



June 9, 2016

*Via Email, Original to Follow via Canada Post*

The Corporation of the City of London  
Planning Division  
300 Dufferin Avenue  
London, Ontario N6A 4L9

**Attention: Mr. Justin Adema; Planner II**

Dear Mr. Adema

**Subject: The London Plan” A New Official Plan for the City of London – Review Comments**

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We are in receipt of the City of London’s Notice of Public Participation Meeting, on June 13, 2016, to adopt The London Plan as the new Official Plan for the City of London. We have been actively involved throughout the City’s ReThink process to develop The London Plan, since the original Terms of Reference were contemplated in 2011. This involvement has included attendance at numerous open houses, workshops, public meetings and the written submissions to the City’s Planning Division and Planning Environment Committee (PEC), as well as public presentations to PEC. Please accept this correspondence as our written submission associated with the review of the 3<sup>rd</sup> Draft of the London Plan. By copy of this correspondence to Heather Lysynski (Committee Secretary) we have requested that this written submission be included on PEC’s agenda associated with the Public Meeting on June 13, 2016.

**Site Specific Matter:**

Our lands located northwest of the intersection of Wonderland Road North and Sunningdale Road West have a vegetation patch that is now proposed to be designated as “Greenspace” on Map 1 (Place Types) and as “Significant Woodland”, “Unevaluated Wetland” and “Valleylands” on Map 5 (Natural Heritage) of the proposed London Plan. Within the existing Official Plan, this same property is designated “Environmental Review on Schedule A (Land Use) and “Unevaluated Vegetation Patch” and “Unevaluated Wetland” on Schedule B1 (Natural Heritage Features).

As previously indicated, we have made numerous submissions to City staff, over the course of the preparation of the London Plan, in including this matter. As indicted in the past, we are not aware of any environmental analysis that has been completed to determined the significance of this “unevaluated vegetation patch” to justify its designation as “Greenspace” and / or “Significant Woodland”. We have reviewed the methodology employed by staff which did not include any specific field data associated



with this specific patch. This is the same methodology employed by the City and their consultant as part of the Natural Heritage Study completed as part of the City's Southwest Area Plan. Through the subsequent appeals associated with the Southwest Area Plan (Ontario Municipal Board decision PL130020) where this evaluation (no filed data) methodology had been employed, the designation of patches reverted back to "Environmental Review" and "Unevaluated Vegetation Patch".

Considering all of the above, we would respectfully request that the vegetation patch on reference lands be designated as "Environment Review" (instead of "Greenspace") on Map 1 (Place Types) and "Unevaluated Vegetation Patch" (instead of "Significant Woodland") on Map 5 (Natural Heritage) of the proposed London Plan. In addition, we would request that the "Valleylands" designation on Map 5 (Natural Heritage) of the proposed London Plan (new to the 3<sup>rd</sup> draft of this plan) be removed in its entirety, as there is clearly no valleylands associated with this property.

While portions (or perhaps all of it) of the "unevaluated vegetation patch" located on our property may ultimately be determined to be "significant", it is appropriate to rely on the City's policies which will require the completion of appropriate environmental studies to determine this significance. As per page 171 of the proposed London Plan...

*Environmental Review Place Type – applies to lands that are protected until such time as the necessary environmental studies are completed to assess whether these lands are part of the Natural Heritage System and to be protected, conserved and enhanced.*

It would not be reasonable for us to determine that this "unevaluated vegetation patch" is developable, without undertaking the necessary studies anymore than it is reasonable for the City to determine that it is "significant" without the benefit of the proper studies. The "Environmental Review" designation will ensure that the appropriate environmental studies are completed and the "science" of the day will determine the significance of this patch.

### **The "Urban Growth Boundary" & the need for a "Comprehensive Review":**

The newly proposed Official Plan – the London Plan, in many ways is a ground breaking document. Unfortunately, it relies upon an Urban Growth Boundary (UGB) that was delineated almost twenty (20) years ago, through the Vision '96 process, based upon servicing assumptions and cost estimates (Southside Sewage Pollution Control Plant) which have since proven to be unattainable.

A report to the City's Civic Works Committee in February of 2014 (Notice of Completion of the Southwest Area Sanitary Servicing Master Plan) estimated the future servicing costs of the lands in the southwest. The costs to service these lands, which are within the UGB, is truly massive...in excess of \$44 Million over the next 20 years for sanitary sewerage services alone.



