

## M E M O

**Date:** October 23, 2020

**To:** Mayor Holder & Members of Council  
City of London  
206 Dundas St.  
London ON N6A 1G7

**From:** Harry Froussios & George Balango  
Zelinka Priamo Ltd.

**RE:** Council Meeting October 27, 2020  
OZ-9245 Request for Deferral of Boundary Adjustment re: 179 Meadowlily Road South and 129 Meadowlily Road South

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Further to our memo of October 16, 2020 to Mr. Craig Smith that is attached to the October 27, 2020 Council Agenda (Item 6.2), we would like to provide the following information subsequent to the PEC Meeting held on October 19, 2020.

As you may be aware, our request to defer consideration of the proposed adjustment of the ESA boundary and subsequent proposed OPA/ZBA as it relates to these two properties pending the completion of the site specific EIS processes currently underway for both properties was not accepted by PEC. However, we remain of the opinion that adjustment of the ESA boundary at 179 Meadowlily Road South and 129 Meadowlily Road South as proposed in the OPA/ZBA is premature and not justified at this time.

We have attached correspondence from MTE Consultants, dated October 22, 2020, which provides additional information in response to the PEC decision to support the Staff Recommendation relating to the Official Plan and Zoning By-law Amendments relating to the extension of the Meadowlily ESA boundary.

Based on the additional information provided, we are of the opinion that there is insufficient justification provided in support of the proposed amendments as they relate to our clients lands in order to satisfy the policies of the 2020 Provincial Policy Statement (including Section 2.1); the 1989 Official Plan (including Section 15.4); and the London Plan (including Policies 1367-1371).

Alternatively, we believe that a more appropriate approach would be to redesignate and rezone the affected areas of our clients lands as Environmental Review, as discussed in the MTE correspondence, and as per the attached illustration immediately following this correspondence. This approach would allow for more detailed review of the subject lands to be completed through the EIS process, which is consistent with the policies of the 1989 Official Plan (Section 15.4.1.2), and the London Plan (Policy 1369); and any necessary adjustments to the boundary be completed

as part of our clients OPA and ZBA applications. Furthermore, we believe that this approach will allow for a more collaborative and co-operative approach between our clients and the City, rather than pursuing alternative options (i.e. appeal to LPAT), which would only add lengthy delays to the process and result in an inefficient use of the City's and our clients time and resources.

On behalf of our clients, we thank you for the opportunity to provide the above comments and look forward to your consideration of the above.

