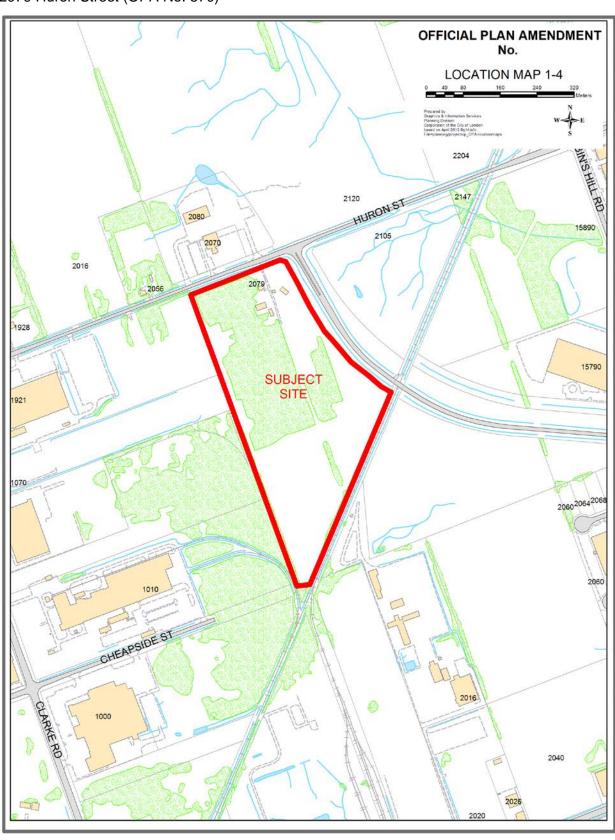


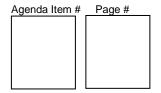
2072, 2080 Dundas Street (OPA No. 569)



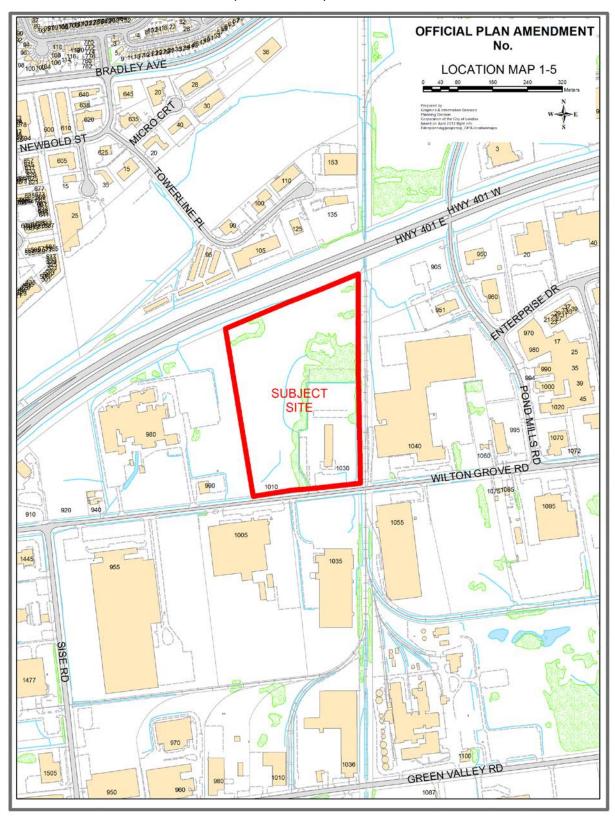


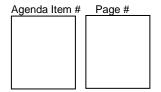
# 2079 Huron Street (OPA No. 570)



