

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee

From: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic Development

Subject: Application By: Drewlo Holdings
1140 Fanshawe Park Road East
Public Participation Meeting

Date: May 9, 2022

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Drewlo Holdings relating to the property located at 1140 Fanshawe Park Road East:

- (a) the request to amend the 1989 Official Plan to change the designation on Schedule "A" – Land Use on a portion of the subject lands **FROM** a Low Density Residential designation along Sunningdale Road East, **TO** a Multi-Family, Medium Density Residential designation, **BE REFUSED**;
- (b) the request to amend the 1989 Official Plan change the designation on Schedule "A" – Land Use on a portion of the subject lands **FROM** a Low Density Residential designation, **TO** an Open Space designation, **BE REFUSED**;
- (c) the request to amend The London Plan to change the designation on a portion of the subject lands **FROM** the Open Space Place Type, **TO** the Neighbourhoods Place Type, **BE REFUSED**;
- (d) the request to amend The London Plan to change the designation on a portion of the subject lands **FROM** the Open Space Place Type, **TO** the Neighbourhoods Place Type, **BE REFUSED**;
- (e) the request to amend The London Plan to change the designation on a portion of the subject lands **FROM** the Neighbourhoods Place Type **TO** the Open Space Place Type, **BE REFUSED**;
- (f) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property **FROM** a Holding Urban Reserve (h-2*UR3) Zone, Urban Reserve (UR3) Zone and Open Space (OS5) Zone, **TO** a Bonus Residential R8 Special Provision (B-*R8-4(_)) Zone, Residential R5 (R5-7) Zone, Residential R1 Special Provision (R1-3(_)) Zone, Residential R1 (R1-2) Zone, Residential R1 (R1-3) Zone, Neighbourhood Facility (NF) Zone and an Open Space (OS5) Zone **BE REFUSED**.

Executive Summary

Summary of Request

The request is to permit a subdivision consisting of 18 low density residential blocks; six (6) medium-density, multi-family density blocks; two (2) school blocks; three (3) open space blocks, including one (1) open space block for the compensation and relocation of an existing Provincially Significant Wetland; seven (7) access points at Sunningdale Road East, Savannah Drive, Nicole Avenue, Devos Drive, Blackwell Boulevard, Stackhouse Avenue and Fanshawe Park Road East as well as five (5) internal streets.

Amendments are requested to the 1989 Official Plan to re-designate a portion of the lands along Sunningdale Road East from Low Density Residential to Multi-Family

Medium Density Residential to permit a broader range of residential uses, including higher density forms of housing and allow for Bonus Zoning for greater heights and densities. Amendments also include re-designating a portion of lands from Low Density Residential to Open Space for the proposed wetland relocation and compensation area.

Amendments are requested to The London Plan to redesignate a portion of lands from Open Space Place Type to the Neighbourhoods Place Type on and surrounding the Provincially Significant Wetland. Amendments also include re-designating a portion of the lands from the Neighbourhoods Place Type to the Open Space Place Type for the proposed wetland relocation and compensation area.

Purpose and Effect of the Recommended Action

The purpose and effect of the recommended action is for Municipal Council to refuse the requested Official Plan and Zoning By-law Amendments and Draft Plan of Subdivision as the proposed and recommended amendments are not consistent with the Provincial Policy Statement (2020).

Rationale of Recommended Action

1. The proposed and recommended amendments propose development within a Provincially Significant Wetland.
2. The proposed and recommended amendments do not conform to the in-force policies of *The London Plan*, including but not limited to the policies of the Neighbourhoods and Green Space Place Type and to the Our Strategy, Our City and the Key Directions.
3. The proposed and recommended amendments do not conform to the in-force policies of the *1989 Official Plan*, including but not limited to the Low-Density Residential designation, the Multi-Family Medium Density Residential designation, and the Open Space designation.
4. The proposed and recommended zoning amendments do not conform to *The London Plan* or the *1989 Official Plan*.

Linkage to the Corporate Strategic Plan

This application supports the Building a Sustainable City area of focus in the Corporate *Strategic Plan* by ensuring that the City of London's growth and development are well planned and sustainable over the long term.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

None.

1.2 Planning History

In 2007, an Official Plan and Zoning By-law Amendment application (OZ-7336) was submitted to the City to facilitate the original Draft Plan of Subdivision (39T-07502). As part of a complete application, an Environmental Impact Assessment (EIS) (dated December, 2006) was submitted. In August, 2007, the application was placed on hold until a revised EIS was provided and revised as the original EIS did not mention the wetland on site. The revised EIS was later provided to staff in July, 2008. Through circulation of the revised EIS, concerns were raised by both Parks Planning and Environmental and Ecological Planning Advisory Committee (EEPAC) related to the environmentally significant area limit and the lack of discussion on the Provincially

Significant Wetland on site. The original application was not heard at the Planning and Environment Committee.

1.3 Property Description

The subject lands are located on the south side of Sunningdale Road East, west of Highbury Avenue North. The overall subdivision (39T-07502) is comprised of 48.68 hectares (120.29 acres) of land and includes three (3) irregular shaped parcels along Stackhouse Avenue. Access to the subject lands is provided via Sunningdale Road East, Stackhouse Avenue (via Fanshawe Park Road East), Savannah Drive, Nicole Avenue and Devos Drive. Surrounding land uses include existing low density residential uses to the north, south and west with a place of worship, agricultural and open space lands to the east. The site contains a Provincially Significant Wetland towards the western portion, south of Sunningdale Road East.

1.4 Current Planning Information (see more detail in Appendix D)

- The *London Plan* Place Type – Neighbourhoods and Open Space
- (1989) *Official Plan* Designation – Multi-Family, Medium Density Residential, Low Density Residential and Open Space
- Existing Zone – Holding Urban Reserve, Urban Reserve and Open Space (h-2*UR3/UR3/OS5)

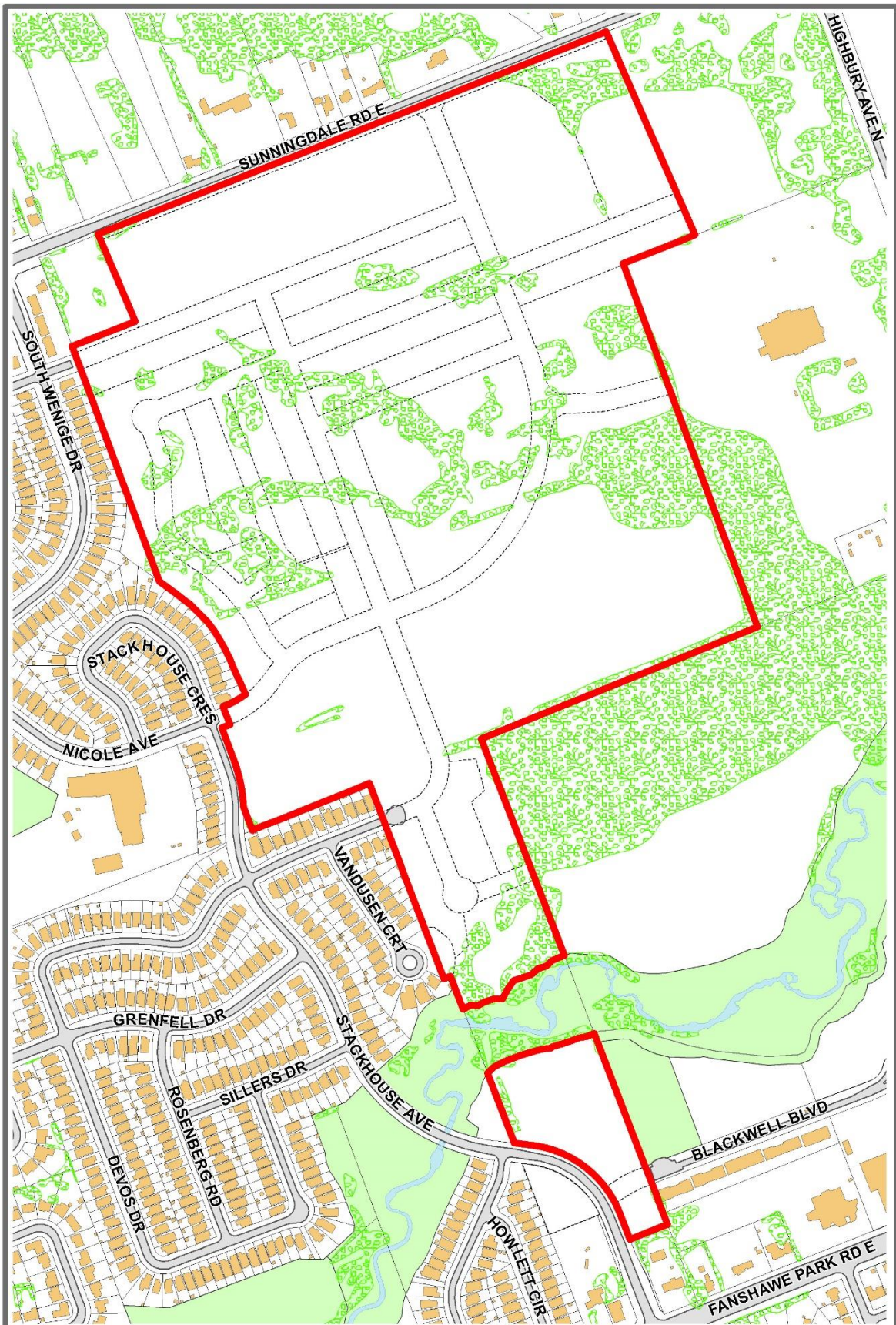
1.5 Site Characteristics

- Current Land Use – vacant
- Frontage – 730.4 metres along Highbury Avenue North, 615.07 along Sunningdale Road East
- Area – 48.68 hectares (120.29 acres)
- Shape –Irregular

1.6 Surrounding Land Uses

- North – Low Density Residential, Agricultural, Open Space
- East – Agricultural, Open Space, Low Density Residential, Place of Worship
- South – Commercial, Low Density Residential, Medium Density Residential, Place of Worship
- West – Low and Medium Density Residential

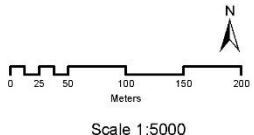
1.7 Location Map



LOCATION MAP

Subject Site: 1140 Fanshawe Park Road East
 File Number: 39T-07502/OZ-9473
 Planner: Melanie Vivian
 Date: 2022/21/04

Corporation of the City of London
 Prepared By: Planning and Development



Legend

- Subject Site
- Submitted Under Review Subdivisions
- Assessment Parcels
- Buildings
- Vegetation

2.0 Description of Proposal

2.1 Development Proposal

Original Draft Plan of Subdivision

In 2007, the applicant submitted a Draft Plan of Subdivision proposing a range of residential uses, a neighbourhood park, potential school block and provided a buffer from the existing natural heritage features and delineate the Stoney Creek corridor. The proposal included direct access to Fanshawe Park Road East via Stackhouse Avenue and Sunningdale Road East with a proposed future access to Highbury Avenue North. The original draft plan of subdivision proposed development over the existing Provincially Significant Wetland and included an amendment to the Official Plan to delete the Wetland Class 4-7 symbol on Schedule "B". The application was not heard at the Planning and Environment Committee and has been on hold since 2007.

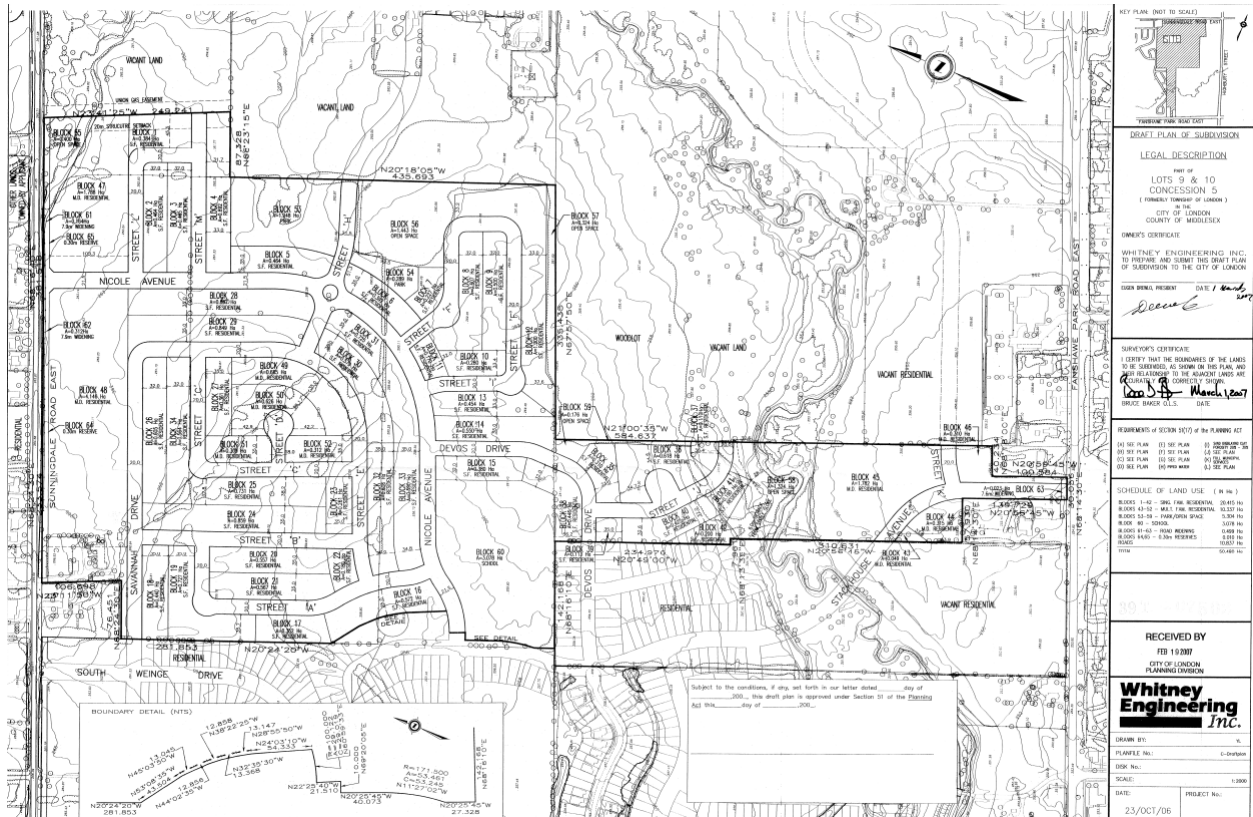
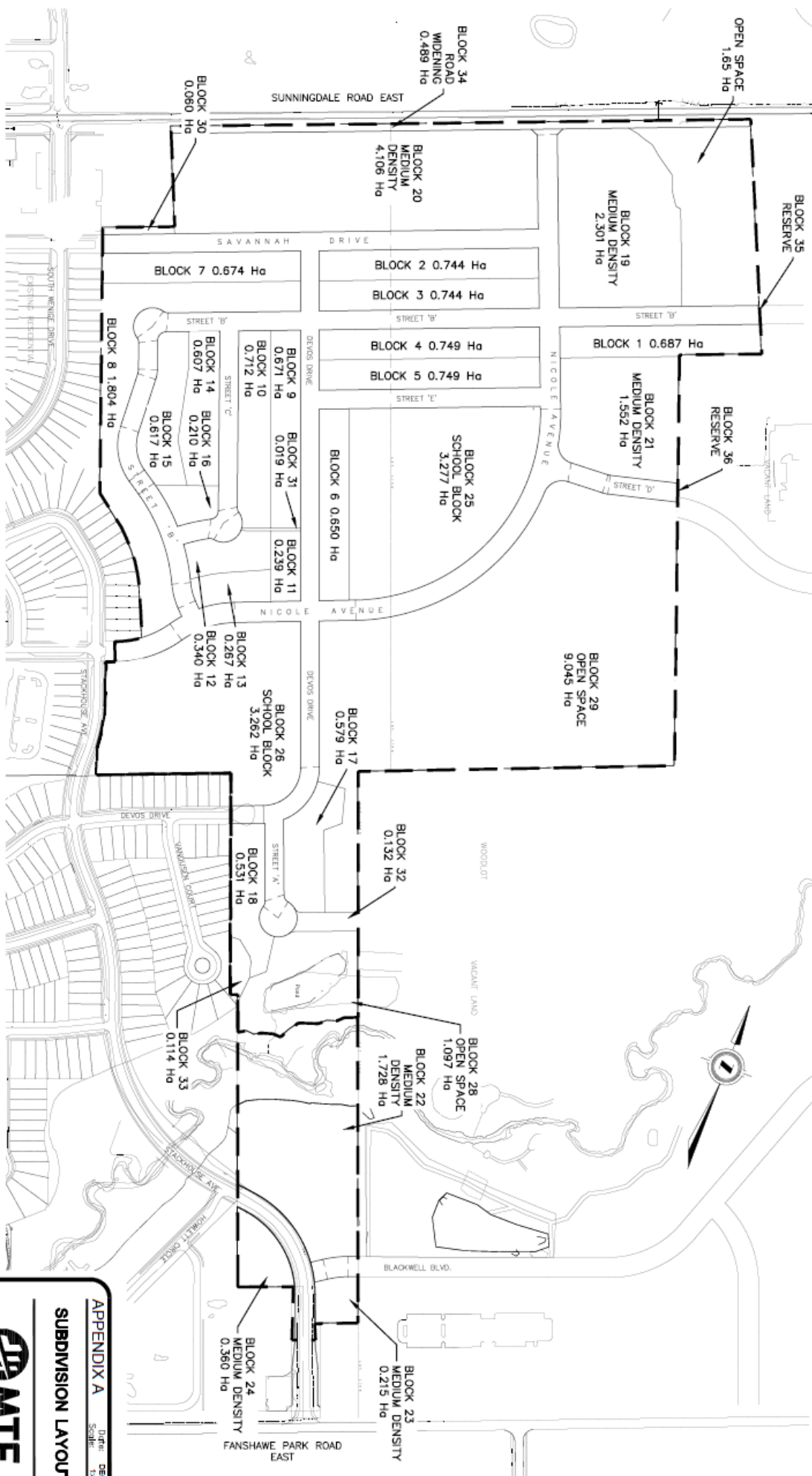


Figure 1: Original Draft Plan of Subdivision.

