



ZELINKA PRIAMO LTD
A Professional Planning Practice

January 15, 2013

Planning and Environment Committee
City of London
300 Dufferin Avenue
London, ON
N6A 4L9

Attention: Councillor Bud Polhill, Chair and Ms. Heather Lysynski, Secretary-Treasurer

Dear Mr. Polhill and Ms. Lysynski,

RE: Request for Delegation Status
9345 Elviage Drive
Our File: KAI/LON/12-02

Our client, Kaizen Homes Inc., is the current owner of a parcel of land known municipally as 9345 Elviage Drive in the City of London. The parcel of land is located on the south side of Elviage Drive, between Westdel Bourne and Woodhull Road, and although it is within the City limits, it is outside of the Urban Growth Boundary (Figure 1).

Figure 1 – Subject Lands



Since 2006, Shaun Stevens of Kaizen Homes has been in ongoing discussions with City staff regarding development on the subject lands. The most recent discussions with staff involve the development of one single detached dwelling on the subject lands. The dwelling is intended for the personal residence of Mr. Stevens and his family.

The subject lands are 8.9 hectare (22.0 acres) in area with a frontage of approximately 179 metres (587.2 feet) along Elviage Drive. The site is currently vacant and contains a woodlot, although certain portions of the property contain little or no trees. A portion of the lands along the easterly property line was cleared of trees by the previous property owner in order to provide an access driveway into the property. The dwelling proposed is generally within the cleared area of the subject lands (Figure 2). There are also significant grade changes through the site.

Figure 2 – Proposed Development



Currently, the subject lands have several designations over various portions of the property, including "Agricultural", "Open Space" and "Environmental Review" (Figure 3). The majority of the subject lands are also identified on Schedule B-1 Natural Heritage Features as being a "Potential Environmentally Significant Area", with only a small portion of the lands being identified as an "Environmentally Significant Area". "Provincially Significant Wetlands" are also identified as being located on the front portion of the subject lands and as well on the adjacent property to the east. A portion of the subject lands is also identified as being within the "Maximum Hazard Area" and being within the "Ground Water Recharge" area.

Figure 3 – Schedule A Land Use

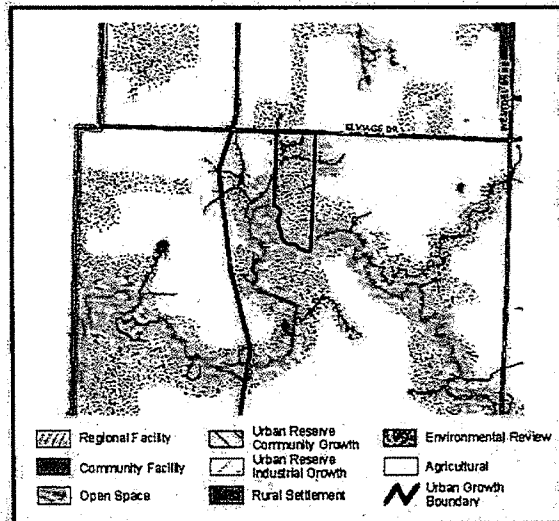
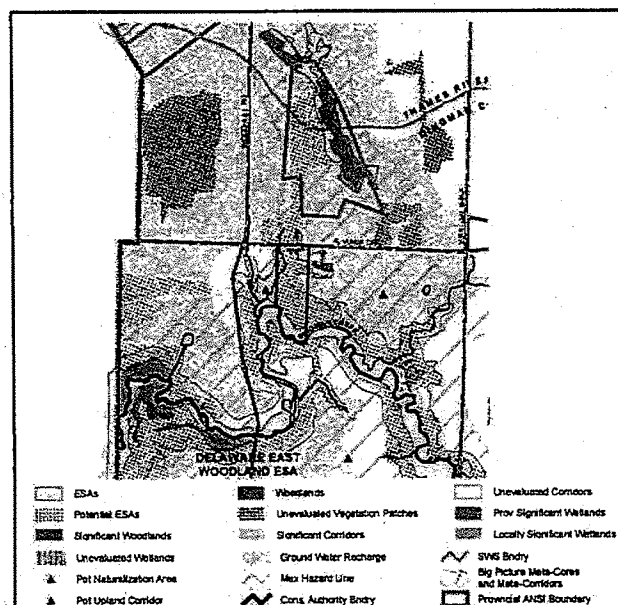
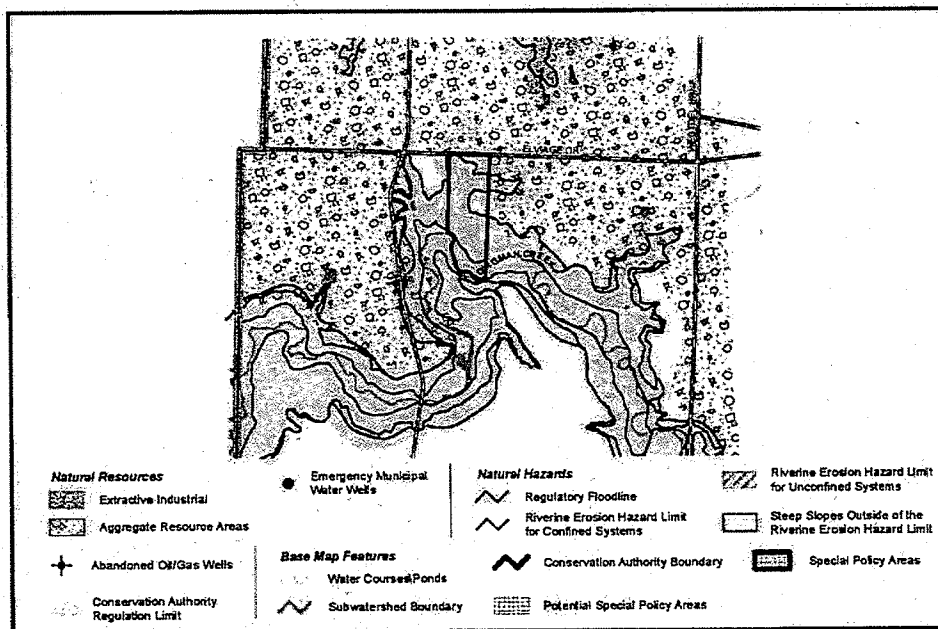