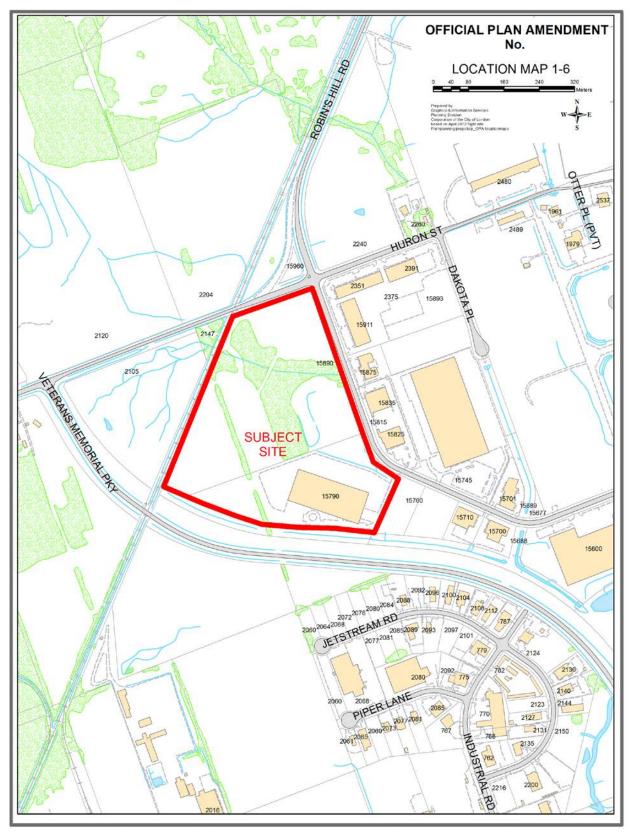


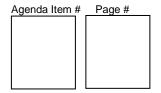
1010 and 1030 Wilton Grove Road (OPA No. 571)



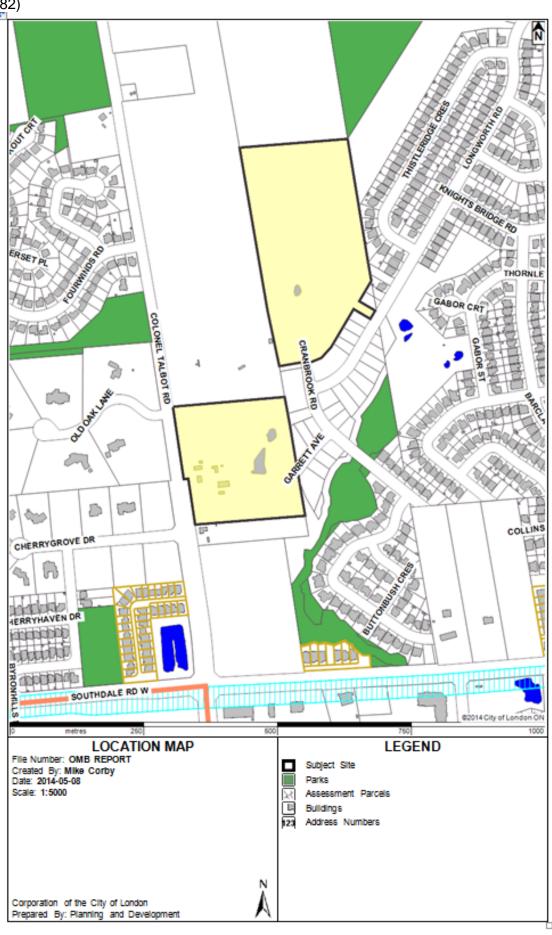


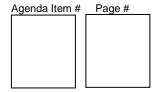
15790 and 15890 Robins Hill Road (OPA No. 572)





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





#### **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:

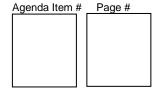
- i) The recommended amendment is consistent with the Provincial Policy Statement, 2005:
- ii) The recommended amendment is consistent with the City of London's Official Plan;
- iii) The recommended amendment reconciles the inconsistencies between Schedules "A" and 'B-1';
- iv) Provides protection under 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 22<sup>nd</sup>, 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.



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.

ED BY:
MACKAY, M.Sc.
IST, ENVIRONMENTAL & PARKS
IG <sup>*</sup>
ED BY:
LD B1.
_ TOMAZINCIC, MCIP, RPP
R, CURRENT PLANNING
ER

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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	- 1		

# 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

APPELLANT FORM (A1)
PLANNING ACT

SUBMIT COMPLETED FORM TO MUNICIPALITY/APPROVAL AUTHORITY

Date Stamp - Appeal Received by Municipality

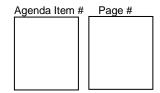
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Receipt Nun	nber (OMI	B Office L	se Only)		

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

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)	
Minor Variance	Appeal a decision	45(12)	
	Appeal a decision		
Consent/Severance	Appeal conditions imposed	53(19)	
	Appeal changed conditions	53(27)	
	Failed to make a decision on the application within 90 days	53(14)	
	Appeal the passing of a Zoning By-law	34(19)	
Zoning By-law or	Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)	
Zoning By-law Amendment	Application for an amendment to the Zoning By-law – refused by the municipality		
nterim Control By-law	Appeal the passing of an Interim Control By-law	38(4)	
	Appeal a decision	17(24) or 17(36)	
	Failed to make a decision on the plan within 180 days	17(40)	
Official Plan or Official Plan Amendment	Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	22(7)	
	Application for an amendment to the Official Plan – refused by the municipality		
	Appeal a decision	51(39)	
Plan of Subdivision	Appeal conditions imposed	51(43) or 51(48)	
	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 A1 Revised April 2010 Page 2 of 6