Proposed Draft Plan of Subdivision

In 2022, the applicant submitted the revised Draft Plan of Subdivision consisting of 18 low density residential blocks, six (6) medium density residential blocks, two (2) school blocks, three (3) open space blocks, including one (1) open space block for the compensation and relocation of an existing Provincially Significant Wetland. The revised Draft Plan of Subdivision proposed seven (7) access points at Sunningdale Road East, Savannah Drive, Nicole Avenue, Devos Drive, Blackwell Boulevard, Stackhouse Avenue and Fanshawe Park Road East as well as five (5) new internal streets. Access points also include the extension of Savannah Drive, Nicole Avenue, Devos Drive and Blackwell Boulevard. The proposed draft Plan of Subdivision includes the request for approval of official plan and zoning by-law amendments associated with the blocks within the proposed draft plan.

2.2 Proposed Plan of Subdivision

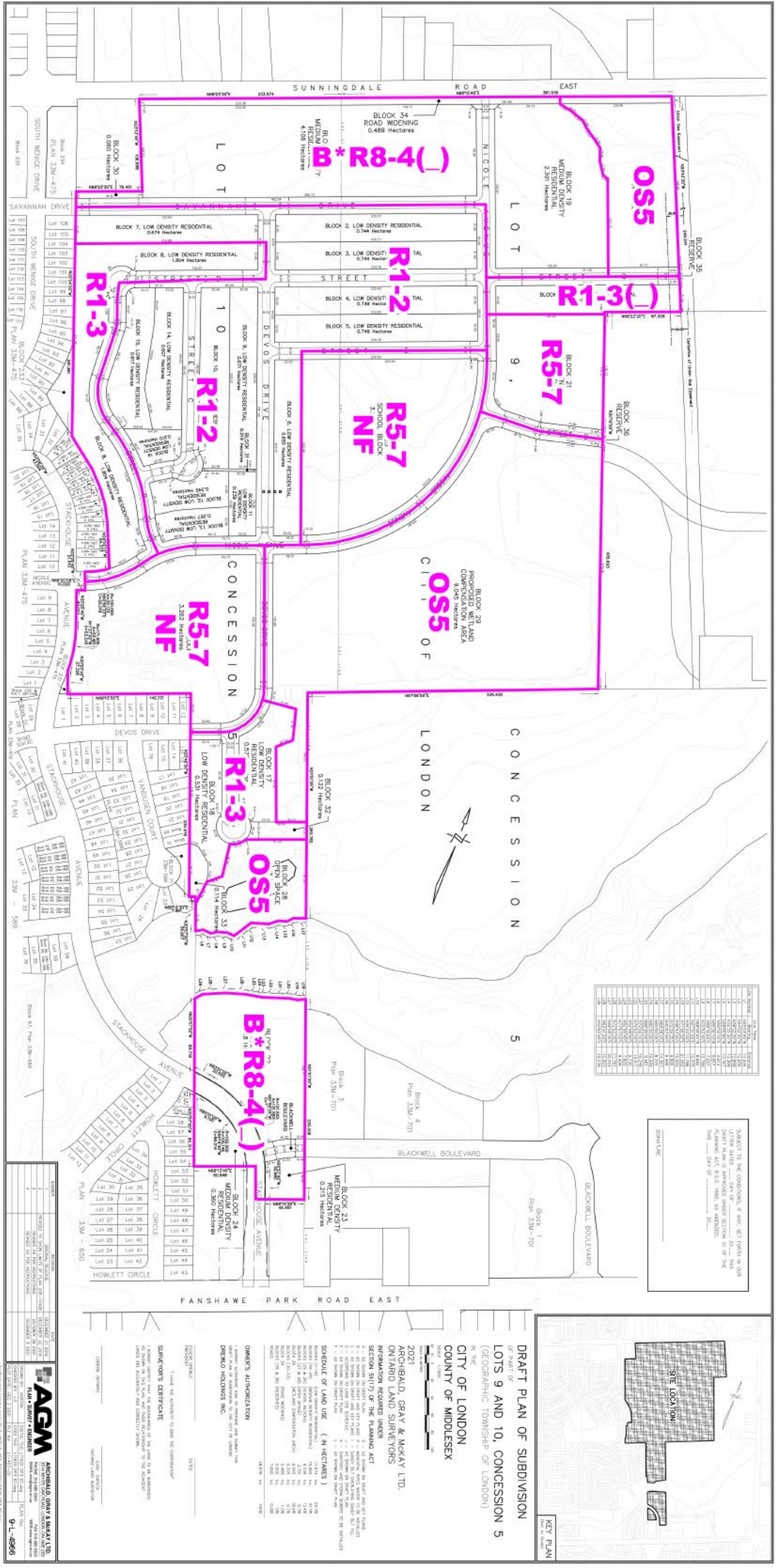


APPENDIX A
SUBDIVISION LAYOUT

DATE: DEC-21
 SCALE: 1:4000

MTE
 Engineers, Scientists, Surveyors
 Project No.: 4133-114

2.3 Proposed Zoning By-law Amendment Sketch



2.4 Requested Amendments

The applicant has submitted a Revised Draft Plan of Subdivision, Official Plan and Zoning By-law Amendment applications to permit the creation of a residential subdivision consisting of low density single detached dwellings/lots, medium density blocks, parks, school blocks and the extension of existing public roads as well as the creation of new streets.

The applicant has requested to amend the 1989 Official Plan to redesignate on Schedule A – Land Use, a portion of lands currently designated Low Density Residential along Sunningdale Road East (Block 20 and a portion of Block 19) to facilitate higher density forms of housing types and uses. The applicant has also requested to amend the 1989 Official Plan to redesignate the proposed wetland compensation area from Low Density Residential to Open Space (Block 29). The proposed amendments will seek to bring the policies more inline with the permissions of The London Plan.

The applicant has also requested to amend The London Plan to redesignate a portion of the lands from Open Space Place Type to the Neighbourhoods Place Type on Map 1 – Place Types where the identified Provincially Significant Wetland is located (as seen on Map 5 – Natural Heritage). The proposed amendments to The London Plan include redesignating a portion of lands from the Neighbourhoods Place Type to the Open Space Place Type for the proposed wetland compensation area block (Block 29).

The applicant has requested to amend the Zoning By-law Z.-1 to change the zoning from a Holding Urban Reserve/Urban Reserve/Open Space (h-2*UR3/UR3/OS5) Zone to:

Bonus Residential R8 Special Provision (B- *R8-4()) Zone (Part Block 19, Block 20, Blocks 22-24):

The proposed special provisions include: to permit uses such as apartment buildings, stacked townhouse dwellings and cluster townhouse dwellings. Proposed regulations include a maximum density of 100 units per hectare; a maximum height of six (6) storeys; a maximum front and exterior side yard depth of 3 metres (9.8 feet) and a setback from the Open Space Zone (yet to be determined). The proposed Bonus Zone is for the provision of affordable housing units to be secured through agreement at the time of Site Plan Approval at the amount of 10% of the uplift (units greater than 75 units per hectare) for a time period of 20 years at a rate of 85% average market rent.

Residential R5 (R5-7) Zone:

To permit cluster townhouse dwellings and/or cluster stacked townhouse dwellings (Blocks 21, 25 and 26).

Residential R1 Special Provision (R1-3()) Zone:

To permit single detached dwellings with a special provision to permit a reduced minimum interior side yard depth as the lots are adjacent to a gas easement. Enbridge Gas Inc. has provided comments and has not indicated the need for a reduced setback from the easements but rather, have the necessary easements/agreements in place, to the satisfaction of Enbridge.

Residential R1 (R1-2) and (R1-3) Zone:

To permit single detached dwellings (Blocks 2-7, 9-16, Block 31, Block 8, 17, 18, 32 and 33). The various Residential R1 Zones are proposed to provide opportunities for a range of lot sizes.

Neighbourhood Facility (NF) Zone:

To permit new facilities in the community including Places of Worship; elementary schools and/or day care centres (Blocks 25-26). The Neighbourhood Facility (NF) Zone is proposed to be compounded with the Residential R5 (R5-7) Zone to allow for a range of uses on site for alternative development types.

Open Space (OS5) Zone:

To permit conservation lands; conservation works; passive recreation uses which include hiking trails and multi-use pathways; and/or managed woodlots. The proposed OS5 Zone includes the proposed Block for the wetland compensation area, consistent with the existing zone along the Stoney Creek Corridor.

The applicant submitted the following reports in support of the above requested amendments:

1. Final Proposal Report;
2. Environmental Impact Study;
3. Hydrogeological Assessment;
4. Geotechnical Report;
5. Functional Servicing Report; and
6. Preliminary Stormwater Servicing Report.

The submitted reports were circulated and reviewed by City Staff, the UTRCA and EEPAC along with other commenting agencies.

2.5 Community Engagement (see more detail in Appendix C)

Public Circulation

The application was circulated on March 2, 2022 and posted in *The Londoner* on March 3, 2022. Through the public circulation process, staff received six (6) comments from the public with respect to the proposed Draft Plan of Subdivision, Official Plan and Zoning By-law Amendment application. Comments received are attached to Appendix "C" below.

Comments/concerns received from the community include:

- Request for further information on the proposal, including detailed plans;
- Support for the application ;
- Loss of green space, trees and removal of areas for animals;
- Decrease in property values;
- Loss of privacy; and
- Increase of traffic in the area

2.6 Policy Context (see more detail in Appendix D)

Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) provides policies to manage and direct land use to achieve efficient and resilient development and land use patterns (1.1). The PPS promotes the sustainability of health, liveable and safe communities by promoting efficient development and land use patterns while accommodating an appropriate affordable and market-based range and mix of residential types (1.1.1.a) and 1.1.1.b)). The PPS further encourages settlement areas to be the main focus of growth and development with densities and a mix of land uses that efficiently use land and resources and are transit-supportive where transit is planned, exists or may be developed (1.1.3.1, 1.1.3.2.e) and 1.1.3.2.f)). New development within settlement areas

is to take place in designated growth areas should occur adjacent to the existing built-up area and should have compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities (1.1.3.6).

As noted, the PPS promotes an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents (1.4.1). The PPS further directs planning authorities to permit and facilitate all forms of housing and to direct the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs.

Section 2.0 of the PPS acknowledges that the long-term prosperity, environmental health, and social well-being of Ontario depends upon the conservation and protection of our natural heritage and conservation resources. The PPS directs natural heritage features to be protected for the long term, including the diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features (2.1.2). Given the Provincially Significant Wetland on site, a further analysis of Section 2.0 Wise Use and Management of Resources can be found in Section 4.2 of the report below.

The PPS acknowledges that the long-term prosperity, environmental health and social well-being of Ontario depends, in part, on reducing the potential public cost and risk associated with natural or human-made hazards. As such, Section 3.0 of the PPS provides a number of policies designed to direct development away from natural and human-made hazards where there is an unacceptable risk to public health or safety or property damage.

In accordance with Section 3 of the *Planning Act*, all planning decisions “shall be consistent with” the PPS.

The London Plan

The London Plan is the new Official Plan for the City of London (Council adopted, approved by the Ministry with modifications, and the majority of which is in force and effect). The London Plan policies which are under appeal to the Local Planning Appeals Tribunal (Appeal PL170100) and not in force and effect are indicated with an asterisk throughout this report. The London Plan policies under appeal are included in this report for informative purposes indicating the intent of City Council but are not determinative for the purposes of this planning application.

The London Plan includes criteria for evaluating plans of subdivision through policy 1688_ that requires consideration of:

1. Our Strategy
2. Our City
3. City Building policies
4. The policies of the place type in which the proposed subdivision is located
5. Our Tools
6. Relevant Secondary Plans and Specific Policies

Neighbourhoods Place Type

The subject lands are located in the Neighbourhoods Place Type (Map 1 – Place Types) where the range of primary and secondary permitted uses that may be allowed based on the street classification to property has frontage along (921_). The proposed blocks along Sunningdale Road East front on to a Civic Boulevard (Map 3 – Street

Classifications) with permitted uses ranging from single detached dwellings, townhouses to low-rise apartment buildings, in accordance with Table 10 – Range of Permitted Uses in Neighbourhoods Place Type. Where the lands intersect with Sunningdale Road East and Nicole Avenue (Neighbourhood Connector), secondary uses, in accordance with Table 10, include mixed-use buildings. Blocks along Stackhouse Avenue and Nicole Avenue front onto a Neighbourhood Connector, permitting a range of uses such as single detached dwellings, townhouses, triplexes and small-scale community facilities.

The London Plan measures intensity based on permitted heights (*935_). In The Neighbourhoods Place Type with frontage along a Civic Boulevard, a minimum height of 2-storeys with a maximum of 4-storeys, 6-storeys with Bonusing, are permitted. Where a property fronts the Neighbourhood Connector, a minimum of 1-storey and a maximum of 2.5 storeys is permitted. It is noted that where there is a Neighbourhood Street, a minimum height of 1-storey and a maximum height of 2.5-storeys is permitted, in accordance with *Table 11 – Range of Permitted Heights in Neighbourhoods Place Type.

Through further applications under the *Planning Act*, staff will review detailed development plans with respect to the proposed form to ensure they conform to the Form policies (936_) of The London Plan.

Open Space Place Type

The subject lands are also located in the Open Space Place Type (Map 1 – Place Types) where lands within the Green Space Place Type vary considerably and the uses that are permitted within these areas will be dependent upon the natural heritage features and areas contained on the subject lands, the hazards that are present, and the presence of natural resources which are to be protected (762_2). Map 5 – Natural Heritage of The London Plan identifies a Provincially Significant Wetland located on site. Given the Provincially Significant Wetland on site, a further analysis on The London Plan policies can be found in Section 4.2 of the report below.

1989 Official Plan

Low Density Residential

The Low Density Residential designation is intended to accommodate low-rise, low density housing forms which includes single detached; semi-detached; and duplex dwellings. Multiple-attached dwellings, such as row houses or cluster housing may also be permitted subject to the policies of this Plan (3.2.1.). Development within areas designated Low Density Residential shall have a low-rise, low coverage form that minimizes problems of shadowing, view obstruction and loss of privacy. The development of low density residential uses shall be subject to appropriate site area and frontage requirements in the Zoning By-law. These requirements may vary in areas of new development according to the characteristics of existing or proposed residential uses and shall result in net densities that range to an approximate upper limit of 30 units per hectare.

Multi-Family Medium Density Residential

The Multi-Family, Medium Density Residential designation is intended to accommodate multiple-attached dwellings, such as row houses or cluster houses; low-rise apartment buildings; rooming and boarding houses; emergency care facilities; converted dwellings; and small-scale nursing homes, rest homes and homes for the aged. These areas may also be developed for single-detached, semi-detached and duplex dwellings (3.3.1.). Development within the designation shall have a low-rise form and a site coverage and density that could serve as a transition between low density residential areas and more intensive forms of commercial, industrial, or high density residential development. Development shall be subject to height limitations in the Zoning By-law which are sensitive to the scale of development in the surrounding neighbourhood and generally do

not exceed four storeys. Medium density developments generally will not exceed an approximate net density of 75 units per hectare (3.3.3.).

Open Space

Lands within the Open Space designation consist of public open space; private open space, including such uses as cemeteries and private golf courses; flood plain lands and lands that are subject to natural hazards; components of the Natural Heritage System, which have been evaluated and which are recognized by Council as being of city-wide, regional or provincial significance; and, lands that contribute to important ecological functions. Public open space uses including district, city-wide, and regional parks; and private open space uses are permitted in the Open Space designation.

