

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee  
**From:** John M. Fleming  
Managing Director, Planning and City Planner  
**Subject:** White Oak-Dingman Secondary Plan Update  
**Meeting on:** December 2, 2019

## Recommendation

That, on the recommendation of the Managing Director, City Planning and City Planner, the following report regarding the White Oak-Dingman Secondary Plan **BE RECEIVED**.

## Executive Summary

In March 2019 a report was brought to Council identifying that the White Oak-Dingman Secondary Plan be deferred until sufficient information regarding flood plain limits is available through the Upper Thames River Conservation Authority's review and update of its Dingman Creek flood plain map modelling. At that time, the Subject Land Status Report (SLSR) for the White Oak-Dingman Secondary Plan was in progress and the consultants had completed the natural heritage inventories of the subject site.

This report provides an update on the Subject Lands Status Report.

## Analysis

### 1.0 White Oak-Dingman Secondary Plan Background

In 2014 the City of London initiated an Official Plan Amendment to conduct a review of the land uses within the White Oak-Dingman Area. The review was initiated as a result of a landowner request that the City review the Industrial designation and to have them considered for alternative land uses. The review was conducted as a background study to the preparation of *The London Plan*.

The review evaluated the Industrial lands within the study area, including the landowners' requests, to determine if it was appropriate for the lands to continue to be identified for industrial purposes or whether the lands should be re-designated to non-industrial uses (e.g. residential, commercial, institutional and/or open space).

The findings of the evaluation indicated the lands are poorly located for future industrial development, existing infrastructure investments are not being used efficiently, and a lack of market interest are precluding the lands from being developed for industrial purposes. As a result of the review, in March 2015 Council approved a change in Official Plan land use designation for a portion of the White Oak/Dingman area from "Industrial" designation to "Urban Reserve-Community Growth" designation. Changes to the Southwest Area Plan (SWAP) also reflect these changes.

Council's decision to re-designate a portion of the lands from Industrial to non-Industrial land uses was appealed to the Ontario Municipal Board (OMB). Council's decision to re-designate the lands for non-industrial uses was upheld by the Board through its August 2016 decision.

On December 12, 2017, Council directed a Secondary Plan be undertaken for lands south of Exeter Road, north of Dingman Drive, east of White Oak Road and west of the Marr Drain (See Figure 1, below), so that a vision for future growth and an urban designation can be applied to the "Urban Reserve-Community Growth" lands (termed "Future Community Growth" in *The London Plan*).