Part 3: Appel	lant Inform	ation	9100	THE STATE OF	SI THE STATE OF	Walley V	CHEAT	
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Company Name	or Associati	on Name (Assoc	cration must b	e incorporateo – i	nclude copy of let	tier of incorpo	ration)	
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quote your OME	3 Reference	Number(s) afti	er they have	been assigned		ioreproduce i	idiniber iir wi	iding. Flease
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Signature of Appe	llant	B-78.	ll=			Date	04/21/14	
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I certify that I behalf and I un	have written iderstand th	aulno/rzation fr al I may be aske	rom the appel ed to produce	lant to act as a re this authorization	oresentative with at any time	respect to the	s appeal on i	us or her
Revised April 2010	0							Page 3 of 5

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Part 8: Scheduling Information
How many days do you estimate are needed for hearing this appeal? half day half day 1 day 2 days 3 days 4 days 1 week More than 1 week – please specify number of days:
How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?  Two
Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.):  Land Use Planner, Ecologist
Do you believe this matter would benefit from mediation?  (Mediation is generally scheduled only when all parties agree to participate)
Do you believe this matter would benefit from a prehearing conference? YES (Prehearing conferences are generally not scheduled for variances or consents)
If yes, why? To clarify the scope and implications of the proposed amendment, and to establish party statu
Part 9: Other Applicable Information **Attach a separate page if more space is required.
Please refer to the attached cover letter.
Part 10: Required Fee
Total Fee Submitted: \$ 125
Payment Method: ☐ Certified cheque ☐ Money Order ☐ Solicitor's general or trust account cheque
<ul> <li>The payment must be in Canadian funds, payable to the Minister of Finance.</li> </ul>
Do not send cash.
PLEASE ATTACH THE CERTIFIED CHEQUE/MONEY ORDER TO THE FRONT OF THIS FORM.
A1 Revised April 2010 Page 5 of 6

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Part 5: Language and Accessibility	
Please choose preferred language: English French	
We are committed to providing services as set out in the Accessibility for On any accessibility needs, please contact our Accessibility Coordinator as soon	
Part 6: Appeal Specific Information	
<ol> <li>Provide specific information about what you are appealing. For Number(s), Official Plan Number(s) or Subdivision Number(s):</li> </ol>	example: Municipal File Number(s), By-lav
(Please print)	
Official Plan Amendment No. 576; Planning Division File No. OZ-8	3271.
Please refer to attached cover letter for description of appeal.	
<ol> <li>Outline the nature of your appeal and the reasons for your appeal. Be s (for example: the specific provisions, sections and/or policies of the Or your appeal - if applicable). **If more space is required, please continue</li> </ol>	Official Plan or By-law which are the subject of
(Please print)	
Please refer to the attached cover letter.	
THE FOLLOWING SECTIONS (a&b) APPLY ONLY TO APPEALS OF SECTION 34(11) OF THE PLANNING ACT.	ZONING BY-LAW AMENDMENTS UNDER
a) DATE APPLICATION SUBMITTED TO MUNICIPALITY:  (If application submitted before January 1, 2007 please use the O1 'pre-Bit b) Provide a brief explanatory note regarding the proposal, which includes the category, the purpose of the desired zoning by-law change, and a description.	the existing zoning category, desired zoning ption of the lands under appeal:
a) DATE APPLICATION SUBMITTED TO MUNICIPALITY:  (If application submitted before January 1, 2007 please use the O1 'pre-Bit b) Provide a brief explanatory note regarding the proposal, which includes the	the existing zoning category, desired zoning ption of the lands under appeal:
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a) DATE APPLICATION SUBMITTED TO MUNICIPALITY:  (If application submitted before January 1, 2007 please use the O1 pre-Bill b) Provide a brief explanatory note regarding the proposal, which includes the category, the purpose of the desired zoning by-law change, and a descrip **If more space is required, please continue in Part 9 or attach a separate  Part 7: Related Matters (if known)  Are there other appeals not yet filed with the Municipality?  Are there other planning matters related to this appeal?  (For example: A consent application connected to a variance application)  If yes, please provide OMB Reference Number(s) and/or Municipal File Num	the existing zoning category, desired zoning ption of the lands under appeal: e page.  YES NO

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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

APPELLANT FORM (A1)
PLANNING ACT

SUBMIT COMPLETED FORM TO MUNICIPALITY/APPROVAL AUTHORITY

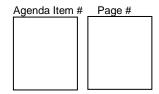
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#### Part 1: Appeal Type (Please check only one box)