Zoning By-law Z.-1

The subject lands are currently zoned Holding Urban Reserve/Urban Reserve/Open Space (h-2*UR3/UR3/OS5). The Urban Reserve (UR3) Zone permits uses such as conservation lands, managed woodlots, passive recreation uses, kennels, riding stables and private outdoor recreation clubs, among others. The Urban Reserve Zone is intended to protect large tracts of land from premature subdivision and development to provide for future comprehensive development on those lands. The Open Space Zone permits uses such as conservation lands, conservation works, passive recreation uses which include hiking trails and multi-use pathways and managed woodlots. The OS5 Zone variation applies to important natural features and functions that have been recognized by Council as being City-wide, regional, or provincial significance and identified as components of the Natural Heritage System of the Official Plan. Development and site alteration is permitted only if it has been demonstrated through appropriate studies that there will be no negative impacts on the features and functions for which the area has been identified.

2.7 Subdivision Analysis

The proposed Draft Plan has been reviewed on the principal elements, found within the City Building policies of the London Plan:

City Design and Placemaking

The London Plan provides policies for designing our city to ensure it is shaped by both its natural setting and built form. The built form includes elements such as streets, streetscapes, public spaces, landscapes and buildings (189_). The focus of the City Design policies are to encourage a well-designed built form throughout the City; development that is designed to be a good fit and compatible within its context; development that supports a positive pedestrian environment; a mix of housing types to support ageing in place and affordability; and healthy, diverse and vibrant neighbourhoods that promote a sense of place and character (193_).

Subdivision Design and Connectivity

One of The London Plan's key principles is the mobility of people and goods through the City. Within these principles, neighbourhoods are encouraged to be designed in a manner that use public spaces and parks to serve as mobility linkages through and between neighbourhoods (333_). The London Plan also provides direction on connectivity and design through City design policies. The Plan encourages street networks to be designed in a manner which ensure high-quality pedestrian environments and maximized convenience for mobility along with street patterns that are easy and safe to navigate by walking and cycling; requiring grid or modified grid configurations in neighbourhoods to minimize cul-de-sacs and dead-end streets (211_ to 213_). Public spaces should be designed and located as part of, and to support, the active mobility network (246_).

Trees and Natural Heritage

The Forest City section of the London Plan (382_ to 401_) outline the goals, strategies and policies to help London live up to its name as the 'Forest City'. Three main strategies include policies to protect more trees; maintain and monitor the health of the urban forest; and plant more trees to enhance the function and value of the urban forest. To encourage the protection of existing trees and ensure that tree cover is maintained where they must be removed, it is a requirement of the London Plan that trees shall be generally replaced at a rate of 1 new tree for every 10 centimetres of tree diameter that is removed.

The London Plan includes Environmental Policies to provide clear direction for the long-term protection and conservation of our Natural Heritage System and our Natural Heritage Resources and to ensure that development is directed away from Natural and Human-made Hazards (1295_). Natural heritage features in London include environmentally significant areas, provincially significant wetlands and wetlands, significant woodlands, habitat of endangered and threatened species and significant areas of natural and scientific interest, which are all important for their environmental and social values as a legacy of the natural landscapes of the City of London and the surrounding area (1299_).

Parks and Recreation

The London Plan strives to develop facilities, amenities and programming that are flexible, serve multiple users and can be linked to broader community strategies and initiatives related to health, economy, development, mobility, education, sustainability, and growth management. Parks spaces are meant to be beautiful, functional, evenly distributed in size and shape throughout the City, accessible, and connected (408_). The London Plan also provides a focus on mobility, by encouraging cycling routes and pedestrian pathways that will provide linkages between open space areas, neighbourhoods, centres, corridors, employment areas and the public transit services and will enhance the convenience, safety and enjoyment of walking and cycling (357_). Neighbourhood Parks are intended to function as a focal point within a neighbourhood and are designed to serve the needs of local neighbourhood residents (412_). Further, street layouts within the subdivision will be designed to allow for easy, safe, and attractive pedestrian access from all parts of a neighbourhood to each park space (422_3).

Civic Infrastructure

The London Plan requires reliable, coordinated, and cost-effective civic infrastructure as a primary function of the municipality. Civic infrastructure is critical to the City's prosperity as it facilitates growth and development (450_). The City shall manage the timing and budgeting for the extension of infrastructure in conformity with the growth management policies in the Our City part of the Plan and according to the *Growth Management Implementation Strategy* (451_3). Additional, civic infrastructure is to be planned to protect the natural environment and natural resources.

Homelessness Prevention and Housing

The London Plan provides direction on affordable housing and identifies that secondary plans and larger residential development proposals should include a 25% affordable housing component through a mix of housing types and sizes (517_). Through the Bonus Zoning policies, building height and densities may be increased to support the provision of affordable housing (521_).

Culture and Cultural Heritage

The subject lands are identified as having archaeological potential on the City's Archaeological Mapping. A Stage 1 and Stage 2 archaeological assessment was completed in November, 2006 as a standard condition of development approval imposed by the Province of Ontario. The Ministry of Tourism, Culture and Sport provided clearance of archaeological significance through the letter dated February 16, 2007.

3.0 Financial Impact and Considerations

Through the completion of the works associated with this application fees, development charges and taxes will be collected. There will be an increase in the operating and maintenance costs once the City assumes the planned public roads and other infrastructure and public facilities in the planned subdivision. The City will also be responsible for the long-term capital renewal costs associated with these works.

4.0 Key Issues and Considerations

4.1 Previous Board (OMB/LPAT/OLT) Decisions

Following appeals to the Ontario Municipal Board relating to the Arva Moraine Wetland Complex in 1999 and the Stoney Creek Community Plan in 2000, it was determined that the wetland did not play a significant role in the overall natural heritage system. As such, the PSW was removed from the 1989 Official Plan, Schedule B-1 – Natural Heritage Features.

In 2008, the Wetland (PSW), listed as Class 4-7, was added back onto the subject lands through updated reviews by the Ministry of Natural Resources and Forestry (MNRF). In 2010, when Schedule B of the 1989 Official Plan was split into 'B1' and 'B2' separating Natural Heritage Features and Natural Resources and Natural Hazards, the PSW was removed from the mapping. Through the implementation of The London Plan Map 5- Natural Heritage, shows the PSW on site. Wetlands are evaluated using the Ontario Wetland Evaluation System are classified on the basis of scores determined through the evaluation. If the wetland meets the criteria set forth by the MNRF are confirmed by the Ministry and mapped as PSW's on Map 5 – Natural Heritage and included in the Green Space Place Type on Map 1 (1332_). Through the implementation of The London Plan, during the appeal stages, no appeals were made to Map 5 – Natural Features. As such, Map 5 of The London Plan is in force and effect identifying the subject lands as having a PSW on site.

4.2 Provincially Significant Wetland

As indicated, the subject lands contain a Provincially Significant Wetland (PSW) (Map 5 – Natural Heritage) in The London Plan. Notwithstanding the PSW was removed from the Natural Heritage Features schedule, as per Section 4.1 above, the wetland was still present on site and a Subject Land Status Report (SLSR)/Environmental Impact Study (EIS) was required as part of the original draft plan of subdivision application.

The Provincial Policy Statement (PPS) defines significant in regards to wetlands as an area identified as provincially significant by the Ontario Ministry of Natural Resources and Forestry through using evaluation procedures established by the Province. The PPS directs for Natural features and areas to be protected for the long term (2.1.1). Section 2.1 – Natural Heritage of the PPS notes that development and site alteration shall not be permitted in significant wetlands in Ecoregions 5E, 6E and 7E (2.1.4.a)). The subject lands are located in Ecoregions 6E and 7E for the purposes of the above policy (Figure 1 – Natural Heritage Protection Line). The protection of the PSW contributes to Ontario's long-term prosperity, environmental health and social well-being on conserving biodiversity and protecting natural heritage resources for their economic, environmental and social benefits (2.0).

The London Plan defines wetlands as lands that are seasonally or permanently covered by shallow water, as well as lands where the water is close to or at the surface (1330_). The City's Natural Heritage System is defined as a system of natural heritage features, areas and linkages intended to provide connectivity at the regional or site level and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of native species, and ecosystems, including natural heritage features (1298_). Similar to policies provided in the PPS (2020), The London Plan seeks to provide for the protection, rehabilitation and management of the natural heritage features and areas and their ecological functions as

well as protecting, maintaining and improving surface and groundwater quality and quantity by protecting wetlands (1308_2 and 1308_3). The wetland provides for important habitat for plants, fish and wildlife that are fully dependent on the presence of a wetland, and for wildlife that need wetlands to complete some life cycle requirements. Wetlands are also important for their cultural values including such activities as hunting, recreation, education and research, and cultural heritage (1331_). Further, wetlands and their surrounding areas are subject to regulation under the Conservation Authorities Act (1336_). The lands are regulated by the Upper Thames River Conservation Authority (UTRCA) and any development on site is subject to the approval of the UTRCA.

Policies within The London Plan identify that development and site alterations shall not be permitted in provincially significant wetlands as identified on Map 5 – Natural Heritage (1332_ and 1390_). The London Plan provides policies noting that the development and site alteration shall not be permitted in significant wetlands unless it has been demonstrated that there will be no negative impacts on the natural heritage features or their ecological functions (1391_). As part of a complete application, a Subject Land Status Report/Environmental Impact Assessment and Hydrogeological Study was submitted. Comments received can be found in Appendix 'C' below. A summary of the comments can be located in Section 4.1.1 and 4.1.2. below. It is noted that through the submitted reports and studies, the applicant has not sufficiently addressed the status of the wetland in their OPA, ZBA and draft plan submission.

In accordance with previous Board decisions and map amendments to Schedule 'B' in 2010 as noted above, the PSW is not longer present on Schedule B-1 – Natural Heritage Features of the 1989 Official Plan, however policies of the Plan note that development and site alteration shall not be permitted in Provincially Significant Wetlands (15.3.2.i)).

4.1.1 Ecological

As part of a complete application, the applicant submitted an Environmental Impact Assessment which included a proposal to relocate the wetland and provide a compensation area in Block 29. Ecology staff have completed their review of the EIS and detailed comments can be found in Appendix 'C' below. In summary, the SLSR/EIS completed by MTE Consultants (dated December 20th, 2021), that was submitted to the City of London as part of a complete application in February, 2022, is not consistent with the Provincial Policy Statement (PPS 2020), The London Plan policies (2021), and the City of London Environmental Management Guidelines (2021).

4.1.2 Hydrogeological

A Hydrogeological Assessment Report was submitted as part of a complete application. Detailed comments on the Report can be found in Appendix 'C' below. In summary, based on a review of City of London files, the confirmation of a scoping meeting for hydrogeological was not completed to City standards. The report was also missing required elements based on the City of London's current submission requirements for hydrogeological assessment as outlined in Section 6 of the City of London Design Specifications & Requirements Manual (2019).

4.1.3 Environmental and Ecological Planning Advisory Committee

As part of the application circulation, comments were received from the Environmental and Ecological Planning Advisory Committee (EEPAC). The full comments received from EEPAC can be found in Appendix 'C' below. In summary, EEPAC noted that the existing Grenfell wetland is to be maintained the is not in support of the proposed relocation and creation of a new wetland and identifies that the wetland must be maintained and preserved. Through maintaining the wetland, the existing ecological/environmental water resource functions and features will be preserved and maintained and no loss of wetland features and functions will occur. Comments

received from EEPAC also noted that habitat for several species that are protected under the Endangered Species Act have been reported within or in close proximity to the study area, being the Grenfell Wetland. Lastly, with respect to the proposed Zoning By-law Amendment on the subject lands, EEPAC recommends the lands include special provisions to preserve and maintain the existing wetland.

4.1.4 Conclusion

The proposed removal and relocation of the PSW will not protect the natural heritage feature, is not consistent with the Provincial Policy Statement (2020) and does not conform to The London Plan policies.

Following circulation and review of the submitted SLSR/EIS and Hydrogeological Study, City staff and EEPAC have noted that the documents are not satisfactory to City Standard and do not meet the intent of the Provincial Policy Statement (2020) and The London Plan.

Given the proposal is not consistent with the Provincial Policy Statement (2020) and does not conform to The London Plan, staff are recommending refusal of the proposed Plan of Subdivision as the layout will impact the PSW.

4.2 Subdivision Design

The London Plan

The London Plan provides policies for how the City is designed as the way in which our neighbourhoods, buildings, streetscapes, public spaces and landscapes are designed will play a major role in supporting and shaping the image of our city and creating a sense of place (190_). To achieve this vision, a mix of housing types to support ageing in place and affordability and development that is designed to be a good fit and compatible within its context are strived for (193_2 and 193_7). City Design policies in The London Plan provide a objectives including the character, street network, streetscapes, public space, site layout and buildings (194_). Through these policies, natural heritage is an important contributor to the character of an area and influences the overall street network where neighbourhoods should be designed to preserve or create views to natural heritage features through lotting patterns, street patterns or building placement (204_). Policies in the Neighbourhoods Place Type also note that neighbourhoods will be designed to protect the Natural Heritage System adding to the neighbourhood health, identity and sense of place (918_12). The current draft plan of subdivision proposes both the creation of new streets and singled detached dwellings lots over the PSW (an identified natural heritage feature). While part of the applicant's proposal is to relocate the natural heritage feature, being the PSW, the feature is still identified as a PSW by the Ontario Ministry of Natural Resources and Forestry.

The London Plan also seeks to provide neighbourhood parks that function as a focal point within the neighbourhood and are designed to serve the needs of local neighbourhood residences (412_). Currently, one (1) park block (Block 29) abutting an existing woodland area is proposed. In accordance with the Stoney Creek Community Plan, a two (2) hectare neighbourhood park is to be located in the northeast corner of Nicole Avenue and Street D (Block 21). Block 21 is proposed to be utilized for medium density residential development within the plan of subdivision and therefore, is not in conformity with the Stoney Creek Community Plan.

The proposed plan consists of a road network that includes Neighbourhood Street (i.e., Savannah Drive, Devos Drive, Street A, Street B, Street C and Street E) and Neighbourhood Connector (i.e., Nicole Avenue, Blackwell Boulevard, and Street D) street classifications. The London Plan requires that the design of streetscapes support the planned vision for the place type(s) and defines parameters for street character in Table 6 – 'Street Classification Design Features' (221_). The proposed Neighbourhood Connectors are not in conformance with the planned street widths as specified in Table 6, which are intended to ensure that the goals, function, and character for each street

classification are achieved (372_). Furthermore, staff have identified that the sections of the road layouts proposed are not consistent with technical requirements (centreline radii, tangents, etc.) outlined in the City's Design Specifications and Requirements Manual (2022).

1989 Official Plan

Similar to policies identified above in The London Plan, the 1989 Official Plan provides direction and policies for the creation of subdivisions. The 1989 Official Plan encourages the development of subdivision that provide for the retention of desirable natural features (3.1.2.ii). As previously noted, the draft plan of subdivision proposes development over a natural heritage feature (being the PSW). As part of the Small Lot Study completed by staff in April 2000, a lot mix is encouraged including small lot frontages, within the subdivision as a mix of lot frontages provides opportunities for different housing forms and helps provide a varied streetscape. The Study also identifies that entire blocks of small lot single detached dwellings can result in on-street parking problems and create a homogeneous streetscape with garages as the focal point. Without the mix of lot frontages, difficulties with servicing and landscape planting may occur.

Zoning By-law Z.-1

The Plan of Subdivision proposes single detached dwellings within the Residential R1 Zone variation of R1-2 and R1-3. In accordance with the Zoning By-law Z.-1, The R1-2 and R1-3 Zone apply to existing inner-City smaller lot single dwelling developments. Staff have concerns that the smaller lots will not provide for a mix of housing choice throughout the subdivision as the R1-2 Zone permits a minimum lot frontage of 9.0 metres and the R1-3 Zone permits a minimum lot frontage of 10.0 metres. Although a minimum, there is no mechanism in terms of zoning regulations to provide for larger lot frontages. The Zoning By-law Z.-1 notes that the Residential R1 Zone variation of R1-4 to R1-9 are zones to be applied to most suburban single dwelling developments. The R1-4 to R1-9 Zone variations provide minimum lot frontages ranging from 12.0 metres to 18.0 metres. Establishing either an R1-4 or R1-5 Zone variation throughout the subdivision would allow for a minimum lot frontage of 12.0 metres.

The Plan of Subdivision also proposes the use of Bonus Zones on five (5) blocks within the draft plan of subdivision to achieve a greater height and density in exchange for affordable housing at the time of site plan approval. As noted above, the proposed affordable housing component is 10% of the uplift (unit greater than 75 units per hectare) for a time period of 20 years at a rate of 85% average market rent. Current rates are 80% for 50 years with a tenant placement agreement with HDC, and a unit mix reflecting the unit mix of the building. No development concepts were submitted by the applicant in support of the bonus zones. Additionally, one of the proposed bonus zone regulations was to establish a setback from the open space zone as per the accepted EIS and/or slope stability report. It is difficult to determine a setback from the Open Space Zone as the EIS has not been accepted.

Conclusion

The proposed amendments are not consistent with the Provincial Policy Statement 2020 as alterations and development are proposed on a Provincially Significant Wetland. The proposed amendments are not consistent with the 1989 Official Plan, The London Plan or Stoney Creek Community Plan and does not conform to the Zoning By-law Z.-1. As such, staff are recommending refusal as the amendments propose development and alteration to an existing Provincially Significant Wetland.

