

# Barry R. Card

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September 23, 2014

**Via Email and Fax 519-661-4892**

Chairman and Members  
Planning & Environment Committee  
The Corporation of the City of London  
c/o Heather Woolsey, PEC Secretary  
City Hall, 3<sup>rd</sup> Floor  
300 Dufferin Avenue  
London, Ontario  
N6A 4L9

Dear Sirs/Madams:

**Re: Planning and Environment Committee Agenda - September 23, 2014  
Item Number 15 - Proposed Official Plan Amendment and  
Urban Growth Boundary Expansion (O-8014)  
Sifton Properties Limited**

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I am the solicitor for Sifton Properties Limited with respect to the captioned matter. I recently spoke on behalf of Sifton at the related "White Oaks" (O-7938) public meeting. Both applications have been initiated by City Planning Staff.

The purpose of the White Oaks amendment is to redesignate certain industrially-designated land to urban reserve-community growth, hard on the heels of the recently approved Southwest Area Secondary Plan, and in advance of a proposed secondary planning process affecting the area of land that is to be redesignated.

In our respectful opinion, these actions are premature. Redesignation of the White Oaks industrial land should not occur until the proposed secondary planning study has been completed. In response to questions raised by members of the PEC at the public meeting on September 9, 2014, staff indicated that removal of the unwanted White Oaks industrial land, is effectively a condition precedent to the addition of the more strategically located 401 corridor land. Both Mr. Barrett and Mr. Fleming advised members of the Committee that this approach had been counselled (or recommended) by MMAH staff.

The underlying problem which staff are trying to address, is a product of limits in the Provincial Policy Statement. Provincial policy forbids the addition of prime agricultural land to the settlement area in excess of requirements within the "planning horizon", and specifically:

1.1.3.8 A planning authority may identify a settlement area or allow the expansion of a settlement area boundary only at the time of a comprehensive review and only where it has been demonstrated that:

- a) sufficient opportunities for growth are not available through intensification, redevelopment and designated growth areas to accommodate the projected needs over the identified planning horizon;
- b) the infrastructure and public service facilities which are planned or available are suitable for the development over the long term, are financially viable over their life cycle, and protect public health and safety and the natural environment;
- c) in prime agricultural areas: 1. the lands do not comprise specialty crop areas; 2. alternative locations have been evaluated, and i. there are no reasonable alternatives which avoid prime agricultural areas; and ii. there are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas; d) the new or expanding settlement area is in compliance with the minimum distance separation formulae; and e) impacts from new or expanding settlement areas on agricultural operations which are adjacent or close to the settlement area are mitigated to the extent feasible. In determining the most appropriate direction for expansions to the boundaries of settlement areas or the identification of a settlement area by a planning authority, a planning authority shall apply the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

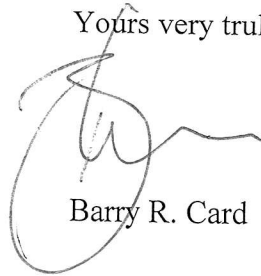
The addition of prime agricultural land to the settlement area for industrial purposes, as proposed by this amendment (O- 8014), is not consistent with Provincial Policy, because it is not the product of a comprehensive review and does not meet the tests set out above.

Taken together, it is clear that the purpose of the this amendment and the proposed White Oaks OPA, is to artificially reduce the City's inventory of designated industrial land, to make room for the addition of industrial land along the Highway 401 corridor. The result of these amendments would be to effectively "dump" the unwanted White Oaks industrial land into the proposed Urban Reserve-Community Growth designation, where they would inflate the supply of land for community growth purposes. There is already an oversupply of land in these categories and moreover, no determination can be made regarding the suitability of the White Oaks land for other possible land uses until the proposed secondary planning process has been completed. The consequence of these measures will be to preempt meaningful choices for the Council and the public during the next round of Official Plan review. At the public meeting concerning White Oaks, Councillor Polhill asked planning staff if the redesignation to Urban Reserve - Community Growth could have the effect of reducing choices during the next five year review, the answer provided by staff was that "It could".

My client supports initiatives by the Council to strengthen the City's position with regard to employment opportunities. It may be that the proposed amendments would contribute to that objective, however, the consequences of the proposed amendments have not been fully considered or presented for the Committee's consideration.

It is respectfully requested that the proposed amendments (O-8014) and "White Oaks" (O-7938), be referred back to staff for further study of the consequences of the proposed changes and a range of options for accomplishing the goal of expanding employment opportunities.

Yours very truly,

A handwritten signature in black ink, appearing to read "Barry R. Card", written over a circular stamp or seal.

Barry R. Card

BRC:jmh

cc: **C. Saunders, City Clerk - via email**