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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	
A1 Revised April 2010	Page 2 of 6



Part 3: Appella	ant Information		
First Name	Stacey	Last Name Gra	-ha m
	South Winds	Development	Co. Inc.
Company Name	or Association Name (Association	must be incorporated include copy of	of letter of incorporation)
Professional Title	(if applicable) VICE	- PRESIDENT	
E-mail Address	,		
	By providing an e-mail addre	ess you agree to receive communications from	n the OMB by e-mail.
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		Allemate relephone #	
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Signature of Appe	ellant \$7 -7 ?.	le_	Date MINIII
	STACEY E. GRAHAM	d if the appeal is submitted by a law of	ffice)
Please note: Yo	u must notify the Ontario Munic Reference Number(s) after the	ipal Board of any change of addres	ss or telephone number in writing. Please
quote your OMB	Reference Number(s) after the	y nave been assigned.	
Part 4: Repres	able to the public	cable)	I is filed, all information relating to this appeal
		I/or individual(s) to represent me	
First Name	CU101	Lasi Name W	17406
Company Name	MABC	Planning	
Professional Title	Partner	Planning	
E-mail Address			
		e to receive communications from	the OMB by e-mail
Daytime Telephon	e #	_ Alternate Telephone #	
Fax#			
Mailing Address	630 Co.	Apt/Suite/Unit#  Country (if not Canada)	lite 202 London
	Street Address	Apt/Suite/Unit#	City/Town
	Ontario		N6B2V2
	Province &	Country (if not Canada)	Postal Code
Signature of Appell	and Style 1		Date 04/21/14
Please note If you equired by the Bo selow	i are representing the appellan ard's Rules of Practice and Prod	t and are NOT a solicitor please cor cedure to act on behalf of the appella	infirm that you have written authorization, as ant. Please confirm this by checking the box
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behalf and I un	nave written authorization from the derstand that I may be asked to	e appeliant to act as a representative v produce this authorization at any time	with respect to this appeal on his or her

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Part 5: Language and Accessibility
Please choose preferred language: English French
We are committed to providing services as set out in the <i>Accessibility for Ontarians with Disabilities Act, 2005</i> . If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible.
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(Please print)
London Zoning By-law Amendment Z1-142282; Planning Division File No. OZ-8271.
Please refer to attached cover letter for description of appeal.
<ol> <li>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.</li> </ol>
(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:
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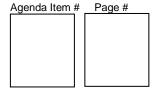
Agenda Item #	_ Page #

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Part 8: Scheduling Information					Sient .
How many days do you estimate are needed for hearing this appeal?	half day	□ <sub>1 day</sub>	□ <sub>2 days</sub>	, 🗆	3 days
4 days II week — More than 1 week – please specify	y number	of days:			
How many expert witnesses and other witnesses do you expect to have a Two	at the hear	ing providing	g evidence/te	stimor	ny?
Describe expert witness(es)' area of expertise (For example: land use plantand Use Planner, Ecologist	nner, arch	nitect, engine	er, etc.):		
Do you believe this matter would benefit from mediation? (Mediation is generally scheduled only when all parties agree to participate)	YES	NO NO			
Do you believe this matter would benefit from a prehearing conference? (Prehearing conferences are generally not scheduled for variances or consents)	YES	<b>⊠</b> NO			
If yes, why? To clarify the scope and implications of the propose	d amend	lment, and	to establis	sh par	ty statu
Part 9: Other Applicable Information **Attach a separate page if more	re space i	s required			
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Please refer to the attached cover letter.					
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A1 Revised April 2010

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Page 5 of 6





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

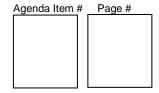
We are acting on behalf of South Winds Development Co. Inc. (referred to herein as the "Appellant"), with respect to the above noted matter. On behalf of the Appellant, we hereby appeal Official Plan Amendment No. 576 and Zoning By-law Z.-1-142282, as adopted by City Council on March 18, 2014.

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 (OSS) Zone. The implementation of the OSS zone on a portion of the natural heritage feature could have implications on the balance of the feature.

