

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

**From:** George Kotsifas, P. Eng.  
Managing Director, Development & Compliance Services and  
Chief Building Official

**Subject:** 2021 Post-Development Environmental Impact Study  
Monitoring

**Date:** March 29, 2021

## Recommendation

That, on the recommendation of the Managing Director, Development & Compliance Services and Chief Building Official, the following report regarding 2021 Post-Development Environmental Impact Study Monitoring **BE RECEIVED** for information.

## Executive Summary

The Post-Development Environmental Impact Study (EIS) Monitoring program will evaluate select subdivisions after assumption; comparing the pre-development EIS report's recommended mitigation measures to determine the success in achieving a net benefit to the natural heritage areas. Dougan & Associates has been awarded the contract for 2021.

## Linkage to the Corporate Strategic Plan

Building a Sustainable City - London's growth and development is well planned and sustainable over the long term.

## Analysis

### 1.0 Background Information

#### 1.1 Previous Reports Related to this Matter

- Planning and Environment Committee – July 16, 2018, [Environmental Impact Study \(EIS\) Compliance](#)
- Strategic Priorities and Policy Committee – May 06, 2019 – [Approval of the 2019 Development Charges By-law and Background Study](#)

#### 1.2 Environmental Impact Study Compliance Review

On July 16, 2018, Civic Administration reported to Council on an EIS compliance review of active subdivisions. The review was based on a January 26, 2016 resolution for staff to review "...how Development Agreements could be modified to include a mechanism for the Civic Administration to undertake compliance investigations to ensure that conditions set out in Environmental Impact Statements are and will be met..." Based on this review a summary of issues, work-to-date and next steps were presented, including:

- **Improving the EIS compliance process** by operationalizing recommended monitoring clauses through draft plan approval and subdivision agreements.
- **Review active subdivisions** to identify developments in process, identify gaps and identify potential actions for older subdivisions recognizing that they would be nearing assumption.
- Enhance **compliance and enforcement** by undertaking continuous improvement initiatives to examine draft plan and subdivision agreement

conditions, by-laws to protect the natural heritage areas throughout development, or levying fines for non-compliance.

- Exploring options for a **city-wide monitoring contract** led by city-staff to conduct monitoring and at regular intervals.
- **Conduct post-development “audits”** to complete systematic long-term reviews of post-development impacts on natural heritage areas. Information gathered through these “audits” could help inform future development requirements or environmental policies.

## 2.0 Discussion and Considerations

### 2.1 EIS Recommendations

Where developments occur adjacent to natural heritage areas, pre-development EIS are required to determine the limits of development and to demonstrate there will be a net benefit to the natural features and functions. Recommendations can include a combination of development setbacks, buffers, construction mitigation measures and monitoring requirements. Recommendations are often operationalized throughout the subdivision process and translated into conditions of draft plan approval, details on construction drawings and ultimately the subdivision agreements.

### 2.2 Post-Development Environmental Impact Study Monitoring Program

Pre-development EIS provide a range of mitigation and monitoring measures in the pre, during, and post-construction phases of a development. Monitoring recommended by the EIS is typically a requirement of the developer and a condition of the subdivision agreement. The focus of this monitoring is usually the during and post-construction stages. Through the Beacon EIS Performance Evaluation report (2014) and the 2019 DC Study, City staff have identified a need for post-development (after assumption) monitoring, to identify longer-term development impacts on the natural heritage system.

The Post-Development EIS Monitoring project is intended to evaluate the success of a pre-development EIS report’s recommendations a few years following completion of the development. The environmental consultant (Dougan & Associates) will undertake post-development audits of selected sites to assess the effectiveness of the growth-related EIS in implementing the recommendations intended to protect natural heritage features and functions. This project can provide meaningful data for long-term (year-over-year) trends related to developments adjacent to natural areas. The results of the monitoring will be used in considering future EIS requirements and determining if corrective actions, adaptive management, additional monitoring and/or reporting requirements during earlier stages of development are required or can be scaled back.

#### 2.2.1 Locations

Twelve sites have been identified for monitoring during the first year of the program. All locations have been assumed by the City between 2014 and 2019 and the limits of the subdivision contain or are adjacent to Open Spaces zoned OS4 and/or OS5. The following table identifies the subdivision and name of the natural feature.

File Number	Feature Name
39T-00514	Talbot Village Wetland
39T-03512	Cresthaven Woods
39T-03518	Kilally Woods
39T-04513	Pebblecreek
39T-05506	Pincombe Drain
39T-05510	Uplands North Wetland & Powell Woods
39T-06503	Ballymote Trail
39T-08502	Maple Grove Woods
39T-10501	Forest Hill Woods
39T-10502	Medway Valley Heritage Forest ESA
39T-98512	Gibbons/UWO Wetland
39T-99522	Northbrook Valley

### **3.0 Financial Impact/Considerations**

The Post-Development Environmental Impact Study Monitoring program was included in the 2019 Development Charges Background Study and is 100% growth funded.

In late 2020, staff undertook a competitive procurement process to retain an environmental consulting firm for the first year of this program. In total, 12 proposals were received with Dougan & Associates being selected to conduct the 2021 program. Their proposal was for \$66,180.40 and was administratively approved per the guidelines outlined in the 'Procurement of Goods and Services Policy'.

### **4.0 Key Issues and Considerations**

#### **4.1. Connection to the Environmental Management Guidelines Update**

Dougan & Associates will be provided with a copy of the draft Environmental Management Guidelines update to ensure that evaluations will have regard for the changes being considered. Ultimately the Post-Development Environmental Impact Study Monitoring program will provide data to help inform City policies and guidelines that will direct appropriate mitigation planning and monitoring requirements in future EIS.

## **Conclusion**

The Post-Development Environmental Impact Study Monitoring program will commence in 2021, with monitoring to be conducted by Dougan & Associates. The program will monitor select sites post-development (after assumption) and compare the pre-development Environmental Impact Study report's mitigation measures to determine the success in achieving a net benefit, or no negative impact, to the natural areas.

As this program evolves the monitoring will provide meaningful data for long-term (year-over-year) trends related to developments adjacent to natural areas, which will act as a feedback loop for City policies and guidelines (e.g., Environmental Management Guidelines), allowing the City to develop appropriate mitigation, planning, and monitoring requirements for future Environmental Impact Studies.

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