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**File No: 08 RIV b  
Planner: L. Mottram**

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES and CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT:</b>	<b>RIVERBEND SOUTH SECONDARY PLAN</b>

<b>RECOMMENDATION</b>
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That on the recommendation of the Manager of Development Services and Planning Liaison, the following actions **BE TAKEN** with respect to a request by Sifton Properties Limited to proceed with preparation of the River Bend South Secondary Plan:

- a) The previously established Terms-of-Reference be updated and brought back to a public meeting at Planning and Environment Committee in July;
- b) Upon adoption of the Terms-of-Reference by Council, Sifton Properties Limited be requested to update the required background studies and proceed to complete the Secondary Plan process, with input from the City of London and in accordance with the approved Terms-of-Reference;
- c) Final approval for the Secondary Plan be withheld by Council until such time as the Part II Order issues relating to the Tributary 'C' Municipal Class EA have been resolved;
- d) Subdivision concept plans be circulated as part of the Secondary Plan process; and
- e) Subdivision applications not be received within the River Bend South area as they are considered incomplete until such time as the Part II Order issues relating to the Tributary 'C' Municipal Class EA have been resolved.

<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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**December 3, 2012** – Report to Civic Works Committee on Tributary 'C' Storm/Drainage & Stormwater Management Transportation and Sanitary Trunk Servicing Environmental Study Report modifications

**July 17, 2012** – Report to Civic Works Committee with respect to the Municipal Class Environmental Assessment (EA) Study Schedule "C" for Tributary 'C' Storm/Drainage and Stormwater Management (SWM), Transportation and Sanitary Trunk Servicing Works located within the Downstream Thames River Subwatershed Area (Agenda Item #12).

**September 27, 2010** – Information report to Planning Committee with respect to the request by Sifton Properties Limited to proceed with Official Plan amendment, Zoning By-law amendment, and plan of subdivision applications for the area proposed as "Phase 1" within the Riverbend South Planning Area (Agenda Item #13).

**March 17, 2008** – Report to Planning Committee on the Riverbend South Community Visioning meeting held on February 12, 2008.

**January 14, 2008** – Report to Planning Committee with respect to draft terms-of-reference for the Riverbend South Area Plan, and the proponent's request to proceed by way of a plan of subdivision with accompanying background studies and associated Planning Act applications instead of an area plan process.

Agenda Item # Page #

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Location Map

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**PURPOSE**

The purpose of this report is to seek direction on the Riverbend South Secondary Plan process, which has been inactive for some time pending the outcome of the Tributary 'C' Municipal Class EA. Sifton Properties Limited recently met with City staff and requested that the secondary plan process be reactivated to allow them to submit updated technical studies for circulation and review, including a subdivision plan concept, in order to identify and resolve any land use and planning related issues. The Riverbend South lands are located southeast of the intersection of Oxford Street West and Westdel Bourne, as shown on the attached location map, comprising an area of approximately 60 hectares (148 acres).

**BACKGROUND**

On January 21, 2008 Municipal Council, in response to a request by Sifton Properties Limited to proceed by way of a plan of subdivision rather than with an area plan, decided to allow Sifton to proceed based on what is best described as a "hybrid" of the two processes provided that they satisfy certain specific requirements as noted in the Council Resolution (see below), including undertaking a visioning exercise with the public.

The Municipal Council resolution from January 21, 2008 as recorded by the City Clerk reads as follows:

*I hereby certify that the Municipal Council, at its session held on January 21, 2008 referred back clause 6 of the 3rd Report of the Planning Committee to allow the Applicant to undertake a visioning exercise with the public; to undertake component studies; to bring concept Plan alternatives to the public; to circulate a Plan with the Administrative Planning Advisory Group, the Civic Administration, relevant agencies, the public and consultants for comment; and, subsequent to the aforementioned steps, to bring the resultant preferred Plan forward to the Planning Committee, together with the appropriate recommendations pertaining to the Zoning By-law, Official Plan, etc.*

*Clause 6 read as follows:*

*6. That the recently received request from Sifton Properties Limited to proceed by way of a plan of subdivision for lands within the Riverbend South Planning Area rather than to proceed with an area plan followed by a plan of subdivision **BE REFUSED** and instead the Civic Administration **BE REQUESTED** to bring forward the Revised Draft Terms of Reference for the Riverbend South Area Plan (prepared by Stantec Consulting for Sifton Properties Limited, August 22, 2007) to a future meeting of the Planning Committee. (2008-D11-09) (AS AMENDED) (6/3/PC)*

Draft component background studies were subsequently submitted and circulated, and a public participation exercise undertaken. Three community consultation meeting/open house sessions were convened by representatives from Sifton and their consultants. A community visioning workshop was held for the public on February 12, 2008. A second public open house meeting was held on July 23, 2008 at which time three preliminary concept plans were presented and discussed, and a third public open house meeting was held on May 28, 2009 to present a preferred concept plan.