202-630 COLBORNE STREET / LONDON / ONTARIO / N6B 2V2 / T 519 858 2797 / F 519 858 2920 / WWW.MHBCPLAN.COM



 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

Agenda Item #	Page #



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

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

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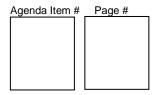
# Part 2: Location Information

Unevaluated Vegetative Patches - City Wide

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

A1 Revised April 2010

Page 2 of 5



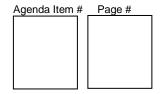
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First Name: AnnaMaria	Last Name: Valastro	
Company Name or Association Name (A	Association must be incorporated – include copy of let	tter of incorporation)
Professional Title (if applicable):		
E-mail Address:  By providing an	e-mail address you agree to receive communications from the	OMB by e-mail.
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Fax #:	•	
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Province	Country (if not Canada)	Postal Code
Signature of Appellant:	not required if the appeal is submitted by a law office.	Date:
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Agenda Item #	Page #

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Part 8: Scheduling Information						
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Oo you believe this matter would benefit from mediation?  Mediation is generally scheduled only when all parties agree to participate)	YES	Г	NO	~		
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Revised April 2010						Page 5 of 5





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

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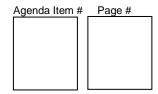
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Address and/or Legal Description of property subject to the appeal:

A1 Revised April 2010

Page 2 of 5



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Company Name or Association Nan	me (Association must be incorporated – include copy of letter of inc	corporation)
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Daytime Telephone #	Alternate Telephone #:	
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Agenda Item:	Page #		

Part 5: Language and Accessibility	
Please choose preferred language: English French	
We are committed to providing services as set out in the <i>Accessibility</i> any accessibility needs, please contact our Accessibility Coordinator	v for Ontarians with Disabilities Act, 2005. If you have as soon as possible.
Part 6: Appeal Specific Information	
<ol> <li>Provide specific information about what you are appealing. Number(s), Official Plan Number(s) or Subdivision Number(s):</li> </ol>	. For example: Municipal File Number(s), By-law
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Please see attached — AMELIDIMENTS 50	59
<ol> <li>Outline the nature of your appeal and the reasons for your appeal (for example: the specific provisions, sections and/or policies of your appeal - if applicable). **If more space is required, please co</li> </ol>	the Official Plan or By-law which are the subject of
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Agenda Item #	Page #

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Part 9: Other Applicable Information **Attach a separate page if mo	re space	is req	uired.			
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1 Revised April 2010						Page 5 of 5

Agenda Item	#	Page #	



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Ontario Municipal Board
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APPELLANT FORM (A1) PLANNING ACT

## SUBMIT COMPLETED FORM TO MUNICIPALITY/APPROVAL AUTHORITY

Receipt Number (OMB Office	ce Use Only	1)	

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Zoning By-law or	Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)
Zoning By-law Amendment	Application for an amendment to the Zoning By-law – refused by the municipality	
Interim Control By-law	Appeal the passing of an Interim Control By-law	38(4)
	Appeal a decision	17(24) or 17(36)
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Official Plan or Official Plan Amendment	Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	22(7)
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	Appeal a decision	51(39)
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	Failed to make a decision on the application within 180 days	51(34)

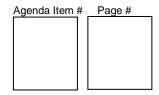
# Part 2: Location Information

Unevaluated Vegetative Patches - City Wide

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

A1 Revised April 2010

Page 2 of 5



First Name: Ann	aMaria	Last Name: V	alastro	
Company Name	or Association Name (As	sociation must be	incorporated – include copy of lett	ter of incorporation)
Professional Title	(if applicable):			
E-mail Address:		-mail address you agr	ee to receive communications from the (	OMB by e-mail.
Daytime Telepho	one #	Alternate Tele	phone #:	
Fax #:				
Mailing Address:	133 John Street, Unit 1 I	London, Ontario N	6A 1N7	
	Street Address		Apt/Suite/Unit#	City/Town
	10 100 00 00			
	Province	Mala	Country (if not Canada)	Postal Code
Signature of App	ellant: (Signature n	ot required if the a	opeal is submitted by a law office.	Date:
				201
Please note:  Yo quote your OME	ou must notify the Onta 3 Reference Number(s)	rio Municipal Boa after they have b	ard of any change of address or een assigned.	telephone number in writing. Please
may become ava	Municipal Board Act, R.S illable to the public.	.O. 1990, c. O. 28	as amended. After an appeal is fi	Act, R.S.O. 1990, c. P. 13, as amended led, all information relating to this appea
Part 4: Repres	sentative Information	O. 1990, c. O. 28  (if applicable)  Dany and/or indi	as amended. After an appeal is fi	led, all information relating to this appea
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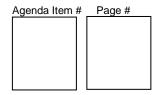
Agenda Item	genda Item #		

