

# London Development Institute

October 15, 2012

City of London  
300 Dufferin Avenue  
London, Ontario  
N6A 4L9

Attn.: Bud Polhill, Chair and Members of the Planning and Environment  
Committee

**Re: Southwest Area Secondary Plan (SWAP), Agenda Item #20, October 15,  
2012,**

Dear Mr. Polhill and Committee Members,

The LDI request that the Southwest Area Secondary Plan be referred back to Staff due to lack of information on the financial analysis of the future servicing costs and the lack of time for Councillors, stakeholders and the public to review the latest revisions to the plan.

The London Development Institute (LDI), London Home Builders Association (LHBA), The Urban League and The Chamber of Commerce submitted a joint letter to the Clerk's office in July of 2012 expressing our concern regarding the timing of Committee agendas being released to the Public and City Councillors with adequate time for review on important matters related to the future of the City. (see attached)

The SWAP deals with 2,700 hectares of land for current and future growth in the City of London and is one of the most important documents for City Council to approve, next to the Official Plan. The notice for the Planning and Environment Committee meeting was circulated on September 24, 2012 but the actual Southwest Area Secondary Plan was not available until after 5:00pm Tuesday October 9, 2012 and the accompanying staff report until after 5:00pm Thursday October 11, 2012 for the Planning Committee meeting on Monday October 15, 2012.

A timeframe of less than one week is not sufficient to review a Secondary Plan for an area as large and complex as the Southwest quadrant of the City.

The following sets out the basis for our concern about the notice provided for the SWAP public meeting scheduled for Monday, October 15, 2012.

The Planning Act in Section 17(15)(c) requires that adequate information and material including a copy of the current proposed plan be made available to the public. (see attached)

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Section 17(19.1) of the Planning ACT goes on to require that the information and material, including the proposed plan, shall be made available to the public at least twenty (20) days before the public meeting.

Section 17(19.3), Alternate Procedure in the Planning Act will permit alternative measures for informing the public if the measures are set out in the City's Official Plan.

The City of London Official Plan in Section 19.12 does have policies regarding matters subject to public participation. Section 19.12.2, Forms of Public Participation states "**Provisions for public participation shall be appropriate to the nature and scope of the planning matter being addressed**". (see attached)

Our concern is that the time to review the report after receiving the Secondary Plan six days prior to the Planning and Environment Committee meeting is not an "appropriate" length of time for review due to the significant nature of the planning matter. Further, the Staff Planning Report that contains vital information regarding the delivery of municipal services and the timing of new development was received late on Thursday afternoon just three days before the Planning Committee meeting, and does not meet the intent of the City's Official Plan to provide adequate time to review a matter of such importance.

The Planning Act sets a reasonable timeframe for review of a proposed amendment to the OP at twenty (20) days but the City of London Official Plan is not clear on the time allocated for review of information and materials related to the amendment other than as per Section 19.12 as referenced above.

The changes made in this revision to SWAP are significant considering the scope of the plan and require adequate time for review and comment. One of the major changes to the Secondary Plan is the lack of information on the timing and provision of municipal servicing to the study area.

The October 11, 2012 staff report, however, defers the municipal servicing analysis to the 2013 Growth Management Implementation Strategy (GMIS) update in November 2012 and the 2014 Development Charge (DC) Study that has just gotten underway and will not be complete until late spring of 2014.

Two LDI concerns regarding SWAP are the effects of the plan on the GMIS schedule of works and the calculation of DC rates for future development, neither of which are addressed in the Secondary Plan. A number of other issues have been raised by the LDI in meetings and letters to Staff on different revisions to the plan that are still relevant today including comments on the Wonderland Road Corridor concept, the Natural Heritage enhancement policies and the prescriptive nature of the secondary plan that seems counter to the five guiding principles the plan is based on.

The SWAP does not include any financial analysis on the costs of providing municipal servicing to new development and also the costs of construction, maintenance and timing of the Wonderland Road Corridor. These are all important considerations for the Capital budget and the Development Charges

Study currently underway that need to be considered in the final analysis of SWAP.

City Council should not approve a Secondary Plan without a complete analysis of the cost and timing for all municipal servicing required to bring the plan to fruition.

