

October 12, 2012

The Corporation of the City of London  
300 Dufferin Avenue  
London, ON N6A 4L9

**Attention: Councillor Bud Polhill, Chair, Planning and Environment Committee**

Dear Sir/Madam:

**RE: City of London Southwest Area Secondary Plan - Mr. Lloyd Courtney – 3493  
Colonel Talbot Road, London  
OUR FILE 1094'H'**

---

MHBC has been retained by Mr. and Mrs. Courtney, owners of the above-referenced lands, to evaluate the policies of the draft Southwest Area Plan (SWAP), dated October 2012. We have provided previous comments for consideration throughout this process.

**Summary of Identified Concerns:**

Based upon our review, to date, of the draft SWAP in relation to this development site we have identified two components of the Secondary Plan which require further consideration by the Committee:

- 1. Open Space Designation.** Schedule 'A' of the Official Plan applies an 'Open Space' designation to the drainage route which traverses the subject site. Although this drainage swale was previously identified as an 'Open Space' corridor in the Official Plan, it was not reassessed in any detail as part of the SWAP process. As evidenced by the photographs attached to this letter, it is questionable that this drainage corridor provides a significant ecological function. Despite several requests that this designation be reconsidered as part of the Secondary Plan process, this was not done. Further we were advised that the land owner never appealed the original open space designation and that any appeal at this time would be of little effect. It is quite likely that our client was not aware of this designation and the implications that it would have on the future development potential of their lands and thus no appeal was ever made. As part of the SWAP process, a new 'Open Space' designation is proposed on a minor drainage tributary within the site. This feature is not currently identified on Schedule

'B-1' of the Official Plan and was not evaluated in detail in conjunction with the NHS. We have concerns about the designation of features without proper assessment and evaluation.

2. **Development Buffers.** The SWAP requires a 30 m development buffer from natural features identified on Schedule 'B-1' (excluding Dingman Creek). Given that this buffer width is not derived from scientific analysis, the Plan proposes to acquire the first 10 m of the buffer as environmentally significant lands with the balance obtained in exchange for development credit. We have fundamental concerns with the intent of the SWAP to 'create' a natural heritage system by imposing arbitrary buffers. Further, we are concerned that:
  - The land dedication policies set out for development buffers may not provide fair and equitable compensation for affected landowners; and
  - The significant buffer width will fragment the subject site and limit its development potential. Landowners should be afforded the flexibility to demonstrate that the features and functions of 'Open Space' lands can be provided elsewhere on-site.

### **Recommendations:**

To address our noted concerns, we offer the following recommendations:

1. **Open Space Designation.** In conjunction with the SWAP process, an 'Environmental Review' designation should be applied to the main drainage corridor on Schedule 'A' until an EIS is completed confirming the value of these features. The minor tributary discussed above should not be identified on Schedule 'B-1' or designated as 'Open Space' on Schedule A'.
2. **Development Buffers.** In accordance with the Official Plan, the SWAP should include a provision to permit buffer widths to be determined through an approved EIS. Notwithstanding, City staff should demonstrate that the development credit policy offers fair compensation for landowners.
3. **Provision of Open Space Features.** A policy should be included within the Plan which permits 'Open Space' features to be provided at alternate on-site locations, where it is can demonstrated that these features and functions can be effectively replicated.

We trust that the information presented will assist with the Committee with its review of the Southwest Area Plan.

Respectfully Submitted,

**MHBC Planning**

A handwritten signature in cursive script that reads "C. Wiebe".

Carol M. Wiebe, BES  
Partner

C. Mr. Lloyd Courtney

**Site Photographs - 3493 Colonel Talbot Road  
(March 27, 2012)**

**1. Main Drainage Channel (View South from Pack Road)**



**2. Drainage Tributary (View South from Pack Road)**



**Schedule 1**  
**PROPOSED AMENDMENTS**  
**to the**  
**DRAFT SOUTHWEST AREA PLAN FOR THE CITY OF LONDON**

**A. THE AMENDMENT**

**1. Draft Policy 20.5.1.3 - 'Vision'**

As a result of this amendment, the proposed Vision policies are modified by amending the paragraph six (6) of the draft policy:

Enhancements are proposed to the Natural Heritage System and open space features in the southwest designing them as neighbourhood features interwoven in the urban landscape. Specifically, enhanced corridors of generally 30 metres on each side of identified natural areas, and generally 50 metres on each side of Dingman Creek also serve to protect, maintain, enhance and rehabilitate the corridors.