Sifton then proceeded to submit applications for draft plan of subdivision, Official Plan and Zoning By-law amendments in March 2010 for their lands in the Riverbend South area. However, the applications could not be accepted for processing in accordance with the conditions for submission established at the mandatory consultation meeting and were returned as incomplete.

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The reason for postponing consideration of the applications was that the Tributary “C” Municipal Class Environmental Assessment had not been completed. Until the Class EA was completed it was not possible to finalize a land use plan or servicing strategy for the area. The Municipal Class EA focuses on key infrastructure requirements including storm/drainage and stormwater management, transportation and sanitary trunk servicing works to service future development in the Riverbend area, including portions of the Riverbend South Planning Area.

The *Planning Act* contains provisions requiring mandatory consultation, complete applications and also minimum timeframes in which an approval authority must make a decision (ie. 180 days for draft plan of subdivision application). During the required pre-application consultation, completion of the Municipal Class EA was identified as a requirement for a complete application. As noted above, the location of stormwater management facilities and infrastructure cannot be confirmed until the Class EA is completed. It would be inappropriate to accept applications where an item identified as a requirement for a complete application is not completed and where it is not possible to reach a decision within the timeframes stipulated under the Act.

It is acknowledged that significant progress has been achieved in fulfillment of Council’s direction. A visioning exercise with the public was undertaken, component background studies have been prepared, alternative concept plans and a preferred land use plan have been prepared and presented at public open house meetings, as well as a formal pre-application submission has been made through the Initial Proposal Review component of the File Manager process.

City Council has now accepted the Municipal Class EA Schedule “C” Environmental Study Report (ESR) and issued a Notice of Completion on January 11, 2013. During the 30 day review period, a written request was filed with the Minister of the Environment by one of the affected landowners within the study area requesting further consideration (request for a Part II Order formerly known as a “bump-up” request). As a result, it is expected to delay completion of the Municipal Class EA, and further delay progression of the Riverbend South Secondary Plan until the Part II Order issues are resolved or rescinded.

Staff recently met with representatives from Sifton who have requested that the Riverbend South Secondary Plan process be reactivated (see letter attached). This will allow Sifton an opportunity to submit updated technical studies, including an updated subdivision plan concept, for circulation and review to identify and resolve any outstanding issues in advance of obtaining Official Plan designations. Staff indicated agreement with the request to reactivate the process recognizing that the secondary plan can be progressed, though not approved, while the EA issues are being resolved. Once at which point once the EA is finalized, the City will be in a position to accept complete plan of subdivision applications.

The terms-of-reference that were previously presented to Committee and subsequently revised in 2007, require updating to reflect updated background information and current municipal policies. It is recommended that the terms-of-reference be brought forward to a public meeting at Planning and Environment Committee and endorsed by Council, to ensure the Secondary Plan proceeds in accordance with established planning parameters.

A significant amount of background work has already been undertaken by Sifton and the Secondary Plan should proceed to completion. However, since the outcome of the Tributary ‘C’ Municipal Class EA Part II Order request cannot be pre-determined, final approval of the Secondary Plan and acceptance of subdivision applications within the area should be postponed, pending a satisfactory resolution of the EA.

Sifton’s request to circulate a detailed subdivision concept plan is also considered appropriate, it maintains the intent of the Council Resolution that this was to be an integrated process, it utilizes the time more efficiently to deal with any identified issues or specific concerns, and this will facilitate a more timely and efficient application review process later on.

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<b>CONCLUSION</b>
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This report provides an update and seeks direction to proceed with the Riverbend South Secondary Plan process, which has been inactive pending the outcome of the Tributary 'C' Municipal Class EA. Sifton Properties Limited recently met with City staff and requested that the secondary plan process be reactivated to allow them to submit updated technical studies, including a subdivision plan concept, for circulation and review in order to identify and resolve any land use and planning related issues.

<b>PREPARED BY:</b>	<b>REVIEWED BY:</b>
<b>LARRY MOTTRAM, MCIP, RPP SENIOR PLANNER – DEVELOPMENT SERVICES</b>	<b>BRUCE HENRY MANAGER, DEVELOPMENT PLANNING</b>
<b>RECOMMENDED BY:</b>	<b>SUBMITTED BY:</b>
<b>TERRY GRAWAY, MCIP, RPP MANAGER, DEVELOPMENT SERVICES AND PLANNING LIAISON</b>	<b>GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>

May 17, 2013  
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 "Attach."  
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