Prepared by: Melanie Vivian
Site Development Planner

Reviewed by: Bruce Page
Manager, Subdivision Planning

**Recommended by: Gregg Barrett, AICP
Director, Planning and Development**

**Submitted by: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic
Development**

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 Development Services.

cc: Matt Feldberg, Manager, Subdivisions and Development Inspections

BP/mv

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2022\OZ-9473 - 1140 Fanshawe Park Road East (M. Vivian)\0.2 WORKING\1_ Draft Approval\7_PEC\DRAFT_1140 Fanshawe Pk Rd E- 39T-07502-OZ-9473 (MV)

Appendix C – Public Engagement

Community Engagement

Public liaison: On March 2, 2022, Notice of Application was sent to 371 property owners and 65 tenants in the 120 metre radius surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on March 3, 2022. A “Planning Application” sign was also posted on the site.

On April 20, 2022, Notice of Public Meeting was sent to 392 property owners and 56 tenants in the 120 metre radius surrounding area. Notice of Public Meeting was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on April 21, 2022.

Six (6) replies were received

Nature of Liaison: The purpose and effect of this application is to consider a proposed Revised Draft Plan of Subdivision, Official Plan Amendments and Zoning By-law Amendments to allow for a residential subdivision consisting of low-density residential uses, medium-density residential uses, neighbourhood facility uses and open space uses serviced by five (5) new streets. **Revised Draft Plan of Subdivision** – Consideration of a Revised Draft Plan of Subdivision consisting of 18 low-density residential blocks, six (6) medium-density residential blocks, two (2) school blocks and three (3) open space blocks, including one (1) open space block for the compensation and relocation of an existing Provincially Significant Wetland and five (5) internal streets. **Official Plan Amendment** – Consideration of possible amendments to the 1989 Official Plan, including amendments to Schedule ‘A’ – Land Use Map to redesignate lands from “Low Density Residential” to “Multi-Family, Medium Density Residential” and from “Low Density Residential” to “Open Space”. Consideration of possible amendments to The London Plan, including amendments to Map 1 to redesignate a portion of lands from the “Open Space Place Type” to the “Neighbourhoods Place Type” surrounding the identified Provincially Significant Wetland” and to redesignate a portion of lands from the “Neighbourhoods Place Type” to the “Open Space Place Type”. **Zoning By-law Amendment** – Consideration of an amendment to the Z.-1 Zoning By-law to change the zoning from a holding Urban Reserve (h-2*UR3) Zone, Urban Reserve (UR3) Zone and Open Space (OS5) Zone to a Bonus Residential R8 Special Provision (B-*R8-4(_)) Zone for Blocks 20, Part Block 19, Blocks 22-24; Residential R5 (R5-7) Zone for Blocks 21, 25 and 26, permitting cluster townhouse dwellings and/or cluster stacked townhouse dwellings; Residential R1 Special Provision (R1-3(_)) Zone for Block 1, permitted single detached dwellings with possible special provision for reduced setbacks to a gas pipeline; Residential R1 (R1-2) Zone for Blocks 2-7, 9-16 and Block 31, permitting single detached dwellings; Residential R1 (R1-3) Zone for Block 8, 17, 18, 32 and 33, permitting single detached dwellings; Neighbourhood Facility (NF) Zone for Blocks 25-26, permitting Places of Worship, elementary schools and/or day care centres; and an Open Space (OS5) Zone for Blocks 28, 29 and Part Block 19 permitting conservation lands, conservation works, passive recreation uses which include hiking trails and multi-use pathways and/or managed woodlots and provide for future parkland/open space corridors . The proposed Bonus Residential R8 Special Provision (B-*R8-4(_)) Zone have proposed bonus zoning to provide for affordable housing in exchange for increased height and density with an increase in density of up to 100 units per hectare and permits apartment buildings; handicapped person’s apartment buildings; lodging house class 2; stacked townhousing; senior citizen apartment buildings; emergency care establishments; and/or continuum-of-care facilities. The City may also consider additional special provisions, different zone variations and the use of holding provisions.

File: 39T-07502/OZ-9473 Planner: M. Vivian x 7547

Responses: A summary of the comments received include the following:

Concern for:

- Request for further information on the proposal, including detailed plans;
- Support for the application ;
- Loss of green space, trees and removal of areas for animals;
- Decrease in property values;
- Loss of privacy; and
- Increase of traffic in the area

Response to Notice of Application and Publication in “The Londoner”

Telephone	Written
Don DeJong	Don DeJong
	Tim Chan 1833 Devos Drive London, ON
	Ihsan Akbar 1399 South Wenige Drive London, ON
	Jaysree Paul
	KeriLyn Lewis
	Ligia Lasman

From: Tim Chan
 Sent: Monday, March 7, 2022 3:47 PM
 To: Vivian, Melanie <mvivian@london.ca>
 Cc: Frances Tong; 冼慧玲
 Subject: [EXTERNAL] About the plan for 1140 Fanshawe park road east

Dear Sir/Madam,

I receive the notice of planning application (1140 Fanshawe Park Road East). I am the landlord of 1833 Devos Drive. I would like to see the plan facing my backyard. It helps us to comment. For the draft, it seems like the builder will build school/day care centre and townhouse close to my house. I would like to see the detailed plan and related information in that area.

Looking forward to hearing from you.

Regard,

Tim

From: Tim Chan
Sent: Tuesday, March 15, 2022 9:12 PM
To: Vivian, Melanie <mvivian@london.ca>
Cc: Frances Tong; 冼慧玲; ERIN HUANG
Subject: Re: [EXTERNAL] About the plan for 1140 Fanshawe park road east

Hi Melanie,

Thank you for your reply. Please let me know if there are any related future planning meetings, I would like to attend.

Here are some of my thoughts and contributions, please help to fill and give to the related parties:

1. According to the proposal received so far, I have concerned about the school and the townhouse will be built too close to my house (1833 DEVOS DRIVE) without any road/ street in between. I am afraid it will be too noisy for us during the school time.
2. I suggest if the school will be built, the field part of the school located back on my house.

3. I suggest to plant a row of trees to line on my back fence to give us some privacy and distance.

Regards,

Tim

From: i AKBAR
Sent: Saturday, March 12, 2022 9:47 AM
To: Cassidy, Maureen <mcassidy@london.ca>
Cc: Vivian, Melanie <mvivian@london.ca>
Subject: [EXTERNAL] Revised draft plan of Subdivision

Good morning Maureen Cassidy,

My name is Ihsan Akbar .I'm located at 1399 south wenige drive. I got a notice from city of London regarding revised draft plan of subdivision. Your name is mentioned as our Ward Councillor. Could you please give me some more information like what is this and how could it effect our neighborhood?

Your response will be appreciated.

Thanks,
Ihsan Akbar

From: Jaysree Paul
Sent: Friday, March 18, 2022 9:11 AM
To: Development Services <DevelopmentServices@london.ca>; Doc Services <DocServices@london.ca>
Subject: [EXTERNAL] Seeking clarity on proposed plan

Hello,

Thank you for informing us about the development proposal.

I'd like to seek some clarity on the development across the street on Stackhouse avenue between Devos Drive and Nicole Ave (houses on lot 1 to 9)

The proposed plan says 'concession R5-7 NF' area. Can you give some clarity on what this means? Is there potentially another school coming there? Community centre? Will there be a parking lot there and then a building? I am trying to gauge the development plan as there's already a school behind these lots and I presume we will have an increase in traffic depending on what that areas traffic will look like.

I would also like to be notified about the approval of proposed plan and about any changes in the approved plan. If my address is needed, I will respond to this email.

Further will the development trigger a consideration to place traffic light at the intersection of Fanshawe RD E and Stackhouse Ave?

Thank you kindly for clarifying my queries.

Jaysree Paul
Resident on Stackhouse Ave

From: Ligia Lasman
Sent: Tuesday, March 22, 2022 2:51 PM
To: Vivian, Melanie <mvivian@london.ca>
Subject: [EXTERNAL] 1140 Fanshawe Park Road East - Draft Plan

Hello Mrs. Vivian,

I recently received a Notice of Planning Application from the City of London (File:39T-07502/OZ-9473) . I am a resident of the area and I would like my opinion to be heard in regards to this plan. Could you please let me know how to proceed? Maybe I should simply wait for a Public Meeting to express my opinion, I don't know, but if that's the case, can I be notified when one occurs?

Thank you and have a lovely day,

Ligia Lasman

From: Ligia Lasman
Sent: Friday, March 25, 2022 11:17 AM
To: Vivian, Melanie <mvivian@london.ca>
Subject: Re: [EXTERNAL] 1140 Fanshawe Park Road East - Draft Plan

Hi Melanie,

My concern is with the animals and the green area right behind my house. We have a beautiful fauna with deers, wild turkeys, geese, coyotes, and numerous birds. Where would these animals go is my question and why do we have to destroy this beautiful strip of nature. London North is becoming overpopulated and green-less while London South is full of old deserted warehouses and abandoned plants. We should build new houses there in the South, this way we would revitalize the area, instead of deforesting the little we have left in the North.

Sorry, I am just venting here. Please keep me posted on any meetings.

Have a wonderful day,

Ligia

From: Kerilyn Lewis
Sent: Thursday, March 24, 2022 5:35 PM
To: Cassidy, Maureen <mcassidy@london.ca>; Vivian, Melanie <mvivian@london.ca>
Subject: [EXTERNAL] File #39T-07502OZ-9473 - 1140 Fanshawe park road east

Good evening.

I am a resident of howlett circle. I back onto block 24.

First, I am extremely annoyed that the green space behind our property has been distorted. The reasoning hasn't happened, but all trees but one have been removed due to the current building that has commenced on Stackhouse/Fanshawe. In the zoning request we received for that area, the zone behind our house not not included. How can the property and green space be destroyed without city approval???

Secondly, this space in zone 24 is small. We have already lost the green space we had.

We had many animals who would flock to that area into the summer time. I 🙄 do not agree with proposed building behind my house. The building will essentially be right at my backyard and my space will not offer any privacy any longer. There of a few of us with pools, which were put in place based on the green space and privacy. And investment that was made. My property value will decrease dramatically.

I'd like a full outline of what the building plan will be. At this point I am disputing the zone request.

Mrs Lewis

From: Kerilyn Lewis
Sent: Monday, March 28, 2022 10:50 AM
To: Vivian, Melanie <mvivian@london.ca>; Cassidy, Maureen <mcassidy@london.ca>
Subject: [EXTERNAL] Re: File #39T-07502OZ-9473 - 1140 Fanshawe park road east

Appreciate your response, however it does not address my concern at the fact that block 24 was not part of the 1150 Fanshawe zoning and all the trees behind my property; except for 1 are still standing. I'm extremely annoyed and frustrated that this

has happened. My back yard is now a huge mountain of dirt, which will now cause issues with my pool. I'm beyond mad at the fact this is happening and has happened my view use to be all trees everything has been destroyed on a piece of property that I was advised of, that would be happening. They even destroyed the vines coming over my fence and almost broke my bird feeder. Total disregard for the land owners



KeriLyn

From: Kerilyn Lewis

Sent: Monday, March 28, 2022 11:17 AM

To: Vivian, Melanie <mvivian@london.ca>; Cassidy, Maureen <mcassidy@london.ca>

Subject: [EXTERNAL] Re: File #39T-07502OZ-9473 - 1140 Fanshawe park road east

Unfortunately I work during the day, with no access to phones and can only respond with email.

I expressed my frustrations with the original building purpose for 1150 Fanshawe and it fell on deaf ears. And now my property value will decrease because of block 24 being destroyed. My privacy has been invaded. I look at a huge dirt pile. I will probably have pool issues because of all the dirt blowing into my yard. Our area is EXTREMELY windy. They need to tarp the hill or remove the dirt. All of this needs to be passed along. Our neighbourhood is so angry.

KeriLyn

From: Kerilyn Lewis

Sent: Wednesday, March 30, 2022 10:29 AM

To: Vivian, Melanie <mvivian@london.ca>; Cassidy, Maureen <mcassidy@london.ca>

Subject: [EXTERNAL] Re: File #39T-07502OZ-9473 - 1140 Fanshawe park road east

No worries Melanie. I appreciate you looking into the dirt issue. We are in a wind tunnel in our area - it is bad daily because it's so open and I know the hill is going to cause major issues. It's about 6 feet higher than the top of my fence currently, so there is nothing to stop it from blowing over. If the hill was fence height or lower, the dirt blowing wouldn't go over the fence. I don't think they took into consideration the impact that the high hills will have on the properties behind. The hill is only about 4 feet away from my fence, so there isn't much space. The hills should have been more towards Stackhouse area and lower than fence height, to allow folks to comfortably and reasonably enjoy their property. We don't have huge spruce trees like the house do in the other zone, to create a blockage.

Appreciate your assistance in trying to help us and the other neighbours.

KeriLyn

From: Kerilyn Lewis
Sent: Wednesday, March 30, 2022 11:09 AM
To: Vivian, Melanie <mvivian@london.ca>; Cassidy, Maureen <mcassidy@london.ca>
Subject: [EXTERNAL] Re: File #39T-07502OZ-9473 - 1140 Fanshawe park road east

Sorry Melanie,
My husband would also like it to be noted that he is very concerned about drainage issues because there isn't anyway for the water to go between the hill and our yard.

KeriLyn

From: Don de Jong
Sent: Wednesday, March 30, 2022 11:21 AM
To: Vivian, Melanie <mvivian@london.ca>
Cc: Projects
Subject: [EXTERNAL] 1140 Fanshawe rd east 39t-07502 OZ-9473

Hi Vivian,

We support Drewlo holdings inc. in its application for revision and OPA & ZB. It is important for us to state in that support we are observing block 33 is to be with an r1-3. As such, this does negate our concerns here and that no road connection is being created to VanDusen court.

Please ensure we are on all future notices for this project please.

Thank you again

Don de Jong



519-657-5989 Office
519-521-7777 Cell
www.tridongroup.com

Departmental and Agency Comments

Urban Design Comments (March 16, 2022)

General Urban Design Comments:

- An Urban Design Brief is required as part of a complete application.
- Provide concept plans to show how each of the blocks will function. Further comments may be provided upon the receipt of the concept plans.

Urban Design Comments to be incorporated as Zoning:

- i. Front yard depth (minimum) on arterial roads: 1.0 m
- ii. Front yard depth (maximum) on arterial roads: 4.5 m
- iii. The front façade and primary entrance of dwelling units shall be oriented to adjacent public streets and/or open spaces with direct pedestrian connections to the public sidewalk.
- iv. Attached garages shall not contain garage doors that occupy more than 50% of the unit width and shall not project beyond the façade of the dwelling or the façade of any porch.
- v. Minimum shared outdoor amenity space for medium density residential blocks: 5m² per unit. Provide a private amenity space in the form of roof terrace or balcony.

Urban Design requirements to be addressed through the SPA process:

- i. Medium density blocks shall be structured generally on a grid with enhanced pedestrian connectivity (including mid-block connections). The existing street network should be extended and connected with new streets.
- ii. All buildings and dwelling units shall front the highest order street and/or open space with primary entrances and active building elements with enhanced articulation (i.e., windows or openings, porches, canopies, architectural details and materials) along the street and/or open space and direct pedestrian connections to the public sidewalk. Provide more intense residential building forms (i.e., low-rise apartment building) along arterial streets.
- iii. Blocks should be designed facing front-to-front. Rear yard condition facing any public street or open space shall be avoided.
 - i. The below-grade units in stacked townhouses shall be designed as through units with one side having finished floor at or above the grade, or as two-storey units.
- iv. New development should maintain and incorporate existing topography and natural features.
- v. Window streets and garages shall be avoided along arterial streets.
- vi. Surface parking in medium density blocks shall be broken into smaller areas along the internal roads to reduce the amount of hard-surface area.
- vii. Servicing, loading, waste collection and utilities should be designed within the buildings and away from view from public realm. Parking garage ramps and access stairs shall be incorporated into the buildings.
- viii. Noise walls and non-transparent fencing (i.e., board on board) shall not be permitted adjacent to public street and public open space. Fencing will be limited to only decorative transparent fencing with a maximum height of 4ft (1.2m) with openings for pedestrian access along public streets or open space.

Ecology Comments (April 6, 2022)

As part of a complete application, the applicant submitted an Environmental Impact Assessment which included a proposal to relocate the wetland and provide a compensation area in Block 29. Ecology staff have completed their review of the EIS and detailed comments can be found in Appendix 'C' below. In summary, the SLSP/EIS completed by MTE Consultants (dated December 20th, 2021), that was submitted to the City of London as part of a complete application in February, 2022, is not consistent with the Provincial Policy Statement (PPS 2020), The London Plan policies (2021), and the City of London Environmental Management Guidelines (2021).

There are significant issues with the EIS based on the implementation of current planning policies, use of an older version of the Environmental Management Guidelines (EMG) and the field work conducted to support the SLSR / EIS and associated analysis. Detailed comments on the SLSR / EIS are presented below and are required to be addressed as part of an updated SLSR / EIS. Please note that the following comments focus on the key larger issues surrounding this potential development and further comments on other sections of the EIS will be provided once these have been addressed and text/ figures are updated.