Part 5: Language and Accessibility	
Please choose preferred language: English French	h
We are committed to providing services as set out in the Access any accessibility needs, please contact our Accessibility Coordin	sibility for Ontarians with Disabilities Act, 2005. If you have nator as soon as possible.
Part 6: Appeal Specific Information	
<ol> <li>Provide specific information about what you are appe Number(s), Official Plan Number(s) or Subdivision Number(</li> </ol>	aling. For example: Municipal File Number(s), By-laws):
(Please print)	
Please see attached — AMELIDIMENTS	570
<ol> <li>Outline the nature of your appeal and the reasons for your a         (for example: the specific provisions, sections and/or policie         your appeal - if applicable). **If more space is required, pleas</li> </ol>	as of the Official Plan or Ry-law which are the autit-
(Please print)	
Please see attached	
THE FOLLOWING SECTIONS (a&b) APPLY ONLY TO APP SECTION 34(11) OF THE PLANNING ACT.	PEALS OF ZONING BY-LAW AMENDMENTS UNDER
a) DATE APPLICATION SUBMITTED TO MUNICIPALITY:	
<ul> <li>(If application submitted <u>before</u> January 1, 2007 please use the</li> <li>b) Provide a brief explanatory note regarding the proposal, which category, the purpose of the desired zoning by-law change and</li> </ul>	includes the existing zoning category, desired zoning
<ul><li>(If application submitted <u>before</u> January 1, 2007 please use the</li><li>b) Provide a brief explanatory note regarding the proposal, which</li></ul>	includes the existing zoning category, desired zoning
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Agenda Item #	Page #

Part 8: Scheduling Information				
How many days do you estimate are needed for hearing this appeal?  4 days  1 week  More than 1 week – please specify		_	C 2 days	3 days
How many expert witnesses and other witnesses do you expect to have a			evidence/tes	timony?
Describe expert witness(es)' area of expertise (For example: land use pla	anner, archit	ect, engine	er, etc.):	
Do you believe this matter would benefit from mediation? (Mediation is generally scheduled only when all parties agree to participate)	YES T	NO	₽	
Do you believe this matter would benefit from a prehearing conference? (Prehearing conferences are generally not scheduled for variances or consents)	YES	NO	₽	
If yes, why?				
Part 9: Other Applicable Information **Attach a separate page if mor	re space is	required.		Mark House
				-
		-		
Part 10: Required Fee				
Total Fee Submitted: \$ 125.00				
Payment Method:	┌ Solicit	or's genera	ll or trust acco	unt cheque
The payment must be in Canadian funds, payable to the Mini	ister of Fina	ance.		
Do not send cash.				
<ul> <li>PLEASE ATTACH THE CERTIFIED CHEQUE/MONEY ORDE</li> </ul>	ER TO THE	FRONT O	F THIS FORM	
A1 Revised April 2010				Page 5 of 5





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	′)	

# mp - Appeal Received by Municipality ECEIVE APR 2 2 2014

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

SUBJECT OF APPEAL	TYPE OF APPEAL	PLANNING ACT REFERENCE (SECTION)
Minor Variance	Appeal a decision	45(12)
	Appeal a decision	50(40)
Consent/Severance	Appeal conditions imposed	53(19)
	Appeal changed conditions	53(27)
	Failed to make a decision on the application within 90 days	53(14)
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Official Plan or Official Plan Amendment	Application for an amendment to the Official Plan – failed to make a decision on the application within 180 days	22(7)
	Application for an amendment to the Official Plan – refused by the municipality	Table
	Appeal a decision	51(39)
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	Failed to make a decision on the application within 180 days	51(34)

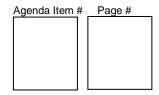
## Part 2: Location Information

Unevaluated Vegetative Patches - City Wide

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

A1 Revised April 2010

Page 2 of 5



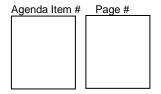
Municipality/Upper tier: Part 3: Appellant Information		
First Name: AnnaMaria	Last Name: Valastro	
Company Name or Association Name (Association Name)	ciation must be incorporated – include copy of leti	ter of incorporation)
Professional Title (if applicable):		
E-mail Address:	ail address you agree to receive communications from the	OMB by e-mail.
Daytime Telephone	Alternate Telephone #:	
Fax #:		
Mailing Address: 133 John Street, Unit 1 Lor Street Address	ndon, Ontario N6A 1N7 Apt/Suite/Unit#	City/Town
Province Signature of Appellant: (Signature not re	Country (if not Canada)  equired if the appeal is submitted by a law office.	Postal Code Date: A CODE
Please note: You must notify the Ontario quote your OMB Reference Number(s) aft	Municipal Board of any change of address or ter they have been assigned.	telephone number in writing. Please
	ny and/or individual(s) to represent me:  Last Name:	
Company Name:		
Professional Title:		
= mail Addross:		
By providing an e-ma	ail address you agree to receive communications from the (	
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 appreciate the appreciation of the Board's Rules of Practice as below.	ppellant and are NOT a solicitor, please confirr nd Procedure, to act on behalf of the appellant.	n that you have written authorization, a Please confirm this by checking the bo
I certify that I have written authorization behalf and I understand that I may be as	from the appellant to act as a representative with sked to produce this authorization at any time.	respect to this appeal on his or her
A1 Revised April 2010		Page 3 of 5