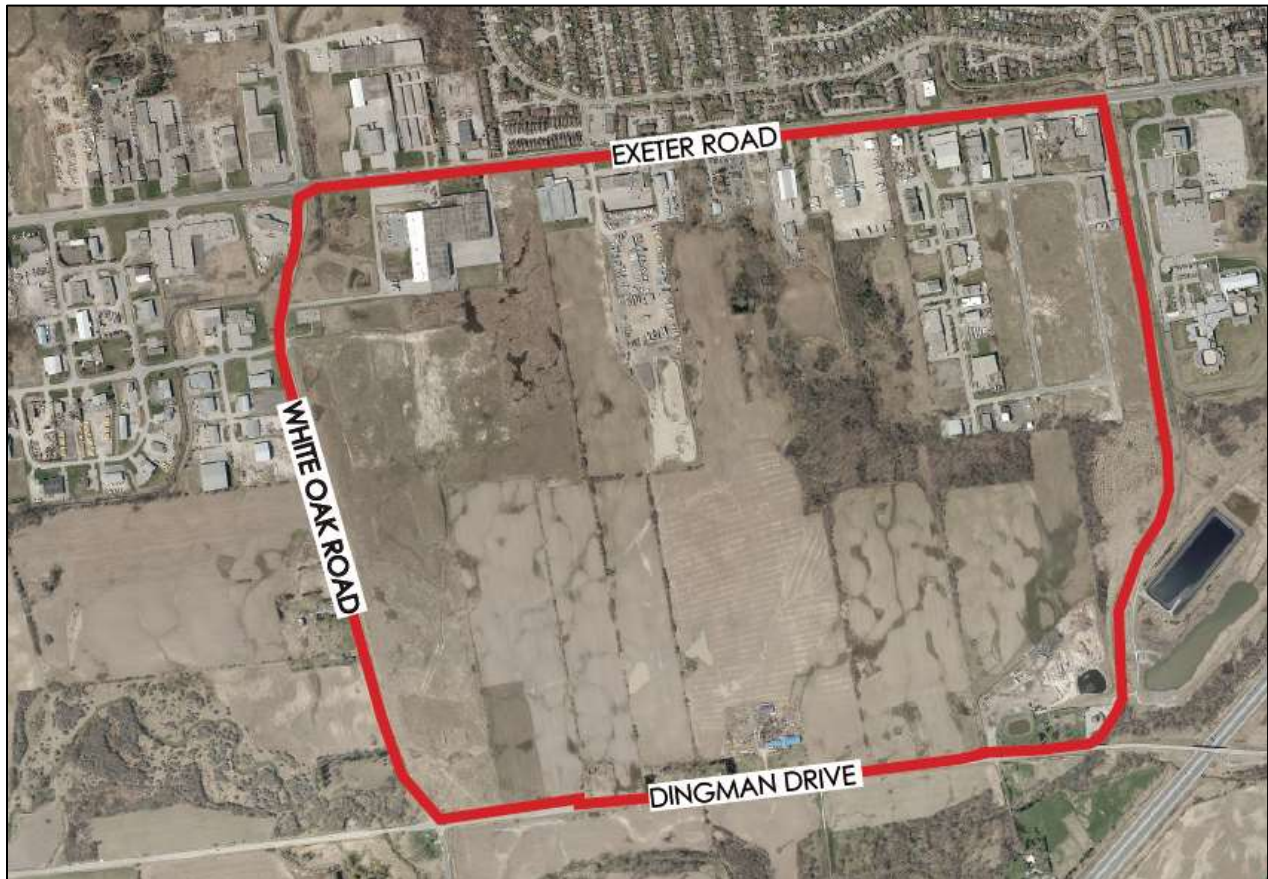


Figure 1: White Oak-Dingman Secondary Plan Area

The lands are owned by private landowners, with a portion owned by the City of London and Hydro One. The subject lands encompass an area of approximately 225 hectares.

The Secondary Plan process represents an opportunity to determine the appropriate land uses to provide for future community growth. A number of background studies are required to inform the preparation of the Secondary Plan. Amongst the background studies required are an Archaeological Assessment for cultural heritage artifacts, Subject Lands Status Report (SLSR) for natural heritage features, transportation study, and a servicing study.

## 2.0 Subject Lands Status Report

In accordance with policy 1428\_ of *The London Plan*, an SLSR is generally required in order to:

- Confirm and map boundaries of natural heritage features and areas;
- Evaluate the significance of lands in the Environmental Review Place Type on Map 1;
- Identify and evaluate the significance of other natural heritage features and areas which are not included in the Green Space or Environmental Review Place Types on Map 1 including those natural heritage features and areas shown on Map 5 and vegetation patches greater than 0.5 hectares in size.

A draft SLSR was prepared by Parsons Inc. on behalf of the City of London. Permission to Enter (PTE) was requested from landowners within the study area prior to the start of field investigations. PTEs were secured for approximately half of the study area. For properties where PTE was not secured, investigations and observations were conducted from adjacent properties wherever possible and some assumptions were made regarding portions of certain features on properties which could not be directly accessed (e.g., air photo interpretation, adjacent photographs). This approach is supported by provincial protocols in the Province's Natural Heritage Reference Manual, the Ontario Wetland Evaluation System manual and, the City's Environmental Management Guidelines as the best practice in these instances.