- 1) The Proposal Review Meeting Summary & Record of Consultation (April 4, 2017, Appendix 'A'), under Parks Planning Natural Heritage section, it is clearly indicated that a SLSR and EIS would be required as part of the submission and that both were to be scoped with the City. While an initial scoping meeting was held on October 2, 2018 for the SLSR/ EIS and Hydrogeological Study, it does not appear that the scoping checklists were finalized. Therefore, an updated joint scoping meeting for the SLSR/ EIS and Hydrogeological Study are required to confirm the scope of all required studies prior to the next submission.
- 2) Appendix 'A' also contains a EIS scoping checklist from 2006, this is outdated and not acceptable to use as the basis of scoping the current study, as indicated in the Proposal Review Meeting Summary & Record of Consultation, the EIS from 2008 was not accepted and associated data is not applicable to this current application.
- 3) The EIS proposes to remove the PSW from its current location and relocate it to another location within the subject lands. The PPS (2020) and London Plan (2021) policies do not support development within a PSW., The MNRF considers the Wetland to be part of a PSW complex and therefore no development is permitted within this feature. While London Plan wetland policies do support the relocation of non-PSW Wetlands in certain circumstances, this does not pertain to PSWs, which currently must be protected in-situ. As the MNRF has the final authority on the status of a wetland being identified as a PSW, and that the MNRF has not indicated that it is changing the status of the PSW, the EIS must proceed with the feature as a PSW. Therefore, the proposed Draft Plan needs to be significantly changed and a new SLSR/EIS provided to be consistent with all planning policies and the EMG. Some specific requirements that must be addressed as part of an updated SLSR/ EIS regarding the PSW and other Wetlands are the following:
 - a. Must be consistent with PPS (2020), London Plan Policies (2021), EMG (2021)
 - b. The exact boundary of the PSW needs to be staked and confirmed with the MNRF, City and UTRCA present.
 - c. Any additional Wetlands identified within the subject site also need to be staked and boundaries confirmed with the City and UTRCA present
 - d. Any additional identified Wetlands need to be evaluated and confirmed by the MNRF if they should be complexed with the existing PSW, non-PSW wetlands may be considered for relocation, however justification over in-situ protection will be required and further discussion would be needed with the City and UTRCA having jurisdiction. Furthermore, if wetlands are to remain in-situ, sufficiently sized vegetated upland corridors will be required to maintain connectivity on the landscape between NHFs to ensure their long-term protection and functions.
 - e. The PSW needs to be zoned OS5, along with the critical function zone and with a minimum 30m buffer applied (or greater) from the critical function zone depending on sensitivities as per the EMG.
 - f. The additional Wetlands identified within the subject site need to be zoned OS5, along with the critical function zone and with minimum buffers applied (or greater) from the critical function zone depending on sensitivities as per the EMG.

- 4) The SLSR/ EIS references the 2007 version of the EMG throughout the document, the EIS must follow the updated EMGs approved by Council in 2021 as the date of the complete application was in February 2022. Update the SLSR and EIS to reference the City's 2021 EMGs and review the document to ensure the SLSR/ EIS implements all the relevant sections of the Council approved EMGs for this proposed development.
- 5) MTE provided the OWES evaluation sheets they completed as an appendix and Section 1.4 of the EIS indicates that NRSI completed a peer review of the evaluation, the NRSI peer review documents need to be included along with MTE's evaluation in the appendix.
- 6) Section 5.1.1 Provincially Significant Wetlands indicates that wetland expansion beyond the PSW boundary is due to drainage inlets on adjacent lands being set at a higher elevation than the original flow path for the adjacent site. However, a site visit conducted by the City's Ecologist on Thursday March 31, 2022 found two drainage inlets located on the subject property adjacent to Community 5a/ 4b (photos taken during site visit) that were not indicated on MTE's figures. As both appeared to be set at the elevation or lower of the adjacent PSW and other Wetlands on the subject site, their function was not obstructed, and were actively taking flows from the site during the visit. It should be noted that Wetlands that are identified as per London Plan policies are to be treated as per the policies and any applicable UTRCA regulation.
- 7) Air photo interpretation together with the site visit conducted by the City's Ecologist identified potential additional Wetlands beyond what MTE has shown on the EIS figures, these areas will need to be further discussed and reviewed in the field with the City and UTRCA as part of the SLSR/ EIS component boundary delineation requirements. Additional potential Wetlands were primarily identified in communities 4a, 4b, 4c, 6b and, 3.
- 8) No ELC soil data and analysis were collected as part of the ELC field work according to the EIS and associated ELC data sheets located in the Appendix 'B'. Further data collection will be required particularly throughout areas of additional potential wetland habitat identified in Comment #7.
- 9) There are concerns with how some of the vegetation communities were described in the EIS. For example, in Community # 7 (a, b and c), it is indicated that they are dominated by Common Buckthorn, however the site visit by the City's Ecologist did not encounter Buckthorn at the same level the EIS indicates. This will require further review and a joint site visit to clarify the community composition in these areas
- 10) The ESA identified on the subject lands and on the adjacent lands requires a 30m minimum buffer from the dripline as per the EMG.
- 11) The 'south pond' is not an ELC code, please apply the proper ELC code to the south wetland feature that accurately describes the community and update the figures/ text.
- 12) The south Wetland requires a minimum 30m buffer from an identified critical function zone. The critical function zone is determined through the application of the EMGs.
- 13) The south Wetland and associated woodland surrounding the feature need to be evaluated to determine if they should be considered part of the ESA. The ESA evaluation provided in the EIS does not follow the EMG guidelines for determining if this should be included as part of the existing ESA patch. Please refer to the EMG (2021) process for the evaluation methodology. Minimum buffers from the edge of the dripline/ critical function zone will need to be properly identified.

- 14) A 30m minimum Significant Valleyland corridor is needed on both sides of the Significant Valleyland and minimum buffer needed from any Significant Woodland and Wetlands located within the Significant Valleyland and/or on the tablelands. Significant Woodland evaluation criteria will need to be applied to these areas.
- 15) Community 8 had multiple debris piles including rocks and wood, these potential hibernacula were not identified; the foundations of the removed structures also were not identified as potential SWH. Hibernaculum compensation within the existing NHF/ buffers will be required. Animal burrows found throughout the site also could function as Hibernaculum and this will have to be addressed in the EIS.
- 16) It does not appear that community 8 was assessed for Bat Habitat, this will require further field work. Bat habitat assessments are also needed for other areas such as hedgerows where trees are proposed for removal.
- 17) The EIS indicated that only small groundhog burrows were encountered, however during the City's Ecologist site visit two large animal burrows were identified on the edge of Community 7a, that also had soil cast a considerable distance from the burrows (pictures taken during site visit). This will require additional field work to evaluate the potential presence of Endangered American Badger, or use by other larger mammal, and more thorough site investigations for additional large burrows within the subject site.
- 18) The data collected for amphibian surveys does not sufficiently capture the site, surveys were not completed for sections of the PSW (including 5a, the SWT2-2, and the SWD3 associated with Community 10). Additional field work (survey locations) will be required in these areas.
- 19) The amphibian data provided identifies breeding amphibians in Community 7c, but no analysis is provided on its status as Significant Wildlife Habitat according to MNRF Ecoregion 7E Criteria (2015), the SWH table in Appendix 'C' simply states that it does not meet the criteria. However, this does not appear to be accurate. As previously confirmed by the MNRF, the criteria identify that the presence of 2 or more listed species with a combined total of 20 or more individuals would be sufficient to identify the wetland as SWH for breeding amphibians (woodlands). According to Table 4 of the EIS, 6-14 individual Spring Peepers were heard in April along with 2 Wood Frogs and 3 Chorus Frogs, in May an additional 7-9 Spring Peepers were identified. These add up to a total of 20 or more individuals from 2 or more listed species. It should be noted that the number of individuals is likely higher as the survey did not include looking for other male individuals in the area not actively calling nor did it look for and count female individuals, as female frogs do not call and can only be identified through thorough observational site investigations during the calling surveys. A combination of observation studies and call count surveys are required in order to thoroughly investigate the presence of Amphibian Breeding Habitat. Community 7c should be identified as SWH for breeding amphibians (woodlands) as per the MNRF Ecoregion 7E Criteria (2015).
- 20) Remnant common Milkweed stems were found throughout the site during the City's Ecologist site visit and numerous stems were found in Community 6a, these areas should be identified as SWH for Monarch as the habitat is present and individual Monarchs were confirmed on the subject site.
- 21) Given the current focus of the SLSR/ EIS that has development being shown within a PSW and that has not used the updated Council approved EMGs as part of the SLSR/ EIS structure, formatting, patch delineation, evaluation criteria, critical function zone applications, and buffers etc., further comments on the EIS would not be useful at this stage. The City will need to provide another full

review of the SLSR/ EIS that has addressed the City's initial comments, conducted additional field work, and finalized the scope of the SLSR/ EIS and Hydrogeological study and Water Balance. Joint site visits are also required to be held with the various stakeholders to stake feature boundaries which is a requirement of the SLSR reporting component prior to completing the EIS.

Hydrogeological Comments (April 6, 2022)

1. Based on a cursory review of the report, there are required elements missing from the report based on the City of London's current submission requirements for hydrogeological assessments as outlined in Section 6 of the City of London Design Specifications & Requirements Manual (2019), which reflect the absence of an appropriate scoping meeting between the applicant, the City of London, and UTRCA. An appropriate scoping meeting should occur with the appropriate approval authorities to outline the requirements for a complete report, prior to any re-submission of the report.
2. Based on a review of City of London's files, confirmation of a scoping meeting was not satisfactory completed by the applicant and their consultant to support the development application process. Given the size of the site and the presence of significant natural heritage features on the site, the elements of a complete hydrogeological assessment should have been scoped with the appropriate approval and regulatory authorities (i.e., City of London and UTRCA). Submission of this report to the City of London for review and comment in the absence of a scoping meeting and agreed upon Terms of Reference (TOR) is premature and not appropriate at this time. As a result, the City of London will defer the complete review of this report until the status of the natural heritage features present on the site are determined by the appropriate regulatory authorities.
3. Section 1.1 of the report indicates that the natural heritage consultants on the file for this development (MTE) have reviewed the wetland classification for the Grenfell Wetland, which is currently classified as a Provincially Significant Wetland (PSW) complex and have determined that this wetland should be reclassified to locally significant. EXP's hydrogeological assessment has treated the wetland complex as such for the purposes of the report and development application. As a result, MTE and EXP have assumed that the wetland area can be removed and/or relocated. If the wetland classification is proposed to be challenged by the proponent then it is not within the City's scope of review to approve. The MNRF and UTRCA must assess for significance and take appropriate steps to update the City's Official Plan mapping.
4. Based on the current information provided in the hydrogeological assessment, in terms of the distribution of monitoring well installations, the completion depth of these monitoring wells, and the groundwater/surface water sampling completed to date, the City is not in agreement with EXP's current conclusion that there is no contribution from shallow groundwater sources to the surface water features present on the site.
5. The water balance contained in the report is a site-based approach. This approach is not considered acceptable to sustain the form and function of the natural heritage features present at the site, and a feature-based water balance will be required to be completed. .

Environmental Ecological Planning Advisory Committee (EEPAC) (April 20, 2022)

**Proposed Residential Land Development/Ross Farm Subdivision
1140 Fanshawe Park Road East London, ON**

Official Plan Amendment and Rezoning Planning Act Applications' review comments for the submitted Environmental Impact Assessment (EIS), Preliminary Stormwater Management (SWM)

Servicing Report, Preliminary Geotechnical Investigation & Final Hydrogeological Assessment, Functional Servicing Report that were received by EEPAC in March and April 2022.

Reviewers: Ian Arturo, Katrina Moser, Susan Hall and Berta B. Krichker

Submitted April 19, 2022

Summary: *EEPAC reviewed the proposed Official Plan Amendment and Rezoning Planning Act Applications to Minimize and Mitigate Potential Ecological/Environmental Adverse Impacts and Specifically related to identified existing wetland and all environmental areas, Flood lands, water resources management related to the protection of existing conditions that associated with proposed Residential Land Development/Subdivision at 1140 Fanshawe Park Road East London. Based on our review EEPAC makes the following recommendations to the City of London:*

1. Ensure that the portions of the study area that include significant wetlands (>6.35 ha), woodlands, valleylands, significant wildlife habitat, fish habitat, habitat of endangered and threatened species, water resource systems and environmentally significant areas (Table 6 of the EIS) are protected and preserved. The City Plan recognizes the importance of such areas and ensures that “Development and site alteration shall not be permitted in provincially significant wetlands as identified on Map 5 or determined through environmental studies consistent with the provincial policy statement and in conformity with this plan” [Section 1332] and “Development or site alteration shall not be permitted within a wetland. There shall be no net loss of the wetland features or functions”. [Section 1334] Development and site alteration shall not be permitted in significant woodlands, significant valleylands, significant wildlife habitat, wetlands and significant areas of natural and scientific interest unless it has been demonstrated that there will be no negative impacts on natural heritage features or their ecological functions” [Section 1392]. Therefore, EEPAC recommends the presently proposed development not be approved, and notes that each of these natural features is connected to and supported by other features in the study area. To protect the integrity of the entire ecosystem and its function and features requires the protection of all components; wetlands, woodlands, ponds, valleylands and others.
2. Ensure that the existing wetland (Grenfell Wetland) will be preserved and the proposed relocation of the existing wetland and a creation of a new wetland will **not** be permitted. Ensure that the existing wetland ecological/environmental condition, water resources functions and features will be preserved and maintained (i.e., there shall be no loss of wetland features and functions), as well make every effort to minimize potential adverse impacts that may occur from the proposed land development and construction activities associated with this proposed development. EIS and all servicing reports shall include all required references and modifications/changes that will incorporate the recommendations to preserve and protect the Grenfell.
3. Ensure that sufficient natural buffers/setbacks are identified and implemented in accordance with the City’s EMG, London Plan, the UTRCA and provincial guidelines regulations and requirements to protect and maintain the existing wetland functions and features, as well as maintain all identified environmental areas that are required to be protected at the subject site. The technical justifications in the EIS and other submitted applicable reports will need to be modified and expanded to identify all required justifications and support information for the recommended required setback from the subject development to all identified environmental areas and wetlands to ensure no adverse impacts on the existing wetland functions and features (shall be no loss of wetland features and functions) related to the ecological and water resources system, adjacent lands and surface/subsurface/groundwater functions, features, connections and correlation with the Stoney Creek system functions and performance.
4. Ensure that the existing species, specifically the Significant Wildlife Habitat (SWH), Habitat of Threatened and Endangered Species, or other species (that required protection) will be protected and all required measures, MNRF, DFO applicable ecological protocols will be implemented for handling these works on the subject lands. The EIS needs to include all required references for the proposed changes and justifications (proposed approach and applicable protocols) that will be implemented.
5. Ensure that the proposed Rezoning Application for the subject development land should include, but should not be limited to, the special provisions, which will identify the existing wetland protections related to ecological, water resources functions and features; existing SWH, Habitat of Threatened and Endangered Species, and other species that require protections identified in the EIS; sufficient buffers/setbacks to maintain and protect existing ecological/environmental functions, features of the existing wetland and identified environmental areas; and the detailed design of storm/drainage utilities

and SWM services to deal with the water quality, quantity control and erosion protection control that will be in compliance with the Stoney Creek Subwatershed requirements and Municipal Class EA, MECP, MNRF, UTRCA and City's standards and requirements for this system.

Item #2 - The Existing Grenfell Wetland will be maintained and the proposed relocation and creation of a new wetland will not be permitted and approved by the City.

The proposed development plans include the proposed relocation of an existing wetland, Grenfell Wetland, and the creation of a new "wetland". The proposed location for the new wetland is to be located in a part of the environment protected block (s). Although the OMB for this wetland concluded that the present wetland evaluation information "does not meet the threshold for PSW", MNRF still show this wetland as a PSW. Also, PPS and London Plan contained policies and requirements that prevent development from occurring on lands deemed as significant wetland (locally and/or provincially significant). For example, from the London Plan, "Development, site alteration should not be permitted within wetland. There shall be no loss of wetland features and functions "

Taking in consideration the following critical factors:

- The Grenfell Wetland includes the Terrestrial Crayfish species which provides food for Queensnake, which have been observed in the area and is an endangered species. The EIS also notes SWH for the Queensnake in the subject area.
- The provincial and City's policies and requirements, which stipulate that there shall be no loss of wetland features and functions. The relocation of this 6.35 ha PSW will undoubtedly lead to a loss of wetland species, ecosystem services and functions.
- This wetland is located immediately adjacent to the Stoney Creek ecosystem and needs to function in connection with the Stoney Creek system; and
- The size of this wetland is significant and represents a size of 6.35 ha (pg. 42 of the EIS) plus buffers/setbacks land areas,

this wetland must be maintained and preserved.