Since 2007, we have advocated that a “comprehensive review” of the City’s Official Plan is necessary to determine if the lands that were included within the Urban Growth Boundary, as part of the “Vision ‘96” process, remain the most appropriate lands to develop in order to accommodate the City’s projected growth. Not only is it appropriate to review this matter as part of the present Official Plan review (ReThink) process, we believe that the Provincial Policy actually requires that it be reviewed. To be clear, we have never advocated for an expansion of the Urban Growth Boundary, but rather a re-alignment based upon the outcome of a “comprehensive review”.

Section 26.1 of the Planning Act requires that Council determine the need to revise the OP every 5 years to ensure that it conforms with provincial plans or does not conflict with them, and has regard to the matters of provincial interest, and is consistent with Provincial Policy Statements.

The Provincial Policy Statement (PPS - 1.1.3.8) indicates that 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. A “comprehensive review” is defined in PPS, as an official plan review which is initiated by a planning authority, or an official plan amendment which is initiated or adopted by a planning authority, which:

- (1) Is based on a review of population...considers alternative directions for growth or development and determines how best to accommodate the development...
- (3) Is integrated with planning for infrastructure and public service facilities and considers financial viability...

On several occasions, in the past, a comprehensive review has been contemplated by Municipal Council and / or the City’s Planning staff.

- 2006 Official Plan Review Process – Municipal Council Resolution (August 13, 2007)
  - (d) *Planning and Development staff BE REQUESTED to prepare a report for a future meeting of the Planning Committee with respect to the process to be followed for the next five-year Official Plan Review that will include a review of strategic priorities in relation to the alignment of the Urban Growth Boundary (UGB) and a cost benefit analysis relating to servicing issues for any lands being considered for inclusion within the UGB. As well as those lands already within this boundary; it being noted that the report will be forthcoming in 2009. (emphasis added)*
- 2011 (ReThink) Official Plan Review Terms of Reference

*“...a review is required to confirm the land requirement projections, identify priority areas for development based on cost – effective servicing considerations and Industrial Land Development*



*Strategy and evaluate the merits of individual requests for adjustments to the Urban Growth Boundary.*

Regretfully, the (2011) ReThink London Official Plan Review (Land Needs Background Study - July 2013), which has resulted in the proposed "London Plan" has not undertaken any analysis of the existing UGB, it has simply carried forward the same UGB that was identified as part of the Vision '96 process.

It is our understanding that on December 17, 2014 the Ontario Ministry of Municipal Affairs and Housing provided the City with some 70 pages of review comments associated with the proposed London Plan. Including...

*MOECC strongly supports the concept of longer term infrastructure planning and its integration with land use planning. As noted elsewhere in these comments, the last such longer term infrastructure planning MOECC are aware of occurred during the Vision 96 process. As they have noted on a number of occasions, most recently with respect to the Southwest Area plan, the city's recent experience in this regard has been a series of individual infrastructure projects without any observable long range planning.*

Recently proposed amendments to the Planning Act have changed the requirement of a Council to determine the need to revise their OP from every 5 years to every 10 years. Can we really wait that long to determine if we are growing in the right direction? The present Urban Growth Boundary was approved in 1996. Can we wait until 2025 / 2026, ten years after the London Plan is approved (the next time the City will review the need to revise our Official Plan) to complete the required comprehensive review? This will be thirty years after the existing Urban Growth Boundary was delineated based upon the servicing assumptions and costs of the day that we already know today are unattainable...almost twenty years after Council requested staff to complete an analysis. On today's Strategic Priorities & Policy Committee Agenda is a staff report (Growth Management Implementation Strategy...Annual Review and Update) that will defer numerous expensive service projects as a result of the financial position of the City's various funds. This report indicates that much of this has to do with the fact that single family residential construction has been consistently below the City's adopted growth projections which results in unmet revenue projections. Unfortunately, this is only part of the story. The rest of the story is that we simply do not have the lands identified within the UGB that are the most efficient and cost effective to service and develop.

I would strongly encourage each of you to contemplate if there are lands in the City, outside of the Urban Growth Boundary, that are more efficient and cost effective to service than lands within the Urban Growth Boundary. If so, then why has the ReThink process not undertaken a comprehensive review to consider alternatives directions for growth? Without a comprehensive review, we believe, respectfully, that the proposed "London Plan" is not consistent with Provincial policy.



Yours truly,  
**Corlon Properties Inc.**

David R. Schmidt, MCIP, RPP  
Development Manager

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cc: Mayor Matt Brown City of London ( <i>via email</i> )	Councillor Phil Squire City of London ( <i>via email</i> )
John Fleming; Director of Planning City of London ( <i>via email</i> )	Art Zuidema; City Manager City of London ( <i>via email</i> )
Heather Lysynski; Committee Secretary City of London ( <i>via email</i> )	Gregg Barrett; Manager III, Land Use Planning Policy – City of London ( <i>via email</i> )