Sincerely,  
**London Development Institute**



**Jim Kennedy**  
**President, LDI**

- cc LDI Members
- cc John Fleming, City Planner
- cc Gerry Macartney, The Chamber of Commerce
- cc Greg Thompson, The Urban League
- cc Toby Stobee, The London Home Builders Association
- cc Heather Lysynski, Secretary, Planning and Environment Committee



July 5<sup>th</sup> 2012

City of London  
300 Dufferin Avenue  
London, Ontario  
N6A 4L9

Attn.: Mayor J. Fontana, Members of City Council and City Clerk, Ms. C. Saunders

**Re: Timing of the Release of Council and Committee Agendas for Review**

On behalf of the London Chamber of Commerce (LCC), the Urban League of London (ULL), the London Home Builders Association (LHBA) and the London Development Institute (LDI) we wish to draw to your attention our concerns around the timing of the release of committee agendas for advance review.

The lead times on agendas for Council and Committees is much too short to provide the Councillors, the applicants and the general public adequate time to fully review and comprehend all of the material being presented. The last Planning and Environment Committee agenda for instance, was released on the Friday before the committee meeting and contained 405 pages. The total committee package for three committees was 650 pages.

We have contacted a number of the larger municipalities in Ontario to ask what their procedure is in relation to this issue and a sample of our findings is illustrated here for your review. Many of the municipalities have different council and committee structures but have similar concerns regarding the timing of the agendas being available for review and have made efforts to improve the situation.

The majority of the municipalities have a system similar to London with the agendas being available on the Thursday of the week before the meeting but Burlington, Oakville and Ottawa offer the most time for committee agendas to be circulated to the Councillors and the public as follows:

- **Burlington:** agenda sent to Councillors two Fridays before the meeting and to the public/applicant on the Monday of the week prior to the committee meeting
- **Oakville:** Planning Committee agenda goes to the Councillors two Thursdays prior to the week of the meeting and posted to the City's web site the next morning
- **Ottawa:** Committee agendas are sent out seven calendar days before the committee meeting

The earlier release of agendas will save time and debate at committee meetings that now run until midnight on a regular basis by allowing the relevant stakeholders sufficient time to review the reports and discuss any issues with staff and Councillors prior to the committee meeting. Staff in some cases have worked on reports for months or years and it is not fair to ask the public to review and comment on an item without adequate time to know if they may need to seek delegation status at the meeting or to prepare a proper response to an issue.

Further, City Councillors need adequate time to review reports to be able to make good decisions that affect the City, the public and the business community. It will be imperative for the City Clerk's office to control the delivery of "Added Reports" at the beginning of the council and committee meetings to permit the opportunity to review the reports that have not been advertised as being considered at the meeting. There may be times when items have to be heard in pressing circumstances but it should be the exception and not the rule.

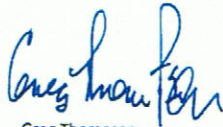
This is not an easy issue to resolve and not all committees need the lead time for review of agendas but the Planning and Environment and the Civic Works Committee agendas are very complex and require additional time for review. It's our collective view that for optimum efficiency, the release of committee agendas and available attachments should be distributed two Fridays prior to meeting dates.

We are willing to help the City in trying to find a solution to this very complex issue that will benefit the public process and the tax payers of the City of London by allowing sufficient time to make good civic decisions. We would appreciate your prompt response to this pressing issue and are available to discuss this matter further.

Sincerely,



Gerry Macartney  
CEO, London Chamber of  
Commerce



Greg Thompson  
Chair, Urban League



Toby Stobee  
President, LHBA



Jim Kennedy  
President, LDI

## **Planning Act, January 6, 2009**

### **Consultation and public meeting**

Section 17(15) of the *Planning Act*, c.P. 13, as amended ("Planning Act") states as follows:

- (15) In the course of the preparation of a plan, the council shall ensure that:
- (a) The appropriate approval authority is consulted on the preparation of the plan and given an opportunity to review all supporting information and material and any other prescribed information and material, even if the plan is exempt from the approval;
  - (b) The prescribed public bodies are consulted on the preparation of the plan and given an opportunity to review all supporting information and material and any other prescribed information and material;
  - (c) Adequate information and material, including **a copy of the current proposed plan**, is made available to the public, in the prescribed manner, if any; and
  - (d) At least one public meeting is held for the purpose of giving the public an opportunity to make representations in respect of the current proposed plan. 2006, c.23, s. 9(2).(emphasis added)

### **Timing of public meeting**

(19) The public meeting required under clause (15)(d) shall be held no earlier than 20 days after the requirements for giving notice have been complied with. 2006, c.23, s. 9(2).