EEPAC recommends that the existing wetland be preserved and the proposed wetland relocation not be permitted and/or approved. By maintaining and protecting the Grenfell wetland, the existing wetland ecological/environmental, water resource functions and features be preserved and maintained, no loss of wetland features and functions will occur. EEPAC further recommends that the EIS and all servicing reports shall include all required references to the proposed recommendations and justifications be incorporated. The proposed land development planning and servicing design components will incorporate all required works and measures to protect the existing ecological/environmental and water resource conditions for the subject and surrounded lands.

Item #3 - SWH, Habitat of Threatened and Endangered Species, or other Required Protection

Habitat for several species that are protected under the Endangered Species Act have been reported within or in close proximity to the study area. Specifically protections of Fish Habitat and aquatic life are critical for the Silver Shiner and Black redhorse, within the Stoney Creek, live Butternut trees, SWH for the Queensnake and spiny softshell turtles. As well, two provincially rare species, *Erigenia bulbosa* and *Viola striata* were identified to be widespread.

EEPAC recommends that all identified SWH, Habitat of Threatened and Endangered Species, or species or their habitat requiring protection species will be:

- confirmed in the detailed field review prior to any final design report submission for any proposed development in the study area; and
- *protected, by identifying all required measures and required ecological MNRF, DFO and UTRCA protocols that will be implemented for handling these works for the subject lands, ensuring no adverse impacts on the species and the health of their habitat. EIS shall include all required references for the proposed changes and justifications (proposed approach and applicable protocols) that are recommended to be implemented.*

Item #4 - Buffers Setbacks for Existing Wetland and Identified Environmental Areas

Based on the presented information in the EIS report (specifically in section 5.0 and Table 6) that provided a list of Significant natural heritage features identified on the subject lands (36.8 ha) that are: Provincially Significant Wetlands, Significant Woodlands, Significant Valleylands, Significant Wildlife Habitat, Fish Habitat, Habitat of Threatened and Endangered Species, Water Resources Systems, Environmental Significant Areas (ESA), Potential Naturalization Areas and Nests of NBCA-protective birds as well as in others noted in the Hydrogeological, Geotechnical and servicing reports for the subject site, the sufficient natural buffers are extremely important and critical to preserve/maintain the existing ecological/environmental and water resources functions and features of the existing wetland and all identified environmental areas.

EEPAC recommends the proposed natural buffers/setbacks for each of these areas will be identified and be sufficient., based on the existing provincial, UTRCA and City's requirements and regulations. The technical justifications need to be provided to support the setback recommendations for this development and the proposed buffers/set backs need to be identified between the proposed development the existing wetland and all identified significant environmental areas.

The recommended *buffers/setbacks requirements shall be consistent with the City's London Plan Policies and requirements, completed and accepted by the City Council Subwatershed and Municipal Class EA studies for the subject area, MECP, MNRP and UTRCA Acts, Regulations and requirements. In accordance with the OWRA definitions, storm drainage and SWM systems, including the SWM Facilities, are considered to be sewer systems.*

Item #5 - Rezoning Application's Special provisions for the Subject Lands

EEPAC recommends that the proposed Rezoning Application for the subject properties should include the special provisions, which will be required for the proposed detailed design for the proposed subject site, to preserve and maintain the existing wetland, identify the required natural buffers/setbacks for the wetland and all environmental areas, identify measures/protocols to protect Significant Wildlife Habitat, Fish Habitat, Habitat of Threatened and Endangered Species, Potential Naturalization Areas and Nests of NBCA-protective birds, erosion sediment control, as well as possible substantial dewatering process and MECP, MNRP, UTCA and potential DFO approvals requirements and water discharges that will be in compliance with the Stoney Creek Subwatershed system requirements, MECP, MNRP, DFO, UTRCA and City's standards and requirements for this system.

EEPAC recommends additional details on monitoring protocols that show that monitoring will adequately assess and evaluate the continuation of the function and features of the wetlands and other significant features listed in the study area.

EEPAC requires to review the requested designs and monitoring designs

Upper Thames River Conservation Authority (UTRCA) Comments (April 26, 2022)

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies within the Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006), Section 28 of the Conservation Authorities Act, the Planning Act, the Provincial Policy Statement (2020), and the Upper Thames River Source Protection Area Assessment Report.

BACKGROUND & PROPOSAL

The subject lands are approximately 123 ac/50 ha in size and are being utilized for agricultural and natural environment uses. The subject lands are currently:

- Designated Low Density Residential, Medium Density Residential and Open Space within the Official Plan (1989);
- Located within the Neighbourhoods and Green Space Place Type of the London Plan (2016);
- Contain Provincially Significant Wetland, Unevaluated Wetlands, Environmentally Significant Areas (ESA), Significant Valleylands, and Unevaluated Vegetation Patches as shown on Map 5 of the London Plan (2016); and,

- Zoned Urban Reserve (UR3), Open Space (OS5) and contain a holding provision h-2 within the Zoning By-law Z-1.

The purpose of this application is to establish the designations/place types and zoning to support a proposed draft plan of subdivision. The proposal includes a residential subdivision comprised of low and medium density residential blocks, 2 school blocks and 3 open space blocks. The proposed amendments include the re-orientation of some of the existing designations/place types and zone boundaries to accommodate the development concept and relocate existing natural hazard/natural heritage features.

The re-orientation of the open space designation/place type and zoning is in relation to the removal and relocation of a Provincially Significant Wetland – Arva Moraine Provincially Significant Wetland Complex (Grenfell Wetland). The applicant's consulting team has studied this feature and is of the opinion that this wetland should be classified as locally significant based on how it functions. Using this justification, the proposal includes the relocation of this feature from the central portion of the property to the southeastern area adjacent to the existing Stoney Creek Environmentally Significant Area (ESA).

Prior to current conditions, historic applications have been made to alter the designations and zones on these lands. The resulting decisions of these applications were escalated to the Ontario Municipal Board in 1999 (PL990552, Order/Decision No., 1610, Issued August 30, 1999) and 2000 (PL980859, PL980845, PL981096, PL981097, PL990079, Order/Decision No., 0143, Issued February 3, 2000):

- OMB Order/Decision No. 1610 was in relation to proposed Official Plan Amendments (OPA) concerning the Arva Moraine Wetland Complex, located between Richmond Street and Highbury Avenue, and Fanshawe Park Road and Sunningdale Road. The outcome of this decision resulted in agreement that the wetlands located within this area were of local significance (Class 4 to 7), not provincial (Class 1 to 3). Despite the change in significance, it was recognized that there was not a substantial change in the level of protection. Additionally, as this matter was in relation to the OPA, the evaluation remained open at the MNRF as new work was being done and evaluations were to be revisited through future processes. The decision noted that resulting scores of the evaluation were near the dividing line and may change the classification upon further investigation.
- OMB Order/Decision No. 0143 was in relation to proposed OPAs concerning the Stoney Creek Community Planning Area, located between Adelaide Street and Highbury Avenue, and Fanshawe Park Road and Sunningdale Road. The issues list included, but was not limited to, flood plain, patch 2017, patch 2019, and natural heritage linkages and enhancements. Various outcomes came as a result of this hearing which included the Board identifying the Northdale Forest wetland as locally significant (Class 4 to 7), as agreed to by all parties, and being satisfied with OMB Decision No. 1610 as it relates to the Grenfell wetland classification (Class 4 to 7). In addition, discussion occurred in relation to the maintenance of various tributaries and not allowing stormwater management infrastructure to be located within the floodplain. Lastly, it was recognized that some aspects must be dealt with through undertaking Environmental Impact Study(s) at the subdivision stage.

Despite these orders/decisions, the Ministry of Natural Resources and Forestry (MNRF) continues to recognize these features as provincially significant. It is our understanding that the applicants ecologist has attempted to contact MNRF regarding this classification and no further information has been obtained nor has a decision on re-classification been made.

Various UTRCA staff have met with the applicant and consulting team over the years to continue discussions on development of these lands. Most recently, a virtual meeting was held on November 17, 2021 to review the policy application followed by a site visit

on April 21, 2022. The UTRCA can preliminarily advise that policy does not permit development in wetlands regardless of classification as Provincially Significant, Locally Significant or other wetlands.

DELEGATED RESPONSIBILITY & STATUTORY ROLE

The UTRCA represents the provincial interest in commenting on development applications with respect to natural hazards ensuring that applications are consistent with the PPS. This responsibility has been established in a Memorandum of Understanding between Conservation Ontario, the Ministry of Natural Resources and Forestry (MNRF) and the Ministry of Municipal Affairs and Housing.

The UTRCA's role in the development process is comprehensive and coordinates our planning and permitting interests. Through the plan review process, we ensure development applications meet the tests of/have regard for the Planning Act, are consistent with the PPS, conform to municipal planning documents, and align with the policies in the UTRCA's Environmental Planning Policy Manual (UEPPM, 2006). Permit applications must meet the requirements of Section 28 of the Conservation Authorities Act and the UTRCA's policies (UEPPM, 2006). This approach ensures that the principle of development is established through the Planning Act approval process and that a permit application can be issued under Section 28 of the Conservation Authorities Act once all of the planning matters have been addressed.

PROVINCIAL POLICY STATEMENT 2020

The PPS sets the policy foundation for regulating the development and use of land across the Province, while protecting important resources and the quality of the natural environment. Natural heritage resources provide important environmental, economic and social benefits and must be managed to protect essential ecological processes and minimize environmental impacts. Additionally, the PPS directs development away from areas of natural and man-made hazards.

Applications for development shall be consistent with the policies contained within the PPS, specifically as it relates to Section 2.1 Natural Heritage and Section 3.1 Natural Hazards:

- Natural features and areas shall be protected for the long term (2.1.1);
- The diversity, connectivity and ecological function of natural heritage systems should be maintained, restored, or where possible, improved (2.1.1);
- Development and site alteration shall not be permitted in significant wetlands, significant woodlands, significant valleylands or significant wildlife habitat or on adjacent lands unless there are no negative impacts (2.1.4, 2.1.5 and 2.1.8);
- Development and site alteration shall be directed to areas outside of hazardous lands impacted by flooding and/or erosion hazards (3.1.1); and,
- Consideration for the impacts of a changing climate that may increase the risk of natural hazards (3.1.3).

These policies have regard for and aid in the implementation of matters of provincial interest as noted in the *Planning Act* (Part I, Provincial Administration, 2 (a)).

CONSERVATION AUTHORITIES ACT

The subject lands are regulated by the UTRCA in accordance with Ontario Regulation 157/06, made pursuant to Section 28 of the Conservation Authorities Act. The regulation limit is comprised of

- Provincially Significant Wetlands (known as the Arva Moraine Wetland Complex and/or Grenfell and Ballymote Wetlands) and the surrounding areas of interference;
- Unevaluated Wetlands and the surrounding areas of interference;
- Riverine flooding hazards associated with Stoney Creek and other tributaries; and,
- A riverine erosion hazard associated with Stoney Creek.

Please refer to the enclosed mapping for the approximate extent of the features listed above. In cases where a discrepancy in the mapping occurs, the text of the regulation prevails and a feature determined to be present on the landscape may be regulated by the UTRCA.

The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

UTRCA ENVIRONMENTAL PLANNING POLICY MANUAL (2006)

The UTRCA's Environmental Planning Policy Manual is available online at:
<http://thamesriver.on.ca/planning-permits-maps/utrca-environmental-policy-manual/>

Natural Hazards

As indicated, the UTRCA represents the provincial interest in commenting on Planning Act applications with respect to natural hazards. The PPS directs new development to locate and avoid natural hazards. In Ontario, prevention is the preferred approach for managing hazards in order to minimize the risk to life and property. The UTRCA's natural hazard policies are consistent with the PPS and the applicable policies include:

3.2.2 General Natural Hazard Policies

These policies direct new development and site alteration away from hazard lands. No new hazards are to be created and existing hazards should not be aggravated. The Authority also does not support the fragmentation of hazard lands through lot creation which is consistent with the PPS.

3.2.3 Riverine Flooding Hazard Policies

These policies address matters such as the provision of detailed flood plain mapping, floodplain planning approach, and uses that may be allowed in the flood plain subject to satisfying UTRCA permit requirements.

3.2.4 Riverine Erosion Hazard Policies

The Authority generally does not permit development and site alteration in the meander belt or on the face of steep slopes, ravines and distinct valley walls. The establishment of the hazard limit must be based upon the natural state of the slope, and not through re-grading or the use of structures or devices to stabilize the slope.

There is a riverine erosion hazard present along the Stoney Creek corridor. Blocks 22 and 28 are located adjacent to this feature. It is recognized that Block 28 (north side of the creek) is proposed as Open Space and appears to capture this hazard within the limits shown. However, Block 22 (south side of the creek) is proposed for medium density residential development and sufficient information pertaining to the stable slope features in this area have not been provided. In keeping with Recommendation 18 from the EIS, a slope stability assessment is required to identify the limits of the hazard lands and establish the development limit outside of this area.

The Preliminary Geotechnical Investigation prepared by EXP, dated December 2021, does not contain any slope stability information. This information will be required prior to approval to ensure an appropriate development limit is set for Block 22.

3.2.5 Watercourse Policies

The UTRCA discourages the conversion of open surface watercourses and/or drains to closed drains. It appears that the applicant is proposing to remove open watercourses. In considering any proposed channel removal/enclosure, the following matters need to be addressed to the satisfaction of the UTRCA:

- Downstream and upstream flooding
- Loss of floodplain
- Water chemistry – nutrients

- Flow and velocity
- Overland erosion
- Capacity
- System failures
- Adjacent land use
- Habitat biodiversity
- Pollution (sediment and nutrient conveyance)
- Loss of stream functions
- Loss of groundwater infiltration
- Species at Risk
- Loss of buffers – corridors and terrestrial habitat
- Linkages (natural heritage)
- Increased maintenance and chance of blockage

OMB Order/Decision No. 0143 also provides seven (7) reasons why piping a tributary can result in degradation to the feature. Further information/justification should be included in an EIS to ensure a net environmental benefit is achievable and implemented. We request that the applicant provide additional information on the existing watercourses present on the subject lands and how they will be managed as a result of this proposal.

3.2.6 Wetland Policies – Natural Hazards

New development and site alteration is not permitted in wetlands. New development and site alteration may only be permitted in the area of interference and/or adjacent lands of a wetland if it can be demonstrated through the preparation of an Environmental Impact Study (EIS) that there will be no negative impact on the hydrological function of the wetland feature and no potential hazard impact on the development. A Hydrogeological Assessment and Water Balance Analysis was also required to evaluate the potential impacts of the proposed development on the regulated wetlands.

As required, an Environmental Impact Study was prepared by MTE, dated December 20, 2021 to summarize the data collected on these lands throughout 2020, while also providing references to earlier data collected through the preparation of past EIS reports on these lands. The scoping meeting for this report was completed in November 2018, prior to the approval and implementation of the 2020 PPS and City of London Environmental Management Guidelines 2021.

In addition, the required Hydrogeological Assessment and Water Balance prepared by EXP, dated December 20, 2021, has also been prepared. UTRCA technical review comments are provided below.

Natural Heritage

The UTRCA provides technical advice on natural heritage to ensure an integrated approach for protecting the natural environment consistent with the PPS. The linkages and functions of water resource systems consisting of groundwater and surface water features, hydrologic functions and the natural heritage system are necessary to maintain the ecological and hydrological integrity of the watershed. The PPS also recognizes the watershed as the ecologically meaningful scale for integrated and long-term planning which provides the foundation for considering the cumulative impacts of development. The UTRCA's natural heritage policies that are applicable to the subject lands include:

3.3.2 Wetland Policies – Natural Heritage

New development and site alteration may only be permitted in the area of interference and /or adjacent lands of a wetland if it can be demonstrated through the preparation of an Environmental Impact Study (EIS) that there will be no negative impact on the feature or its ecological function.

3.3.3.1 Significant Woodlands Policies

The UTRCA does not permit new development and site alteration in woodlands considered to be significant. Furthermore, new development and site alteration is not permitted on adjacent lands to significant woodlands unless an EIS has been completed to the satisfaction of the UTRCA. The woodland which is located on the subject lands as well as on the adjacent lands has been identified as being significant in the Middlesex Natural Heritage System Study (2014).

TECHNICAL REPORTS & COMMENTS

The UTRCA has received the following technical reports alongside the Planning Act applications:

- Environmental Impact Study (EIS)
- Hydrogeological Assessment and Water Balance
- Preliminary Stormwater Servicing Report (SWM)
- Preliminary Geotechnical Investigation
- Final Proposal Report and Planning Justification Report (PJR)

UTRCA staff have reviewed these documents with regard for evaluation of completeness, sufficient data collection and representation, and achieving a net environmental benefit. We offer the following comments:

ENVIRONMENTAL IMPACT ASSESSMENT

Environmental Impact Assessment (EIS) prepared by MTE dated December 20, 2021

1. Community 3 has been classified as Dry Moist Old Field Meadow (CUM1-1) although the description of this community suggests that it could contain wetland habitat based on the following:

- there are wetland pockets, scattered areas of moist soil conditions and pooled water in small, isolated puddles throughout the community;
- the ELC sheet in Appendix B includes a red osier mineral thicket swamp as a vegetation type for this community;
- over 25% of the herbaceous species have a wetness rank of -3 to -5, and two of them are groundwater indicators; and,
- the community has not been cultivated for over 15 years.