Agenda Item #	Page #		

Part 5: Language and Accessibility	
Please choose preferred language: English Fren	
We are committed to providing services as set out in the Acce any accessibility needs, please contact our Accessibility Coord	essibility for Ontarians with Disabilities Act, 2005. If you hav dinator as soon as possible.
Part 6: Appeal Specific Information	
<ol> <li>Provide specific information about what you are app Number(s), Official Plan Number(s) or Subdivision Number</li> </ol>	pealing. For example: Municipal File Number(s), By-lawer(s):
(Please print)	
Please see attached — AMENDIMENTS	571
<ol> <li>Outline the nature of your appeal and the reasons for your (for example: the specific provisions, sections and/or poli your appeal - if applicable). **If more space is required, ple</li> </ol>	icies of the Official Plan or By-law which are the subject -
(Please print)	
Please see attached	
	PPEALS OF ZONING BY-LAW AMENDMENTS HADED
THE FOLLOWING SECTIONS (a&b) APPLY ONLY TO A SECTION 34(11) OF THE PLANNING ACT.	PPEALS OF ZONING BY-LAW AMENDMENTS UNDER
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Age	nda It	em#	Page #	

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How many days do you estimate are needed for hearing this appeal?	half da	V	1 day	r 2 days	T 3 days
4 days 1 week More than 1 week – please specif					
How many expert witnesses and other witnesses do you expect to have a	at the he	aring p	roviding	evidence/tes	timony?
Describe expert witness(es)' area of expertise (For example: land use pla	anner, ar	chitect,	engine	er, etc.):	
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Part 10: Required Fee					
Total Fee Submitted: \$ 125.00					
	Г				
Payment Method: Certified cheque Money Order	So	licitor's	genera	or trust acco	unt cheque
The payment must be in Canadian funds, payable to the Min	ister of I	Financ	e.		
Do not send cash.					
PLEASE ATTACH THE CERTIFIED CHEQUE/MONEY ORDI	ER TO T	HE FR	ONT OF	THIS FORM	i.
A1 Revised April 2010					Page 5 of 5





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

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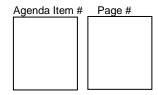
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A1 Revised April 2010

Page 2 of 5



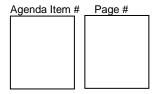
Municipality/Upper tier:		
Part 3: Appellant Information		
First Name: AnnaMaria Las	t Name: V <mark>alastro</mark>	
Company Name or Association Name (Association	on must be incorporated – include copy of lett	er of incorporation)
Professional Title (if applicable):		
E-mail Address:		
By providing an e-mail add	dress you agree to receive communications from the C	DMB by e-mail.
Daytime Telephone Alte	ernate Telephone #:	The state of the s
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:	ala ala	Date: ATRIC 2.2
(Signature not requi	red if the appeal is submitted by a law office.)	3014
Please note: You must notify the Ontario Mur quote your OMB Reference Number(s) after th		telephone number in writing. Please
Personal information requested on this form is co and the <i>Ontario Municipal Board Act</i> , R.S.O. 199 may become available to the public.	ollected under the provisions of the <i>Planning</i> 0, c. O. 28 as amended. After an appeal is fil	Act, R.S.O. 1990, c. P. 13, as amended, ed, all information relating to this appeal
Part 4: Representative Information (if app	blicable)	
I hereby authorize the named company ar	nd/or individual(s) to represent me:	
First Name:	Last Name:	
Company Name:		
Professional Title:		
E-mail Address:		
Du providing an a mail ada		and the second second
	Iress you agree to receive communications from the C	
Daytime Telephone #:		
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Daytime Telephone #:  Fax #:  Mailing Address:	Alternate Telephone #:	
Daytime Telephone #:	Alternate Telephone #:	
Daytime Telephone #:  Fax #:  Mailing Address:	Alternate Telephone #:	
Daytime Telephone #:  Fax #:  Mailing Address:  Street Address	Apt/Suite/Unit#  Country (if not Canada)	City/Town
Daytime Telephone #:  Fax #:  Mailing Address:  Street Address  Province	Apt/Suite/Unit#  Country (if not Canada)  ant and are NOT a solicitor, please confirm	City/Town  Postal Code  Date:  n that you have written authorization, as
Daytime Telephone #:	Apt/Suite/Unit#  Country (if not Canada)  ant and are NOT a solicitor, please confirm rocedure, to act on behalf of the appellant.	City/Town  Postal Code  Date:  that you have written authorization, as Please confirm this by checking the box