Yours very truly

**ZELINKA PRIAMO LTD.**

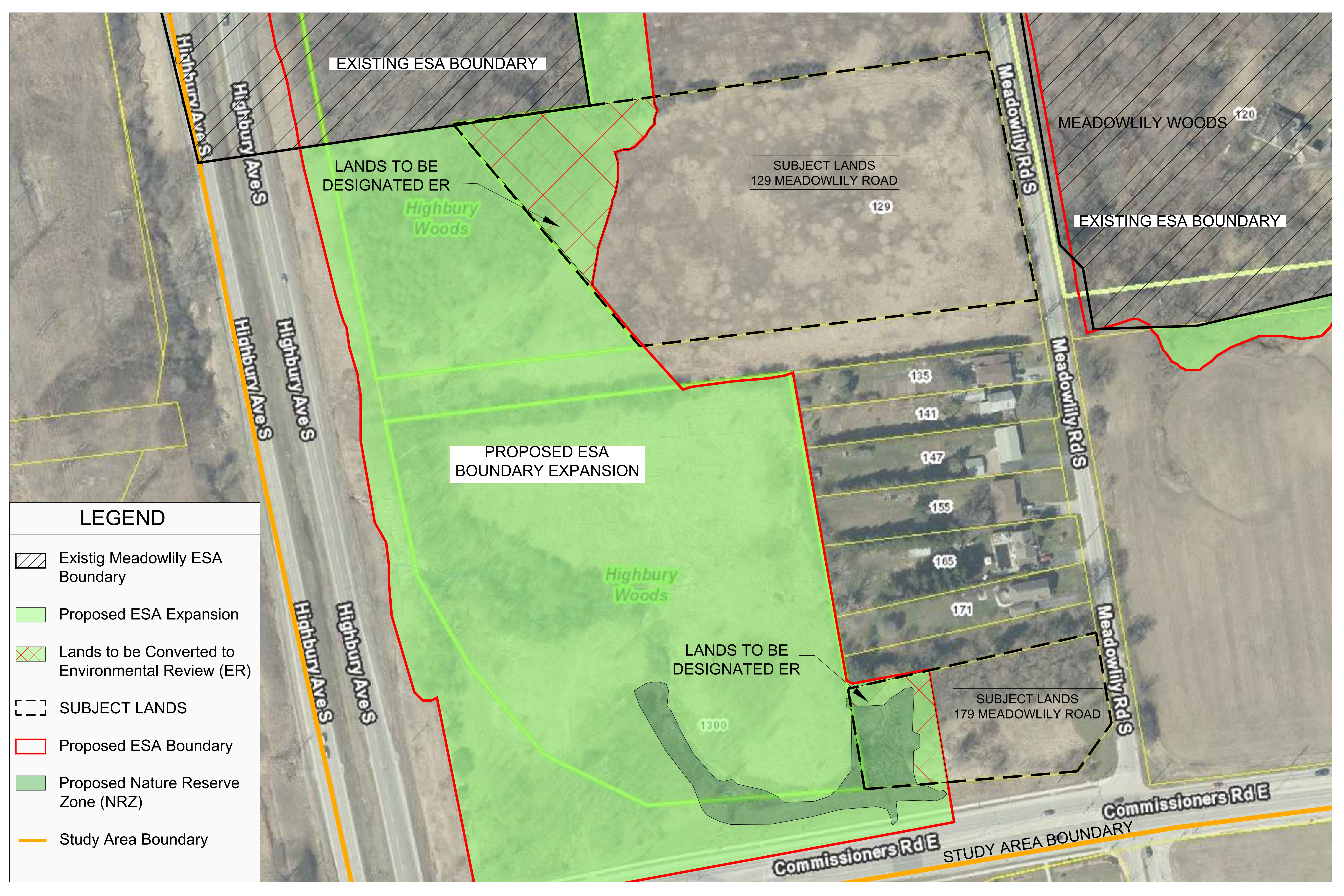


Harry Froussios, BA, MCIP, RPP  
Senior Associate



George Balango, BES, MCIP, RPP  
Senior Planner

Cc: Shanti Development  
Damas Development Inc.  
CHAM Ltd.  
MTE Consultants  
Craig Smith – Senior Planner, City of London



EXISTING ESA BOUNDARY

LANDS TO BE DESIGNATED ER

SUBJECT LANDS  
129 MEADOWLILY ROAD

MEADOWLILY WOODS 120

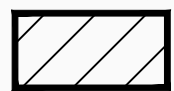
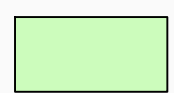
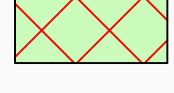




EXISTING ESA BOUNDARY

PROPOSED ESA  
BOUNDARY EXPANSION

LANDS TO BE DESIGNATED ER

SUBJECT LANDS  
179 MEADOWLILY ROAD

**LEGEND**

-  Existing Meadowlily ESA Boundary
-  Proposed ESA Expansion
-  Lands to be Converted to Environmental Review (ER)
-  SUBJECT LANDS
-  Proposed ESA Boundary
-  Proposed Nature Reserve Zone (NRZ)
-  Study Area Boundary



MTE Consultants  
123 St. George St., London, ON N6A 3A1

October 22 2020  
MTE File No.: 47966-100

Harry Froussios,  
Zelinka Priamo,  
318 Wellington Rd,  
London, ON N6C 4P4

Dear Harry:

**Re: 129 Meadowlilly Road and City Proposed ESA boundary**

Further to our letter of August 28 2020, I provide some additional comments based on the recent Planning and Environment Committee Review and comments associated with the landowner submission package.

The City of London ESA policy is designed to protect the Environmentally Significant Areas of the City of London. There are supplemental guidelines that are used to formalize the boundary of the ESA. These guidelines are designed to assess whether or not any additional vegetation next to the ESA should also be included. The guideline document clearly indicates not all vegetation warrants inclusion in the ESA designation. In practice, however, much more vegetation has been added to ESA boundaries than is likely warranted, and this has ultimately lead to a second document from the City, outlining how trails are to be planned in ESA's (*Guidelines for Management Zones and Trails in Environmentally Significant Areas*, 2016). The trail guideline document acknowledges there are sensitive and less sensitive features within ESA boundaries. A more precise designation of the ESA in the first place would have facilitated recreational trail design, rather than create the need for a second guideline document.