Please discuss whether the wetland indicator species are scattered throughout the community, or concentrated in a particular area? A site visit to confirm this community's classification may be warranted.

2. Amphibians (spring peepers) were heard in Community 4 (classified as a gray dogwood cultural thicket). Approximately 50% of the species in Community 4 have a wetness rank of -3 to -5, suggesting that portions of this community could be wetland habitat. A site visit to confirm this community's classification may be warranted.

3. Community 7 is described as "invasive species dominant", yet the vegetation community has 83.3% native species, a high floristic quality index, and possibly contains a regionally rare sedge species. It is also considered significant wildlife habitat (SWH) for terrestrial crayfish. Based on this description of Community 7 in the EIS, we do not agree that a compensation ratio less than 1:1 is justifiable. Please revise.

4. Community 8 has been classified as a plantation, yet it contains several butternut and has 70% native species. Was this community surveyed for bat habitat? A site visit to confirm this community classification may be warranted.

5. There were no surveys conducted to determine if turtles are nesting in the communities adjacent to the south pond. Given that turtles have been observed basking near the pond and that the pond is confirmed turtle wintering area, please assume that turtle nesting habitat is present in the adjacent vegetation communities and provide recommendations for an appropriate buffer from the communities. Please delineate this buffer on Figure 14.

6. How were the locations of the amphibian monitoring stations determined, as shown in Figure 7? Please explain why the majority of the Grenfell wetland (Communities 5a, 7) and associated wetland inclusions were not monitored for amphibians.

7. Please show all wetlands identified on the subject lands in Figure 8, not just the ones identified in 2020 (for example, the SWD and SWT wetland inclusions in Community 10).

8. Does the area adjacent to Community 10 have a suitably high water table to support terrestrial crayfish?

9. In Section 6.2, please discuss water balance in terms of the natural features (feature based) and not the development (site based) in the EIS. What is the impact of the proposed stormwater management system and its servicing to the natural features being retained / created / mitigated on site post development?

10. Please overlay the development limit (red line in Figure 11) onto the following boundaries shown on Figure 9 to assist in evaluating statements in Section 7:

- Buffers - with dimensions;
- Valleylands;
- SWH;
- Reptile hibernaculum;
- Potential turtle wintering areas;
- Wetland naturalization areas; and,
- Vegetation communities.

11. Sections 7.1.2 discusses the provision of part of a setback within development blocks 299 and 309 to ensure minimum setback distances are maintained from wetland communities. It is unclear where the setbacks in blocks 299 and blocks 309 are located. The limits of development for all blocks should be located outside/along the boundary of the setbacks to ensure that these setbacks are not developed by future private landowners.

12. Please confirm if Street D is appropriately buffered from Community 10.

13. Block 22 encroaches into the wetland buffer/setback. Please revise.

14. Figure 14 identifies a 6.5m setback for lots 275, 276 and 277. Please revise the lot boundaries for these lots to remain outside of the 10m buffer from the woodland. Should encroachment be required, please provide adequate justification.

15. Block 32 is shown as a future street block to provide access to the neighbouring agricultural field. This area connects into mineral meadow marsh communities and woodland to reach the agricultural area. Additional studies will be required prior to establishing new road networks into this area.

16. Block 19 is shown encroaching into the 30m setback from the northeast wetland. Please ensure the development limits respects all buffers/setbacks.

17. Please show the 10m buffer from the stable top of slope in the open space block north of Stoney Creek valleyland on Figure 14 to ensure that any permitted activities for open space blocks that could have negative impacts on the natural features are not placed in this area.

18. Please explain how the harm/killing of butternut trees will be compensated to ensure there is suitable area/ habitat for compensation post development.

19. Various sections of the EIS speak to the removal of wetlands, however it is unclear what the total area being considered for relocation/compensation is as there are various calculations mentioned within the technical reports. To state a few:

- Section 6.2 refers to a wetland relocation of ~6.6ha;

- Section 7.3 refers to various wetland communities totaling 7.25ha; and,
- Section 8 refers to 6.61ha wetland compensation and enhancement area.

Differing again from these two calculations, Table 7 lists direct impacts by vegetation community. Based on manual calculations of wetland features listed in Table 7, it would appear that the actual area of wetlands being impacted is 7.5ha.

Furthermore, based on Comments 1 and 2 above, additional wetland features may be present on site that were not accurately represented in the ELC classifications.

Additional information is required to determine the actual amount of wetland being impacted/removed/relocated as a result of this proposal.

20. In addition to Comment 19, we suggest that this approach does not meet the current Provincial Policy “systems based” approach, and would argue that many of the features and functions that wetlands either rely on, and / or are heavily influenced by, are the surrounding natural features that support them. It is our opinion that the removal of wetland and the supporting habitat should be included in the compensation calculations, not just the wetland habitat, given:

- the diversity of vegetation communities and of species;
- the ratio of native to non-native species;
- the numbers of species at risk and regionally rare species;
- the SWH; and,
- the groundwater features and functions found in those communities. According to our calculations, the total removal of communities 3 - 8 may be 17.4 ha.

21. Figure 15 provides a wetland design concept for Block 29, the proposed wetland compensation area. The EIS has recommended 30m setbacks from the existing wetlands, however only a 15m buffer is shown/referenced on the figure. Please depict the recommended buffer distance on the concept and ensure that the calculations for the wetland relocation area are not impacted as a result.

- a) Please confirm if the wetland compensation area includes a buffer within this calculation, or if the 6.61ha referenced on Figure 13 is solely devoted to wetland.
- b) While it is recognized that this concept is very preliminary in nature, insufficient information has been provided that details if this wetland relocation can succeed in this location.

22. Section 8 speaks to a number of factors that demonstrate a net gain. However, the retention of water balance functions and the salvage of regionally rare floral species is not considered “net gain” of wetland function. “Net gain” means that the natural features and functions are better post development than they were predevelopment. For example:

- Net gain in SWH for terrestrial crayfish could mean that the area of terrestrial crayfish habitat post development is either being enhanced to make the habitat more suitable to crayfish without diminishing its other natural features or functions; or is greater than predevelopment size. Note that transferring terrestrial crayfish into a habitat that is already protected or retained for its natural features and functions is not considered a net benefit;
- Net gain in wetland function could mean that the newly created wetland scores higher in any of the OWES components without diminishing scores in other OWES components. The evaluation of the Grenfell wetland (Appendix I) identified a number of hydrological functions that the wetland currently provides, such as flood attenuation, water quality improvement, groundwater recharge and presence of clay loam soils. While we encourage the creation of a wetland with increased biodiversity and habitat connectivity, it is important to demonstrate that the newly created wetland will maintain or improve upon the functions identified in the evaluation; or,
- Net gain in water balance functions could mean a greater area of wetland and supporting habitat being created in a suitable location. Typically, we encourage a compensation ratio of at least 3:1, not less than 1:1, unless it can be

demonstrated that a large net benefit can be gained with the smaller replacement ratio.

- a) How will net gain such as improved wildlife habitat, increased structural and biological diversity, contiguous wetland habitat and linkage opportunities of relocated wetlands be measured, monitored and guaranteed? At a minimum this would require rationale as to how these conditions would be maintained or improved in the smaller wetland feature, as well as monitoring and mitigation details to demonstrate that the recreated wetland will maintain or improve the hydrological functions of the existing Grenfell Wetland.
- b) Section 7.7 speaks to Net Effects, however the table reference is incorrect.

23. Section 2.5 claims incorrect information is shown on the UTRCA regulation mapping specifically in relation to the name a drainage feature, which is attached within the EIS as Figure 5. Our current mapping, which is enclosed today and the proponent has received various updated versions of since 2006, has been updated to reflect the current drainage pattern.

- a) The EIS does not speak to the existing watercourses within the subject lands. Please ensure these additional features are considered within the revised EIS.

24. Editorial Comments:

- a) Section 4.2.2.1 states that only spring and early summer inventories (April 4, June 5, and June 22 2020) were conducted, yet section 4.2.2.2 says floral site investigations were conducted on April 15, June 5, June 22, August 10, and October 20, 2020. Please confirm dates of field investigations with a table showing the date, weather condition and type of survey conducted.
- b) Section 4.2.2.1 says that Community 9 is associated with the Stoney Creek floodplain. Please change this to Ballymote Tributary. Furthermore, Section 7.1.6 states that Stoney Creek and Ballymote are connected to downstream fish habitat in Dingman Creek. Please change this to Thames River.
- c) The EIS states that Harbinger-of-Spring (S2S3) is found in Community 10, yet it is not shown in this community on Figures 8 and 9, nor in Table 6 under SWH.
- d) Please note that the Stoney Creek subwatershed also supports Rainbow Mussel (SC). Please use treed vegetation for shade if conditions are suitable (i.e. soils and slope support full grown trees).
- e) Please correct Section 7.1.3 that states "Tree protection fencing is recommended where development is directly adjacent to proposed development".
- f) The EIS references the City of London's 2007 Environmental Management Guidelines (EMGs). The 2021 EMGs should be applied and referenced in the analysis.

In closing, there are several natural heritage features that require compensation in addition to the wetland features. It is the UTRCA's opinion that additional information is needed to confirm these features and their functions in order to determine if a net environmental benefit will be achieved with the proposed compensation.

HYDROGEOLOGICAL ASSESSMENT

Final Hydrogeological Assessment prepared by EXP dated December 20, 2021
The aforementioned report meets the majority of UTRCA's expectations; however, Page 1 of the report notes that MTE reviewed the wetland classification through the EIS process and determined the wetland should be reclassified from Provincially Significant to Locally Significant. Resulting, EXP treated Wetland Unit 14 as a Locally Significant Wetland. As this finding has not yet been accepted by the MNRF, we recommend that EXP consider the wetland as Provincially Significant until the re-evaluation has been completed.

20. Section 3.5.3 notes that “discontinuous pockets of silt are found at various depths within the glacial till”. Review of the elevations of these silt units indicates these silt beds lie at similar elevations and they may be more continuous than interpreted on the EXP (2021) cross-sections (see Figure 1). Similarly, the continuity of lower sands beneath the site may also be under-represented by EXP (2021) and may contradict the comment “The thick sequence of sand underlying the Arva Moraine discharges to wetland features off site. This sand does not extend to the Site” (see Figures 1 and 2). The silty and sand beds may be continuous beneath the Site and are interpreted to transmit shallow groundwater into the Wetland Unit 14 (see Figures 1 and 2). Please also provide the borehole logs for all boreholes and wells illustrated on the cross-sections so the lithology in those wells can be compared to the interpretations on the cross-sections provided.

21. The last sentence of Section 3.5.3 notes that “Groundwater infiltration is limited into weathered zones and pockets with higher sand contents, resulting in discontinuous pockets of shallow groundwater, perched within the predominately silt till soils”. Please clarify which wells are interpreted to have perched conditions.

22. Section 4.4.2 (subsection Station 5 Hydrograph) notes “The surface water and shallow groundwater found within Wetland Unit 14 is influenced from precipitation events and local runoff and shows no evidence of influence from deeper groundwater sources”. While there may not be a connection between the deep groundwater flow system the data below indicates there is a component of shallow groundwater flow discharging into the wetland.

- a) Station 5 located in the eastern portion of Wetland Unit 14: Upward gradients were observed between piezometer P5 and Staff Gauge 5 from Nov 2019 to June 2020 and October 2020 to June 2021 (Table F3 of EXP, 2021). Staff Gauge 5 was dry through June to Sept of 2020; however, water levels in Piezometer P5 remained at or above ground surface elevations throughout this period. Overall, upward gradients between the piezometer and Staff Gauge were observed in 16 out of 24 field visits (five field visits had a dry or frozen Staff Gauge, and two field visits recorded downward gradients during periods of high runoff to the surface water features. (The water level elevation cited for March 31, 2020 is higher than the top of pipe elevation so considered erroneous).
- b) Station 2 located in the western portion of Wetland Unit 14: The only water level measuring point located at Station 2 is Piezometer 2, which is screened 0.73 m below surface. Water level elevations in this piezometer were measured 31 times between December 2018 and October 2021. During these field visits, groundwater in the piezometer was measured to lie at or above ground surface in 24 field visits; three visits the piezometer was frozen or dry (Table F3). Slight downward gradients were noted in 4 field visits (Table F3 of EXP, 2021). Piezometer P2 was visited nine times in winter months and was only frozen twice. This suggests warmer groundwater is discharging into the wetland at a sufficient rate to prevent freezing of the piezometer.

Outside Wetland Unit 14, vertical gradients and groundwater discharging conditions were also observed between Piezometer 3 and Staff Gauge 3 in winter, spring, and fall throughout the field 2019 and 2020 field season at Station 3 (Aquatic Pond) located south of Wetland 14 and observed water level elevations were consistently observed at elevations above ground surface. Similarly, water level elevations in Piezometer 1 near the Ballymote Tributary were also above ground surface in all field visits except two instances in December 2019 and February 2020 when the piezometer was frozen. The water table lies close to surface and is groundwater interpreted to discharge into these sensitive surface water features.

23. Section 4.6 notes exceedances of aluminum, iron, and other metals. What are the interpreted sources of these metals in groundwater samples collected on the Site? How will groundwater chemistry beneath the Site change during construction and post-development? How will changes in groundwater quality post-development impact the wetland and woodland features on the Site? What mitigative measures will be put in

place to avoid degraded groundwater quality impacts on Stoney Creek, Ballymote Tributary and the Aquatic Pond?

24. Groundwater chemistry data was not collected in the upper, shallow groundwater flow system, and as such, the chemistry data provided cannot be used to make definitive statements about the interaction between the shallow groundwater flow system and Wetland Unit 14. Please collect groundwater quality data from the shallow groundwater flow system to inform the groundwater-surface water interactions at Wetland Unit 14. Temperature data was not collected but data could be used to help inform the groundwater-surface water interactions near the Wetland Unit 13, Stoney Creek, or the Aquatic Pond.

25. Section 5.3 outlines the Water Balance for the Site (Pre and Post Development) and does not include discussion or estimate of local groundwater discharge to surface water, including Wetland Unit 14 or the Aquatic Pond. Please provide an estimate of groundwater discharge to these existing features. Please also explain how groundwater discharge is expected to change post-development, and provide details regarding the location and type of mitigative measures that will be implemented to maintain groundwater discharge to these features.

26. The last paragraph of this section notes: "Although not currently included in the preliminary development plan for the Site, possible LID options could include rooftop leader discharge and designated surface infiltration areas". Please provide additional discussion on the proposed locations for enhanced recharge including infiltration areas, as the water table is within 4m of ground surface across most of the Site and the infiltration capacity of the till beneath the site is limited. Please give consideration for infiltrating clean water in the vicinity of the Aquatic Pond and Ballymote Creek to maintain groundwater discharge conditions.

27. Section 6. 2 notes "Wetland Unit 12 is sourced from surface water and overland flow". While a component of water may be derived from surface water and overland flow, the piezometer and staff gauge water level elevation data indicate groundwater is discharging into the wetland supporting wetland habitat.

28. There is little data provided to characterize the shallow groundwater levels and vertical gradients in the proposed wetland compensation area due to the lack of monitoring wells screened in the upper and intermediate groundwater flow horizons. Monitoring wells MW-3A and MW-3B are the closest monitoring wells to the proposed wetland compensation area, and these wells indicate strong downward gradients between the intermediate (3 m below ground surface; MW-3B) and lower (9 m below ground surface; MW-3A) overburden groundwater flow system throughout the year. Wetland communities present in Wetland Unit 14 that are reliant on local groundwater discharge would not survive in this groundwater recharge area. For example, terrestrial crayfish are proposed to be introduced to the compensation wetland, and these species need intermittent groundwater discharge conditions to survive. Please collect shallow groundwater level data in the proposed wetland compensation area to show that the groundwater-surface water interactions present in Wetland Unit 14 are also present in the proposed wetland compensation area so similar wetland species can survive and thrive.

29. Section 6.4 notes that shallow dewatering will be required for construction in the southern limits of the Site where thick sands are present at surface. A permit to take water for dewatering will be required; please comment on how dewatering during construction will impact groundwater discharge into Stoney Creek and the nearby Aquatic Pond, how potential impacts to these environmental features will be mitigated, and when the dewatering is proposed to occur to minimize impacts on the flora and fauna living in the Aquatic Pond and Stoney Creek.

PRELIMINARY STORMWATER MANAGEMENT SERVICING

Preliminary Stormwater Servicing Report prepared by MTE Consultants Inc., dated December 15, 2021

30. Please consider the effects of urbanization on the reach of Stoney Creek adjacent to the proposed development.

31. Please consider the effects of groundwater recharge on the proposed SWM strategy, including LIDs and their function.

32. Section 1.1 states that the existing SWM facilities in the neighbouring subdivision are intended to provide SWM quantity, quality and erosion controls for the proposed development. Please confirm that this development was considered in the catchment areas of the existing infrastructure and ensure there is sufficient capacity.

33. Section 3.2.2 states that the preliminary estimate of quantity control requirements based on AxC. The final quantity control and storage requirements should be determined for the proposed conditions at the detailed design stage of the project based on the proposed imperviousness and the quantity control should be provided accordingly.