The draft SLSR includes a three (3) season ecological inventory, following the City's Data Collection Standards for Ecological Inventory and other provincially and federally accepted protocols. Following specific timing protocols, the area was studied in 2018 for Amphibians, Birds, Plants, Reptiles, Mammals, Species at Risk and Significant Wildlife Habitat, and the Existing Uses and Disturbances were documented. Based on the findings of the SLSR, the identified natural heritage features will be added to the Secondary Plan and London Plan mapping. Natural Hazards, e.g., regulatory flood lines as identified by the UTRCA, will also be included in the Secondary Plan.

The draft SLSR has identified the natural heritage features and areas on the lands, and recommended changes to the natural areas mapping (Map 5, Natural Heritage) as part of the Secondary Plan. The SLSR has also identified that as specific development proposals come in, those proposed to be located adjacent to natural heritage features including those identified in the Secondary Plan will be subject to all of the Environmental Policies of the City's Official Plan (*The London Plan*) and the Provincial Policy Statement (PPS) 2014, consistent with policy 1432\_ environmental impact studies. The SLSR thus supports a secondary plan's direction and role in protecting and sustaining natural heritage features, in accordance with *The London Plan* policy 1561\_3.

#### Consultation and Feedback are On-going

The draft Subject Lands Status report was circulated to the applicant landowners in August 2019 and Staff met with the landowners on September 4, 2019 to discuss their comments on the draft.

The draft SLSR was made available on the City's website for public review and circulated to the Upper Thames River Conservation Authority (UTRCA).

Additionally, the draft SLSR was presented and circulated to the City's Environmental and Ecological Planning Advisory Committee (EEPAC) at their September 19, 2019 meeting. In response, EEPAC formed a working group and provided a committee response to the draft SLSR at the October 17, 2019, EEPAC meeting. This committee response was presented by delegation to the Planning and Environment Committee on November 4, 2019. The landowners also submitted letters to that November 4, 2019, Planning and Environment Committee.

Staff are reviewing the comments received from EEPAC and the landowners. Updates to the SLSR will result in a final SLSR and the information from which will be included into the final White Oak-Dingman Secondary Plan. The White Oak-Dingman Secondary Plan is anticipated to be prepared coincident with the Second Phase of the Dingman Creek Environmental Assessment. The completion of the Secondary Plan is subject to the completion of the UTRCA's Dingman Creek Subwatershed Screening Area Mapping (flood plain review), which will establish flood plain regulation and hazard limits, and the completion of the remaining background studies that are contingent on this hazard limit information.

Staff note that a number of comments from EEPAC and the landowners relate to the need for further review of the environmental features, including determining development setbacks from environmental features. The concern was also raised that the SLSR has evaluated certain features partly through interpretation of aerial photography where "permission to enter" releases were not granted by landowners. As noted above, this SLSR approach is supported by provincial protocols in the Province's Natural Heritage Reference Manual, the Ontario Wetland Evaluation System manual, the policies of the Official Plan, and the City's Environmental Management Guidelines as the best practice in these instances.

Staff identified at the outset of the SLSR process that additional study will be required. The SLSR is part of a two-step evaluation, which includes an SLSR at the time of the Secondary Plan, which confirm the boundaries of the natural features and areas, followed by an EIS at the time of specific development applications to ensure that the

impacts of any development adjacent to these features and areas is mitigated. The SLSR is undertaken as part of the Secondary Plan when the policy framework is being established for the land uses, intensities, and forms of the area. Once the Place Type and policies are determined, the landowners may make applications for specific developments consistent with the Secondary Plan's policy framework. This may include applications for Subdivision, Zoning By-law Amendment and Site Plan.