**2. Draft Policy 20.5.3.6 i) - 'Components of the Natural Heritage System'**

As a result of this amendment, the proposed policies for the natural heritage system are modified by amending the following draft policy:

**b) Width of the Dingman Creek Corridor**

The protection, maintenance, enhancement and rehabilitation of the corridor are integral to the sustainability of this unique natural heritage feature and its ecological functions. To further protect the corridor and provide opportunities for enhancement the minimum width of the Dingman Creek Corridor will generally be comprised of a ~~minimum~~ 50 metres on each side of the watercourse measured from the ordinary high water mark, as determined by a qualified hydrogeomorphologist or hydrogeologist. The ultimate width of a corridor will be established on a case-by-case basis through application of the Guidelines for Determining Setback and Ecological Buffers, as part of an Environmental Impact Study and/or Subject Lands Status Report approved by the City.

**c) Other Natural Heritage Features**

To increase the natural cover within the Southwest Secondary Planning Area, and to protect the features and ecological functions for which the natural area has been identified, a ~~minimum~~ 30 metre corridor will generally be established on each side of the feature, measured from the edge of any other Natural Heritage Feature other than the Dingman Creek, identified on Schedule B-1 of the Official Plan. The ultimate width of a corridor will be established on a case-by-case basis through application of the Guidelines for Determining Setback and Ecological Buffers, as part of an Environmental Impact Study and/or Subject Lands Status Report approved by the City.

**d) Development Limit**

Where development is proposed adjacent to the generic 50 metre ~~minimum~~ width of the Dingman Creek corridor, and the existing land use in the adjacent lands is not otherwise constrained by the presence of other natural heritage features or natural hazards, the requirement for an EIS will be waived.

Where development is proposed adjacent to the generic 30 metre ~~minimum~~ corridor for other natural heritage features, and the distance for the preparation of an EIS as set out in Table 15-1 of the Official Plan is less than 30 metres, the requirement for an EIS is waived. Where the distance for the preparation of an EIS for the natural heritage feature exceeds 30 metres, an EIS shall be prepared to confirm and delineate the limit of the buffer.

**e) Implementation/Acquisition**

For lands adjacent to Dingman Creek, 20 metres of the corridor adjacent to the Creek shall be dedicated to the City in accordance with the City's policies regarding the dedication of environmentally significant lands, at the reduced rates as defined in the Parkland Conveyance and Levy By-Law CP-9. For the remaining ~~30 metres~~ corridor to be dedicated, development credit equal to the land area will be assigned to the adjacent land for the purposes of density, coverage and lot area calculations. As full development credit for these lands to be dedicated is to be provided, no parkland credit will be provided for the remaining corridor ~~30 metres~~. The City will undertake a study to evaluate the benefit provided by the development credit system to confirm that the system provides adequate compensation for dedicated lands.

For lands adjacent to any Natural Heritage Feature identified on Schedule "B-1"-Natural Heritage Features, 10 meters of the corridor adjacent to the natural heritage feature shall be dedicated to the City in accordance with the City's policies regarding the dedication of environmentally significant lands, at the reduced rates as defined in the Parkland Dedication and Conveyance By-Law CP-9. For the remaining ~~20 metres~~ corridor to be dedicated, development credit equal to the land area will be assigned to the adjacent land for the purposes of density, coverage and lot area calculations. As full development credit for these lands to be dedicated is to be provided, no parkland credit will be provided for the remaining corridor ~~20 metres~~.

**3. Draft Policy 20.5.3.5 - 'Parkland Dedication'**

As a result of this amendment, the proposed policies for parkland dedication are modified by amending the following draft policy:

**i) Conveyance of Parkland**

The public components of the Community Parkland identified in Section 20.5.3.4, and/or shown as Open Space on Schedules 5 through 17 of this Secondary Plan, shall be dedicated to the City for public park purposes. Some components of the natural heritage/environmental features, pedestrian pathways/trails, and stormwater management systems may serve other public uses, in which case the land may be conveyed to the City for public use by other authorized means. The City may permit departures from the Open Space boundaries delineated on Schedules 5 through 17 of this Secondary Plan if the

general intent of the Secondary Plan is maintained and that the departure is advisable and reasonable.

B. PROVISIO

The amendments to the draft policies of the Southwest Area Plan apply to any other modifications necessary to give the full effect to the amendments described herein.