Figure 4 – Schedule B1 Natural Heritage Features



Schedule B-2 Natural Hazards and Natural Resources, identifies portions of the subject lands as being within the "Conservation Authority Regulation Limit" and within the "Riverine Erosion Limit for Confined Systems" (Figure 5).

Figure 5 – Schedule B2 Natural Resources



On March 27, 2012, we had a preconsultation meeting with City staff to discuss the major issues related to the current designations on the subject lands and the potential for constructing one single detached dwelling. The record of preconsultation from the meeting outlined that a boundary delineation of the provincially significant wetland as well as an Environmentally Significant Area (ESA) boundary delineation be completed as a first step in determining the developability of the lands.

On May 2, 2012 the boundary of the wetland was staked by certified wetland evaluators Dave Hayman and Will Huys, both of Biologic, as well as Bonnie Bergsma of the City of London. This boundary was used by Biologic to prepare a Scoped EIS, dated September 13, 2012. The report concluded that the building location proposed for the single detached dwelling is outside of the ESA and is suitable to protect the natural heritage features and that the core features of the ESA are not impacted with the house in the proposed location. Moreover, the landowners willingness to adopt and implement a stewardship plan will provide for the long term protection of the ESA. Without a management strategy for the property, the non-native invasive species found throughout the site will, over the long-term, expand into the protected wetland area.

The Biologic report was submitted to staff for review, who in turn brought the report to EEPAC for review and comment. The formal comments we received from EEPAC and City staff, were that due to the site's environmental constraints there is not likely any development envelope for a dwelling on the site. Furthermore, it is the opinion of EEPAC and staff that the area of land cleared by the previous property owner was done so illegally and therefore cannot be used as an area for development.

However, prior to the submission of the EIS to City staff, our client had several discussions and meetings with Upper Thames River Conservation Authority staff to discuss the proposed development and submitted an application for the construction of the proposed dwelling within the UTRCA regulated area. Our client provided the UTRCA with a number of materials, including a geotechnical report as well as a summary of site specific mitigation measures from Biologic, dated July 9, 2011, to be implemented through the construction of a single detached dwelling on the subject lands. It was with this material that the UTRCA granted the approval of the proposed dwelling (see attached letter dated January 9, 2012 from the UTRCA). We note as well that the UTRCA approval was for a building footprint larger than what is currently being proposed, in a location further west, and deeper within the woodlot, than the current building location.

