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TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE MONDAY, DECEMBER 14, 2015
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	INFORMATION REPORT ENVIRONMENTAL IMPACT STUDY RECOMMENDATIONS WITHIN PLANS OF SUBDIVISION – DEFERRED MATTER 8

RECOMMENDATION

That on the recommendation of the Managing Director, Planning and City Planner, the following information report on the implementation of Environmental Impact Study recommendations into plans of subdivisions **BE RECEIVED**.

PURPOSE OF THE REPORT

The purpose of this report is to update the Committee on the progress of implementing Environmental Impact Study conditions within plans of subdivisions.

BACKGROUND

On September 2, 2014 Municipal Council resolved:

that the following actions be taken with respect to Beacon Environmental’s response to the Environmental and Ecological Planning Advisory Committee (EEPAC) comments relating to the EIS Performance Monitoring Report:

- i) the Civic Administration BE ASKED to develop a method by which recommendations from an Environmental Impact Study or Environmental Assessment are included in a subdivision or development agreement;
- ii) the recommendations in part i), above, BE IMPLEMENTED;
- iii) the Civic Administration BE ASKED to report back on the progress within one year; and,
- iv) the Civic Administration BE ASKED to review methods that the City can use to regulate and enforce that no gates be installed on fences on lots adjacent to components of the natural heritage system and to report back at a future meeting of the Planning and Environment Committee;

In August 2014, Environmental and Parks Planning brought forward a staff report outlining the recommendations from a performance evaluation of the current Environmental Impact Study procedure that was undertaken by a private consulting firm, Beacon Environmental. At the time, the study evaluated nine environmental impact studies prepared for plans of subdivisions against a number of criteria. The study also included consultation with ecological firms, London Development Institute and Environmental and Ecological Planning and Advisory Committee. The study concluded:

- The policies and practices related to EIS implementation have been effective at ensuring that natural heritage features are protected through the planning process in the City of London.
- They have also been effective at ensuring that proponents follow established protocols and policies in the execution of their EIS.
- There is some evidence that there are encroachments along the edges of natural areas

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- that may be negatively impacting the ecological functions of these areas.
- That some City processes and procedures related to development should be updated and/or fine-tuned to improve EIS implementation.

A number of the subdivisions reviewed in the above report were completed prior to the inception of the File Manager process. Since that time, the implementation of most EIS recommendations has been effective in the protecting the integrity of the natural heritage system. This report provides a brief summary of the plans of subdivision which have been registered within the last year and provides a brief indication of how the EIS recommendations have been implemented. The report will go on to speak to the issue of fencing as discussed in point iv) in the above council resolution.

EIS IMPLEMENTATION IN SUBDIVISION AGREEMENTS

Where a development application is within the trigger distance of an identified natural heritage feature, an applicant, as part of a complete application, must include a completed subject land status report and/or Environmental Impact Study. Through the application review process, staff, the Conservation Authority and EEPAC provide written comments and recommended changes to the EIS document. Once the EIS has been approved, the recommendations of the EIS and its associated addendum(s) are included as a general condition within the Draft Plan of Subdivision Approval document.

These recommendations are implemented at different times in the process:

- Design Studies – prior to the submission of engineering drawing, a number of studies are completed to assist in the appropriate engineering of the subdivision. These studies could include tree preservation report, a water balance report, conceptual park and management plans, compensation and restoration plans, additional EIS;
- Engineering Drawings – detailed engineering of the subdivision which could include fencing, landscape plans, detailed restoration plans, third-pipe water balance systems;
- Site Alteration Plan – upon completion of the engineering drawings, the applicant can undertake rough grading of the site in preparation of services while the registration of the plan is completed. EIS recommendations could include barrier fencing, tree protection, and silt fencing; and
- Special Provisions- specific clauses within the subdivision agreement that are to be completed by the owner after registration of the plan and prior to the assumption of the plan. These clauses could relate to implementing the engineering drawings, fencing without gates, distribution of home owners guide for living adjacent to the natural heritage feature and ecological monitoring requirements.
- Agreement Compliance - staff inspect to ensure Open Space fencing is correctly installed with no gates prior to assuming the stage or phase of development.

Generally, subdivisions are developed in phases which may or may not include portions of the natural heritage system. While an EIS may have been undertaken for a plan of subdivision it may not be implemented until later in the development based on the location of the registered phase.