The Meadowlilly Woods ESA Conservation Master Plan (NRSI, 2019) following the trail guideline above, provides a figure (Map 12 –attached) which identifies the sensitive areas of the master plan as Nature Reserve Zones (dark green). There are the sensitive and natural features of the core ESA. Notwithstanding some localized disagreement with the boundary of these NRZ areas, the remaining areas noted are not the core ESA but added for additional habitat function (NEZ) .The boundary has also been expanded beyond NRZ and existing vegetation of the NEZ; presumably buffers. The purpose of each of these added areas to the NEZ, need to be considered when planning passive recreation use or development. Therefore, it is our opinion that lands beyond the Core ESA (NRZ) should be left as Environmental Review on private lands and Open Space on public lands to maintain clarity, as uses within and adjacent to these added areas are considered. Not matter where the ESA boundary line sits, passive trail plans and development will need to conduct further study and review to assess the use and finalize the boundary. So there is no policy basis for constraining public or private lands that are not part of the Core ESA and there is a policy basis to review the boundary at a later stage. Staff have agreed that the best place to finalize boundaries is at an EIS level. By placing the ESA boundary

in a conservative manner as proposed by the City, creates unnecessary impediments to passive recreational or development lands.

On a more site specific note, there are features that have been added as Natural Environment Zone on the 129 Meadowlilly privately owned lands, that are dominated by non-native invasive plants (Black Locust). Clearly this area of non-native habitat should not be part of an ESA boundary; a boundary intended to protect natural heritage. It is also not habitat for Eastern Wood-Pewee as the forest is thick and the canopy does not meet their habitat needs. We disagree with the E. Wood-Pewee map [Map 10], in this regard.

In additional, a wetland at 179 Meadowlilly Road is indeed receiving surface flows from Commissioners Road ROW as well as through a culvert flow under Commissioners from the commercial plaza to the south. Seepage identified through the CMP process is further to the west from 179 Meadowlilly [Map 10].

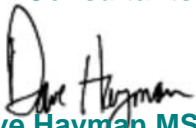
As noted in the prior letter, we have suggested there is opportunity for the City to cooperatively work with the landowner of 129 Meadowlilly Road to resolve the adjacent lands issues noted above, including addressing a non-native plant community that has been included in the City proposed ESA boundary. At 179 Meadowlilly, there is a small wetland feature (less than 0.5 ha) that would not be considered when using the Ontario Wetland Evaluation System (OWES). It is fed primarily by surface flows and can be preserved through water balance and stormwater design in an EIS. Both properties are best to address these boundary discussions and refinements through a development application process. A much better and cooperative process between the City and landowners, compared to a dispute over land use designation revisions and zoning changes proposed by the City on private lands.

Finally, the ESA boundary has a bearing on the development applications of 129 and 179 Meadowlilly as the EIS for each site must deal with protection of the ESA. Yet, the ESA already includes added zones of cultural vegetation and buffers beyond. There is no clarity from City staff on how development applications next to these disputed ESA boundary areas and beyond into the development lands, will be treated through the application process.

The simplest means to resolve all of these issues is to modify the proposed land use designations to ER on the private lands, as suggested earlier in this letter.