Agenda Item #	Page #		

Part 5: Language and Accessibility	
Please choose preferred language: English French	
We are committed to providing services as set out in the Accession any accessibility needs, please contact our Accessibility Coordinates.	bility for Ontarians with Disabilities Act, 2005. If you ator as soon as possible.
Part 6: Appeal Specific Information	
Provide specific information about what you are appear Number(s), Official Plan Number(s) or Subdivision Number(s)	ling. For example: Municipal File Number(s), B
(Please print)	
Please see attached — AMELIDIMENTS	572
<ol> <li>Outline the nature of your appeal and the reasons for your ap (for example: the specific provisions, sections and/or policies your appeal - if applicable). **If more space is required, please</li> </ol>	s of the Official Plan or By-law which are the subje
Please print)	
THE FOLLOWING SECTIONS (a&b) APPLY ONLY TO APPLED TO APPLED TO APPLED TO APPLED THE PLANNING ACT.	EALS OF ZONING BY-LAW AMENDMENTS UN
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DATE APPLICATION SUBMITTED TO MUNICIPALITY:  (If application submitted before January 1, 2007 please use the continue of the purpose of the desired zoning by-law change, and "If more space is required, please continue in Part 9 or attach a street other appeals not yet filed with the Municipality?  The there other planning matters related to this appeal?  For example: A consent application connected to a variance application connected to a variance application.	O1 'pre-Bill 51' form.) includes the existing zoning category, desired zoning a description of the lands under appeal: a separate page.  YES NO YES NO FOR THE PROPERTY OF THE
Provide a brief explanatory note regarding the proposal, which category, the purpose of the desired zoning by-law change, and	O1 'pre-Bill 51' form.) includes the existing zoning category, desired zoning a description of the lands under appeal: a separate page.  YES NO YES NO FOR THE PROPERTY OF THE

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How many days do you estimate are needed for hearing this appeal?	half da	у 🔽 .	day	Γ	2 days	3 days
4 days 1 week More than 1 week – please specify	y numbe	r of days	:			
How many expert witnesses and other witnesses do you expect to have a	at the he	aring pro	viding	evide	nce/testim	ony?
Describe expert witness(es)' area of expertise (For example: land use pla	nner, ar	chitect, e	engine	er, etc	:.):	
Do you believe this matter would benefit from mediation? (Mediation is generally scheduled only when all parties agree to participate)	YES	Г	NO	R		
Do you believe this matter would benefit from a prehearing conference? (Prehearing conferences are generally not scheduled for variances or consents)	YES	Γ	NO	V		
If yes, why?						
Part 9: Other Applicable Information **Attach a separate page if mor	e space	ic roqui	rod			
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1 Revised April 2010					Pa	ge 5 of 5



# 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 <u>last remaining unevaluated open spaces</u>.

# 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 <u>last vegetative patches</u> could not have detected many of the natural features that require legislative protection.

Section 15.1.1, i, ii ,ii, 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 <u>last remaining unevaluated vegetative patches</u> 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.

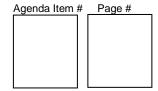
That didn't happen and the City expanded in a patchwork of development proposals dictated by economics and revenue streams.

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.



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 <u>last remaining unevaluated open spaces</u>. I don't believe that was the original intention of Council because it is inconsistent with the direction to hire a qualified ecologist.

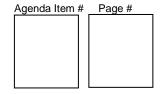
It is also unclear as to why only woodlands were considered as this was not specified in Council's directive unless if not listed as an 'unevaluated wetland' on Schedule B-1 it is simply considered a 'woodland'.

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.



Section 2.0 – <u>Data Collection Standards for Ecological Inventory</u> of the City's <u>Environmental Management Guidelines</u> 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's detailed site inventory.

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

On the second page, it describes the specific requirements in which a detailed three-season inventory may be waivered, 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 waivers 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 <u>Guideline Document for the Evaluation of Ecologically Significant Woodlands</u>, 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.

<u>These are the very last of the City's open spaces</u>. 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

AnnaMaria Valastro 133 John Street, Unit 1 London, Ontario N6A 1N7

Submitted April 22, 2014