Below is a listing of plans of subdivisions that have been registered within the last year. The table provides the plan number, the subdivision name, the completion of an EIS and the implementation stages of the recommendations of the EIS. Where applicable, these recommendations have been included within the plan of subdivision.

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Registered Plans of Subdivision September 2014 – Present

M Plan	Subdivision File Number	Subdivision Name	EIS	Implemented
33M-647	39T-02502	North Longwoods Phase 3c	Yes	EIS completed for the overall subdivision but not applicable to this phase of development.
33M-672	39T-09502	Victoria on the Ridge Phase 2	Yes	Recommendations of the EIS and Compensation Plan Implemented through Engineering Drawings and special provisions included within the subdivision agreement
33M-675	39T-10502	Sunningdale Meadows	Yes	EIS completed for the overall subdivision but not applicable to this phase of development.
33M-676	39T-04503	Claybar	No	No NH issues
33M-678	39T-03518	Cedar Hollow Phase 3	Yes	EIS completed for the overall subdivision but not applicable to this phase of development.
33M-679	39T-11505	Vista Woods Phase 1	No	No NH issues
33M-680	39T-05510	Powell	Yes	Recommendations of the EIS implemented through Engineering Drawings and special provisions included within the subdivision agreement
33M-681	39T-78066	Corporate Campus	No	No NH issues
33M-682	39T-03511	Woodhull	Yes	Recommendations of the EIS implemented through Engineering Drawings and special provisions included within the subdivision agreement.
33M-684	39T-13504	Talbot Village Phase	No	No NH issues
33M-685	39T-11503	Stanton Subdivision	No	No NH issues
33M-686	39T-02511	Chelsea Green	Yes	Recommendations of the EIS implemented through subdivision design, Engineering Drawings and special provisions included within the subdivision agreement.

Fencing Adjacent to Natural Heritage Features

The 2014 Performance Report noted property encroachments have appeared along property lines where they abut natural areas resulting in a negative impact on the function of the natural heritage feature. As part of the subdivision process, the owner is required to install a 1.5 meter high commercial grade chain link fence, without gates, along all property lines that are adjacent to a public natural heritage feature. These fences are to be installed within one year of registration of the plan.

The fences are inspected by municipal compliance officers at the time of assumption to ensure they are in the correct location, of appropriate grade and size and that there are no openings or gates. While the assumption process has been successful to ensure fencing is installed correctly, future home owners have disassembled the fence and installed gates or openings. To further assist in mitigating these encroachments, staff has required the developer to provide a home owners guide for living adjacent to natural heritage features to all property owners adjacent to the natural heritage feature. This simple guide attempts to educate individuals on the impact of encroaching into natural areas and explains what “to do” and “not to do” in these areas.

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Once the subdivision or development has been assumed, it is the responsibility of the city by-law enforcement officers to act upon non-compliance and complaints. In 2012, staff prepared a report titled "Return to Nature," where City Administration reported on private property encroachments into publicly owned Environmentally Significant Areas. There are several examples of encroachments into these ESA's:

- Play structures, sand boxes, swing sets
- Fences, dog runs, compost containers and piles
- Stairs, patios, decks, garden sheds
- Pools (permanent and portable), pool backwash outlets

Minor encroachments are easily resolved by relocating dog houses, composters, patio furniture, etc, back onto private property. Major encroachments, which involve the removal of decks, patios and structures are dealt with through education, voluntary compliance and enforcement actions if necessary. MLEO staff will continue to address major encroachments on a complaint/referral basis and will continue to work closely with all other departments within City Hall who have a role in ESA management and maintenance. If enforcement actions are required in terms of removing the encroachment, all costs of removal including inspection fees will be invoiced to the offending property owner.

In addition, the city has retained the Upper Thames River Conservation Authority to monitor and proactively resolve minor encroachment issues. To date their team coupled with municipal by-law enforcement officers have been effective in resolving encroachment and gate issues in Environmentally Significant Areas. In areas that are not ESA's, such as parks and other natural areas, staffing levels do not permit for such proactive inspections or timely responses to issues relating to the removal of fences, the installation of gates, and/or minor and major encroachments.

CONCLUSION

Recommendations from the Beacon study regarding improving internal processes involving the implementation of EIS recommendations have been addressed. The City's processes for ensuring that no gates are installed in fences at the time of development are working and proving effective. Outside of ESA's, monitoring and responding to new gates and encroachments into natural areas is better, but not 100 percent effective due to resource issues and low priority status.

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