Yours truly,

**MTE Consultants Inc.**



**Dave Hayman MSc.**

Manager, Natural Environments

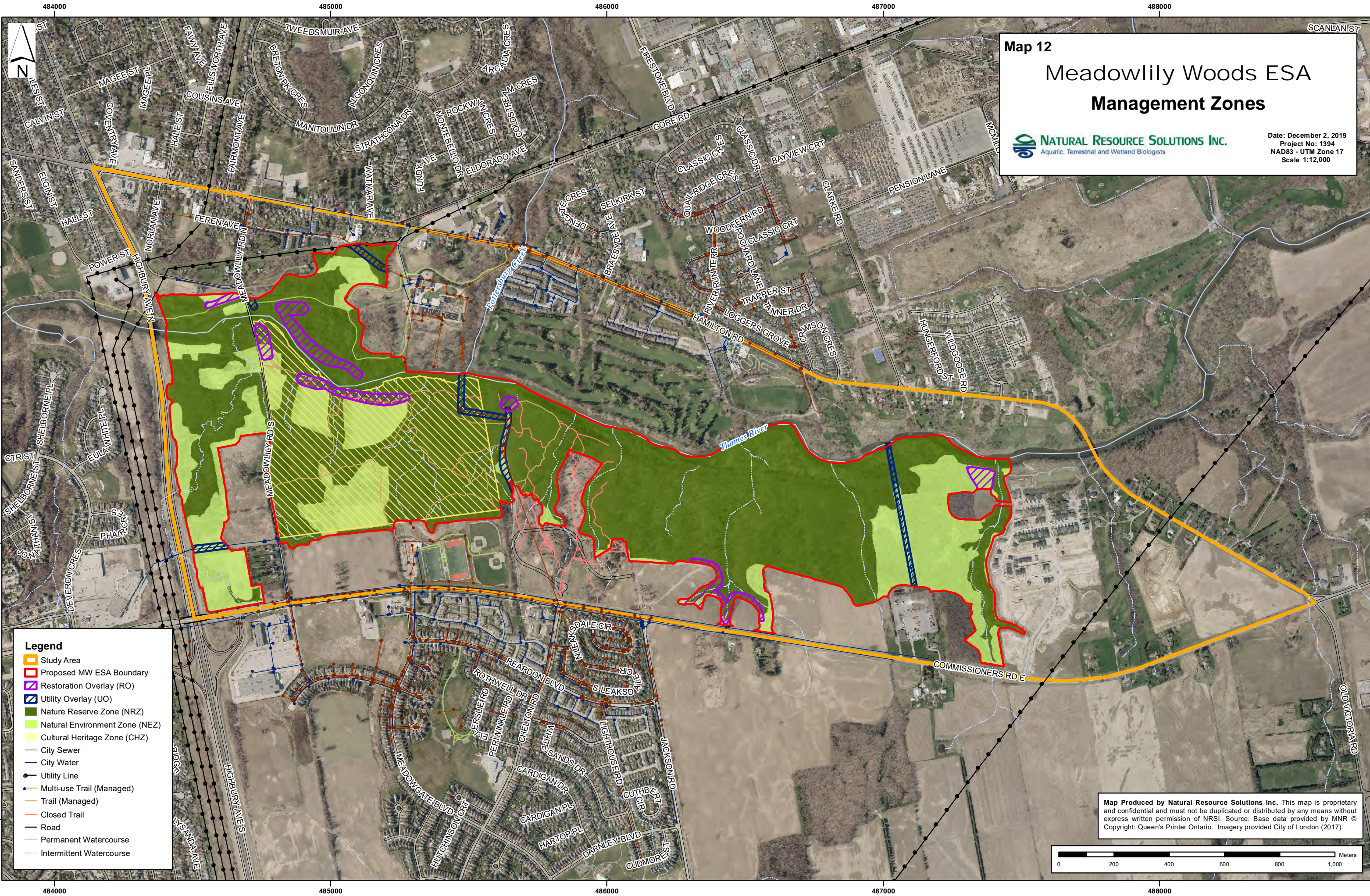
519-204-6510 Ext 2241

Windsor Field Office 519-966-1645

[dhayman@mte85.com](mailto:dhayman@mte85.com)

DGH:

47966-100ESABoundaryReviewLetter.wpd



**Map 12**  
**Meadowlily Woods ESA**  
**Management Zones**

**NATURAL RESOURCE SOLUTIONS INC.**  
 Aquatic, Terrestrial and Wetland Biologists

Date: December 2, 2019  
 Project No: 1394  
 NAD83 - UTM Zone 17  
 Scale 1:12,000

- Legend**
- Study Area
  - Proposed MW ESA Boundary
  - Restoration Overlay (RO)
  - Utility Overlay (UO)
  - Nature Reserve Zone (NRZ)
  - Natural Environment Zone (NEZ)
  - Cultural Heritage Zone (CHZ)
  - City Sewer
  - City Water
  - Utility Line
  - Multi-use Trail (Managed)
  - Trail (Managed)
  - Closed Trail
  - Road
  - Permanent Watercourse
  - Intermittent Watercourse

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