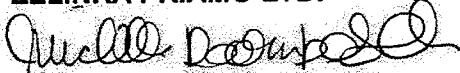
In addition, **it must be recognized that the subject lands are an existing lot of record.** Prior to annexation of these lands by the City of London in 2002, these lands were designated "Agricultural" in the former Township of Delaware Official Plan, and were zoned "Agricultural (AG)" in the former Township of Delaware Zoning By-law. The agricultural designation and zoning permitted one single detached dwelling to be constructed on the subject lands. It is unclear as to what documents were prepared or relied upon by City staff to support the various natural heritage designations and zones applied to the subject lands through the City's annexation process, eliminating the as-of-right single detached dwelling on the subject lands.

Given the above, we would ask for the opportunity to appear before the Planning and Environment Committee as a delegation to discuss this matter.

We trust the enclosed is satisfactory for your review. Should you have any questions or require additional information, please feel free to contact our office.

Yours very truly,

ZELINKA PRIAMO LTD.



Michelle Doornbosch, BA
Planner

cc. Shaun Stevens, Kaizen Homes Inc.
Alan Patton, Patton Cormier & Associates

UPPER THAMES RIVER

CONSERVATION AUTHORITY

Working in partnership with the community to protect the river

The Thames
A Canadian
Heritage River



January 9, 2012

Kaizen Homes Inc.
3795 Settlement Trail
London, Ontario
N6P 0A6

Attention: **Jason McQueen**

Dear Mr. McQueen:

Re: **UTRCA Application #135/10
Proposed House Construction
9345 Elviage Drive – City of London**

The Upper Thames River Conservation Authority acknowledges receipt of the following documents in support of the above-noted application:

- Application form
- Building drawings prepared by EngPlus (Sheets A1-A5, dated August 13, 2010)
- Revised septic system drawings prepared by BOS Engineering & Environmental Services Inc. (stamped by A. Bos, P. Eng. and dated May 12, 2011)
- Updated geotechnical report by exp Services Inc. (report dated August 24/11)
- Site plan and grading drawings by AGM (May 18, 2011)
- Information package from BioLogic, dated July 9, 2011.

This letter follows correspondence sent to you and the consulting team on July 26, 2011 and is based upon further review of the documents noted above and following communications with Bo Chiu of exp Services Inc. and Dave Hayman of BioLogic. Based on this review and communication we are prepared to conditionally approve Application #135/10, subject to the following:

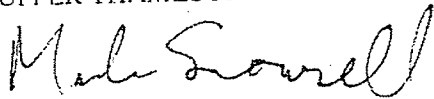
1. A permit fee of \$500 must be paid to the UTRCA.
2. Site specific mitigation recommendations and tree protection requirements outlined in the BioLogic submission of July 9, 2011 must be fully implemented.
3. A copy of the 24" x 36" site plan drawing prepared by AGM and referenced in the exp report of August 24/11 must be forwarded to the UTRCA.
4. Any additional, revised grading, drainage and other servicing details must be forwarded for review and acceptance by exp and the UTRCA.
5. Final building drawings must be forwarded to the UTRCA and exp so that we can confirm that the proposed dwelling is outside the 6m access allowance.
6. Foundation plans must also be provided to the UTRCA and exp to confirm that the structure is founded on competent soil below a line drawn from the toe of slope at 3H:1V.
7. Geotechnical inspection and testing will be required during construction to ensure that all recommendations provided by exp are fully implemented.

8. Erosion and sediment control measures, incorporating the recommendations of the BioLogic submission of July 9, 2011 must be provided to the UTRCA prior to development commencing.
9. Any revisions to the plans and reports noted above (ie as a result of further review by the City of London) must be forwarded to the UTRCA immediately.
10. The UTRCA must be notified regarding project commencement and completion dates.
11. All work must be completed within one year or a request for an extension must be received in writing no later than January 9, 2012.

If you have any questions regarding these requirements, please contact the undersigned.

Yours truly,

UPPER THAMES RIVER CONSERVATION AUTHORITY



Mark Snowsell
Land Use Regulations Officer

MS/ms

c.c. Tanya Nolte and Pam Hasie – City of London
Dave Hayman – BioLogic
Bo Chiu – exp Services Inc.
Art Bos – Bos Engineering and Environmental Services