In accordance with London Plan policy 1431\_, the future EIS(s) will be required prior to development in order to:

- Determine whether, or the extent to which, development may be permitted in areas within, or adjacent to, specific components of the Natural Heritage System.
- Confirm or refine the boundaries of the components of the Natural Heritage System.
- Include conditions to ensure development does not negatively impact natural features or ecological functions.

### **3.0 Dingman Creek Flood Plain Review**

During summer 2018, it was identified to the City that an update to Dingman Creek flood plain map modelling was completed by the Upper Thames River Conservation Authority (UTRCA).

The updated flood plain map modelling is undergoing a peer review, and may result in changes to the Conservation Authority Regulation Area in the watershed. In the interim, the updated mapping is being used as a "screening area", requiring UTRCA review of planning and development applications. The City is concurrently conducting a Dingman Creek Environmental Assessment (EA). As part of the EA, a review of engineering works that may mitigate flood potential will also be assessed.

The flood plain "screening area", as identified in November 2018, has a significant impact on the White Oak-Dingman Secondary Plan area. Staff will continue to work with the UTRCA to review this "screening area", assist with the peer review, and coordinate land use planning processes with the concurrent Dingman Creek EA.

In November 2018, Council received a report identifying that the White Oak-Dingman Secondary Plan area will be located in the second phase of the Dingman Creek Environmental Assessment. In that report, Phase 2 was identified as a continuation of the Master Plan EA process but which will include a new or expanded problem statement to analyze potential engineering infrastructure for Dingman Creek (and tributaries not included in Phase 1) to mitigate flooding on impacted lands (as well as to improve access), all in consideration of the updated hazard information. During this time, the UTRCA will continue to confirm the extents of the natural hazards that are components of the UTRCA's Regulation Limits. Phase 2 of the Dingman Creek EA is targeted for completion in 2021.

In order to address land use and flood plain issues concurrently, and have the benefit of the EA evaluating the potential for flood mitigation measures, the completion of the outstanding background studies and the Secondary Plan will coincide with the second phase of the EA.

An update from the UTRCA is anticipated by end of 2019. Following that update, a separate report is anticipated to be brought to Council in the first quarter of 2020.

### **4.0 Conclusion**

The draft SLSR for the White Oak-Dingman Secondary Plan has been prepared on behalf of the City by Parsons Inc. This evaluation includes recommendation for features to be identified on Map 5 (Natural Heritage) of *The London Plan* and lands to be added as "Green Space" Place Type to Map 1 (Place Types) of *The London Plan*. As specific

development proposals are made, those located adjacent to natural heritage features, including those identified in the Secondary Plan will be subject to the Environmental policies of The London Plan and the PPS.

Feedback on the draft SLSR has been received from the area landowners and EEPAC. Staff are reviewing and addressing this feedback. The final SLSR will be incorporated into the White Oak-Dingman Secondary Plan, which will be brought forward to Council for approval.

The Secondary Plan is targeted for 2021, in order to coordinate it with the UTRCA's review of the Dingman Creek flood plain mapping update and the Second Phase of the Dingman Creek Environmental Assessment.

A separate report regarding the Dingman Creek Flood Plain and Environmental Assessment is anticipated to be brought to Council in the first quarter of 2020.

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<b>Submitted by:</b>	<b>Gregg Barrett, AICP Manager, Long Range Planning and Sustainability</b>
<b>Recommended by:</b>	<b>John M. Fleming, MCIP, RPP Managing Director, City Planning and City Planner</b>
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services	

November 14, 2019  
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## Appendix B – Additional Reports

### Additional Reports Pertinent to this Matter

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|-------------------|--|
| December 4, 2017  | Planning and Environment Committee, “White Oak/Dingman Secondary Plan – Terms of Reference for Project Initiation”.                |
| November 12, 2018 | Planning and Environment Committee, “Upper Thames River Conservation Authority Dingman Creek Subwatershed Screening Area Mapping.” |
| March 18, 2019    | Planning and Environment Committee, “White Oak-Dingman Secondary Plan – Update Report.”  |