Notice of the public meeting was given on September 24, 2012 and therefore met the requirements of this subsection of the *Planning Act*.

### **Information and material**

(19.1) The information and material referred to in clause (15)(c), **including a copy of the current proposed plan, shall be made available to the public at least 20 days before the public meeting** required under clause (15)(d) is held. 2006, c.23, s. 9(2). (emphasis added)

**CITY of LONDON, OFFICIAL PLAN, 1989 (as amended)**

<p>19.12.</p>	<p align="center"><b><u>PUBLIC PARTICIPATION</u></b></p> <p><i>It is essential that individuals and organizations be made aware of various planning proposals and be given the opportunity to express their views on these matters. The policies contained in this Section apply to proposals to adopt or amend the Official Plan, Zoning By-law, community improvement plans, or plans of subdivision. There are also policies to direct public participation for matters such as area studies, guideline documents, certain applications of site plan control, and certain applications for draft plan of condominium approval contained in other parts of the Plan.</i></p> <p>(amended by OPA No. 273 - approved 03/03/17)</p>
<p>19.12.1. <b>Matters Subject to Public Participation</b></p>	<p>Planning matters subject to the public participation provisions of this Section of the Plan include proposals to adopt or amend the Official Plan, Zoning By-law, or community improvement plans, and proposals for the approval of a plan of subdivision, <u>vacant land condominiums and common elements condominium</u>. Council may also require public participation in connection with applications for site plan approval, as described in policy 19.9.2. of the Plan, and <del>vacant land condominiums, as described in policy 19.15.7.</del></p> <p>(amended by OPA No. 273 - approved 03/03/17)</p>
<p>19.12.2. <b>Forms of Public Participation</b> *</p>	<p><u>Provisions for public participation shall be appropriate to the nature and scope of the planning matter being addressed. Various forms of public participation which may be used include: delegations at Committees of Council, formal and informal public meetings, development application public liaison replies, open houses, workshops, displays, neighbourhood or city-wide advertising, working committees, task forces, and consultation with neighbourhood ratepayers associations.</u></p>
<p>19.12.3. <b>Public Liaison Notice</b></p> <p><b><u>Notice of Application</u></b></p>	<p><del>A public liaison notice containing information on the planning proposal, the intent to notify individuals of a public meeting(s), and a request for comments, will be given in the form identified in policy 19.12.5., a minimum of thirty (30) days prior to the public meeting; or, in the case of the adoption or amendment of a Zoning By-law, a minimum of twenty (20) days prior to the public meeting.</del></p> <p><u>Within fifteen (15) days after an affirmative notice is provided for an application for Official Plan amendment Zoning By-law amendment, or draft plan of subdivision, the City shall provide notice of the application to the persons and public bodies prescribed under the Planning Act; and, make the required information and material available to the public.</u></p>
<p>19.12.4. <b>Advance Notice of Public Meeting and Open House</b></p> <p><b><u>Five Year Review and Development Permit System</u></b></p>	<p>A Committee of Council shall hold one or more public meeting(s) at which any member of the public may express their views on a planning proposal(s). In the case of an amendment to the Official Plan, or the adoption or amendment of a community improvement plan or Zoning By-law, notification of the initial public meeting shall be given a minimum of ten (10) days prior to the date of the public meeting. For the approval or revision of a plan of subdivision, <u>or a vacant land or common element condominium</u>, notification of the public meeting shall be given a minimum of fourteen (14) days prior to the date of the public meeting. (Section 19.12.4 amended by OPA No. 298 - approved 2005/01/31)</p> <p><u>In addition to the public meeting(s), if a five-year review of the Plan is being undertaken, or the Plan is being amended in relation to a development permit system, Council shall ensure that at least one open house is held for the purpose of giving the public an opportunity to review and ask questions on the required information and material. If required, an open house shall be held no later than seven (7) days prior to the date of the initial public meeting.</u></p>
<p>19.12.5.</p>	