34. There are at least three (3) catch basins located along the western extent of the lands connecting the remaining wetland and drainage features to the Weninge SWM facility located to the southwest. Limited information was provided in relation to existing surface drainage. Please provide further details on the existing conditions and connections into the overall system. This strategy may need to be revisited pending the outcome of the wetland classification and relocation discussion.

WATER BALANCE

Section 5 of the Final Hydrogeological Assessment prepared by EXP, dated December 20, 2021

35. The purpose of the water balance is to maintain base flow to the existing wetland from pre to post development conditions. How will base flows be compensated for if the wetland is relocated? Please provide catchment areas supported by grading/contour under the proposed conditions contributing flows to the relocated wetland.

36. Section 5.3 state that opportunities to capture runoff and provide secondary infiltration in greenspace areas will be required to increase post-development infiltration. With mitigation measures the post-development infiltration is estimated to be over 80% across the lands. Please ensure infiltration is designed to capture only clean runoff.

37. Table 6 shows estimated values of runoff and infiltration under the pre-development, post-development without mitigation, and post- development with mitigation. The runoff decreases with the proposed mitigation measures and the infiltration increases under the proposed post-development with mitigation, however no details are provided. The decrease in runoff and increase in infiltration should be supported by SWM design to the lands to support the water balance.

38. Please check the calculated annual volume values of the infiltration and runoff calculated from the surplus water under the pre-development conditions. Please incorporate the infiltration factor of 0.6 in the calculations.

GEOTECHNICAL INVESTIGATION

Preliminary Geotechnical Investigation prepared by EXP, dated December 2021

39. This report does not contain any slope stability information. This information will be required prior to approval to ensure an appropriate development is set for Block 22 on the south side of Stoney Creek as medium density residential development is proposed. As per Recommendation 18 of the EIS, a 10m setback from the stable top of slope should be respected.

FINAL PROPOSAL REPORT & PLANNING JUSTIFICATION

Final Proposal & Planning Justification Report prepared by Zelinka Priamo Ltd., dated December 2021

40. Section 2 (pg. 3) of the report states that “additional studies have been undertaken to ensure the wetland feature remains non-significant, which permits it to be relocated as part of the application”. The wetland should be studied to re-evaluate the current state of the feature and determine if it remains non-significant. Regardless, wetlands remain protected by policy and are not permitted to be relocated based on this criteria alone.

41. Policy 1334 of the London Plan states that some instances may allow for the consideration of replacement of the wetland rather than in situ protection, in consultation with the Conservation Authority.

- a) UTRCA staff met with the applicant on various occasions, most recently in November 2021. It was expressed through these discussions that the proposal cannot be supported by Conservation Authority staff. We recommend that the applicant study additional subdivision designs that consider protection of the features in their current location and provide adequate linkages.
- b) Furthermore, Policy 1334 states that such replacement will be on at least a one-to-one basis. The UTRCA has been working with other small scale wetland relocation projects, and have required replacement at a rate of 3:1.

42. Section 3 (pg. 6) states that existing SWM facilities will handle most of the stormwater with a small amount captured within the wetland compensation area. SWM infrastructure is to be located outside of natural hazard and natural heritage lands. Further information will be required to ensure that any stormwater entering features will retain water quality and quantity.

43. Section 4 (pg. 13) speaks to healthy and active communities. A trail and/or pathway system has not been delineated on the proposed draft plan. Please ensure consideration is given to the location of the trail/pathway outside of the features and their buffers. A conceptual plan would aid in the review of a pathway by both the consulting ecologist and agency staff.

44. Section 4 (pg. 13 and 14) speaks to protecting natural features and areas for the long term. The opinion provided by the author states that retaining the wetland in its current location will result in isolation of the feature and creating isolation from surface connections. Many existing developments within the City and other geographic jurisdictions have continued to maintain and build around wetland features present on the landscape. We encourage the applicant to study additional subdivision designs that consider protection of the features in their current location and provide adequate linkages. Insufficient information has been provided to support the relocation of the wetland features.

45. Section 8 (pg. 27) states that the existing conditions of the subject lands include cash crop agricultural while the remainder are “vacant of any use”. It should be noted that the existing conditions largely contain natural hazard and natural heritage features.

46. Section 14.1 (pg. 41) states that the design of the compensation block will be provided in the future using Ministry, City and UTRCA guidelines for relocation.

- a) First and foremost, the UTRCA’s policies direct development to be located outside of hazard and natural heritage lands. While it is recognized that extenuating circumstances can result in minor modifications to the existing hazard and heritage systems, the applicant has not satisfied UTRCA staff that alternative subdivision designs are not feasible, and that the proposed relocation/compensation area is suitable.
- b) The UTRCA has draft policies for “Natural Heritage Compensation Policy & Guidelines for Achieving Ecological Net Gain”. These policies direct compensation ratios to initiate at a rate of 3:1, and increase depending on the severity and sensitivity of the feature to ensure a net gain.

47. The UTRCA's Environmental Planning Policy Manual (2006) contains technical policies pertaining to the Municipal Plan Review process and Section 28 Permit process. As identified at the onset of this letter, plan review is undertaken to establish the principle of development prior to initiating the Section 28 permit process.

- a) A summary of relevant UTRCA policies has not been provided within the submission materials of this application. Please ensure a thorough review of the Conservation Authority's policies is undertaken and considered.
- b) A Section 28 permit application will be required to implement the proposed design of this residential subdivision. If an application were to be submitted in its' current state three major issues would arise:
 - i. A portion of the wetlands proposed to be removed/relocated are currently classified as Provincially Significant. The UTRCA does not have approval authority over features of Provincial significance and would refer this issue back to MNRF to determine the classification of this feature;
 - ii. The application would be considered incomplete as we await responses to the aforementioned comments and revisions to the submission material. In addition, a permit application form and associated fee would be required; and,
 - iii. Should revisions to the submission material continue along the current path/proposal for wetland location, this application cannot be supported/approved at a staff level. The application would proceed before the UTRCA's Hearings Committee for a decision under the Conservation Authorities Act. UTRCA staff will provide a recommendation to the Hearing's Committee based on if the application confirms to/complies with policy.

SUMMARY

As indicated, the subject lands are regulated by the UTRCA due to the presence of a Provincially Significant Wetland (PSW) and the surrounding area of interference, unevaluated wetlands and the surrounding areas of interference, and riverine flooding and erosion hazards associated with Stoney Creek and other tributaries. Development and site alteration within the regulation area requires approval from the UTRCA under Section 28 of the Conservation Authorities Act.

The applicant is requesting that the MNRF re-classify the PSW based on the OWES evaluation completed as a part of the EIS, alongside the previous decisions made by the OMB Order/Decision No. 1610 and Order/Decision No. 0143 that recognize this feature to be of Local Significance. The current classification of the wetland remains under the jurisdiction of the MNRF, whereas wetlands located outside of the PSW boundaries that do not meet the criteria for complexing, fall under the jurisdiction of the UTRCA.

As part of the proposed draft plan of subdivision application, the applicant is seeking to remove/relocate 6.35ha of Provincially Significant Wetland and an undetermined amount of other classifications of wetlands. This amount remains underdetermined at this time as information contained with the EIS suggests that additional lands may also meet the criteria for wetland that are not currently shown on the Ecological Land Classification mapping or calculated within the compensation rate. The applicant is proposing to compensate for the totality of these losses through a wetland compensation area of 6.61ha located at the southeast portion of the lands, adjacent to the Stoney Creek ESA.

The PPS does not permit development within or adjacent to Provincially Significant Wetlands. Similarly, UTRCA policies do not permit development within or adjacent to wetland of Provincial Significance, Local Significance or other wetlands. While a policy exists within the London Plan (No. 1334) that may permit the replacement of wetlands, sufficient evidence to support this proposal has not been provided to satisfy the Conservation Authority.

Despite the policy within the London Plan (No. 1334), UTRCA policies do not currently consider relocation/compensation of wetlands. Staff have utilized policies from other Conservation Authorities and municipalities to begin drafting a policy that would allow for the consideration of compensation under certain circumstances. The current proposal does not qualify for compensation as the wetland is classified as Provincially Significant, and sufficient information in the form of justification and compensation rates have not been provided should a re-classification be approved.

The comments provided herein further detail the insufficiencies of the supporting technical information. The UTRCA will require formal written responses to the comments provided, alongside revised technical reports that implement the requested revisions.

RECOMMENDATION **PLANNING ACT**

The UTRCA is of the opinion that the natural hazard and natural heritage features which are located on the subject lands have not been sufficiently evaluated and protected. We contend that the 6.35ha wetland should be protected in situ with an appropriate buffer of no less than 30 metres, and that the wetland compensation area of 6.61ha is insufficient. As this proposal:

- i. Is not consistent with Provincial policy,
- ii. Does not conform to or comply with Local policy; and,
- iii. Does not have regard for Conservation Authority plan review policies

The UTRCA recommends that the proposed applications for Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment (39T-07502/OZ-9473) be **REFUSED**.

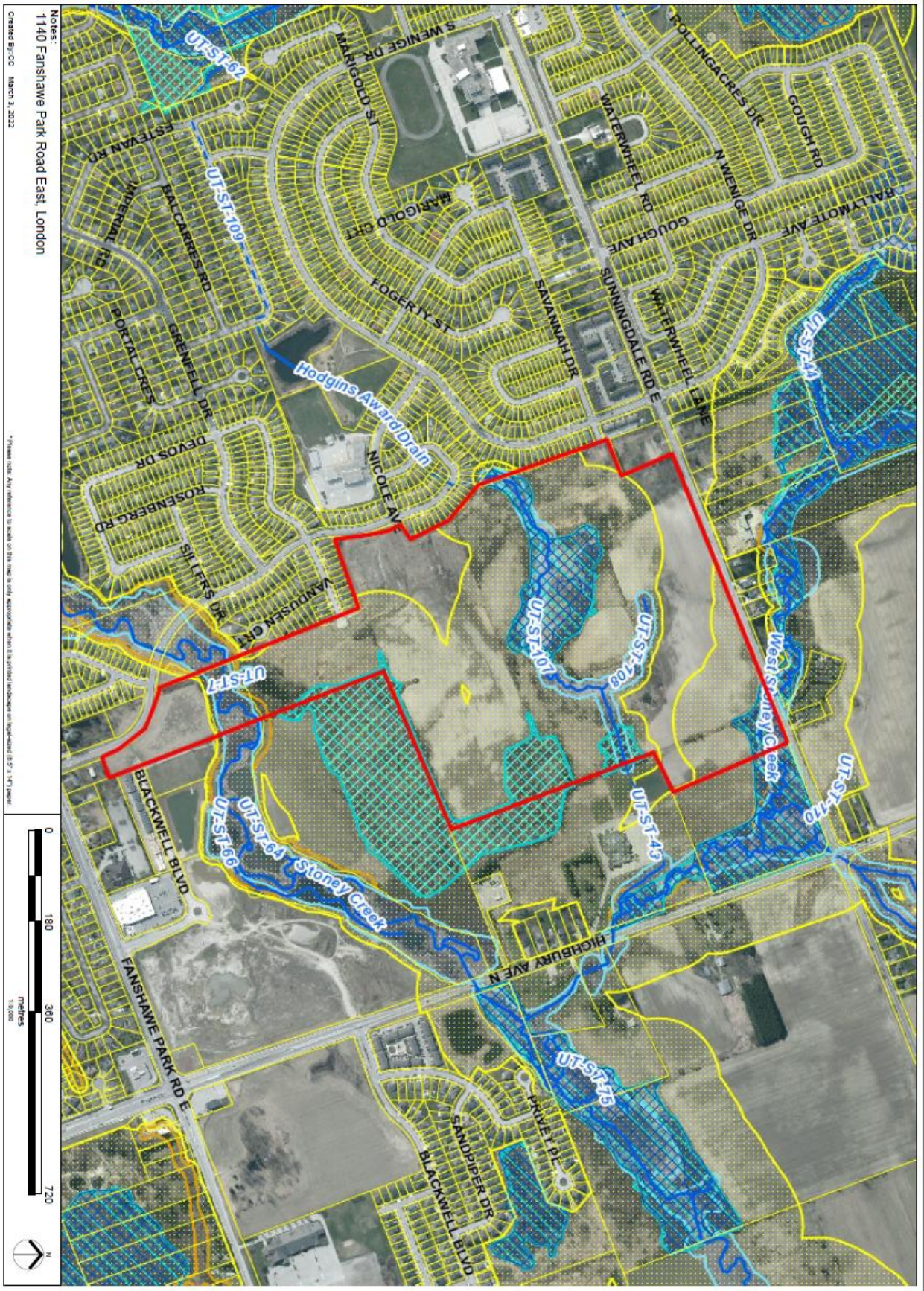
CONSERVATION AUTHORITIES ACT

The proposed development and associated site alteration will require a permit under Section 28 of the Conservation Authorities Act. Although an application for a Section 28 permit has not yet been submitted, the UTRCA can advise that the current state of the application would not satisfy the requirements of a complete application. Additionally, the proposal cannot be approved at a staff level and would require escalation to the UTRCA Hearing's Committee. In its' current state, a UTRCA Land Use Regulations Officer would recommend that the application be refused and a Section 28 permit should not be granted.

UTRCA REVIEW FEES

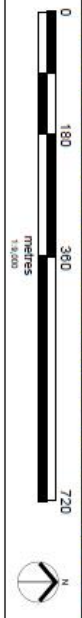
Consistent with UTRCA Board of Directors approved policy, Authority Staff are authorized to collect fees for the review of Planning Act applications. Our fee for the review of these applications is \$14,970 and will be invoiced to the applicant under separate cover.

UTRCA Regulated Areas Map:



Notes:
1140 Fanshawe Park Road East, London
Created By: CO March 3, 2022

*Please note: Any reference to scale on this map is only approximate when the printed landscape is regulated. 1:57,147 paper.



Regulated Areas

Regulation under s.28 of the Conservation Authorities Act
Development, interference with wetlands, and alterations
to shorelines and watercourses. O.Reg. 157/06, 97/04.

Legend

- Assessment Parcel (MPAC)
- Watercourse (UTRCA)
- Open
- Tied
- Wetlands (MNR)
- Evaluated-Provincial
- Evaluated-Other
- Not Evaluated
- Regulated Wetland
- Flooding Hazard Limit
- Erosion Hazard Limit
- Regulation Limit 2021

The mapping is for information screening purposes only, and does not constitute a final determination of regulated areas. Regulation 157/06 supersedes the mapping as represented by the data layer. This mapping is subject to change. A site specific determination may be made by the UTRCA.
This layer is the approximate limit for areas regulated under Ontario Regulation 157/06 - Upper Thames River Conservation Authority: Development, Interference with Wetlands and Alterations to Shorelines and Watercourses, which came into effect on August 1, 2006.
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UPPER THAMES RIVER
CONSERVATION AUTHORITY

Parks Planning and Design Comments (April 29, 2022)

Parks Planning and Design has reviewed the submission for the above noted plan of subdivision and offers the following comments:

- The lands contain a Provincially Significant Wetland (PSW) feature. As per Provincial Policy all PSW's shall be protected and enhanced as they exist. The submitted proposed Draft Plan of Subdivision does not have regard for the existing PSW. All the following PP&D comments are for the consideration of a Draft Plan of Subdivision that excludes the PSW.
- Required parkland dedication shall be calculated pursuant to section 51 of the Planning Act at 5% of the lands within the application or 1 hectare per 300 units, whichever is greater for residential uses. Parkland dedication calculations for the proposed development are listed in the table below.
- It is the expectation of PP&D that the required parkland dedication will be satisfied through the combination of dedicated parkland, and the payment of cash-in-lieu of parkland.
- Consistent with the Stoney Creek Community Plan a Neighbourhood Park is required to be located at on the northeast corner of Nicole Avenue and Street "D" (Block 21) at a minimum of 2 ha (see attached).
- A pathway connection is required along the south side of the Stoney Creek corridor (in conformity with the City of London Cycling Master Plan and Map 4 of the London Plan) and shall be located wholly outside of any ecological feature and located outside of any required staple slope setbacks. As per the proposed new Environmental Management Guidelines, the pathway is expected to be located within the required (and adequately sized) buffer to the adjacent ESA lands and will be taken at a 1:16 rate consistent with open space land dedication and subject to EIS, if buffer is less than 15m any table land required to complete the corridor will be taken at 1:1 (see attached sketch).
- Subject to the City Ecologist for the existing Natural Heritage features on Blocks 27, 28 and 29 and the proposed wetland compensation lands, compensations for parkland dedication for natural features of 1:16 and hazard lands of 1:27 will be finalized. Portions of Block 27, 28 and 29 will be considered as a portion of the parkland dedication based on the Council approved rate of 16:1 for lands deemed significant woodland and if a significant hazard (wetland) is identified through the EIS these lands will be compensated at the Council approved 27:1 rate.
- Consideration should be given to dedicate lands along the easterly boundary of Block 22 to preserve existing trees and to add to Blackwell Park. These lands would be acquired at table land rate of 1:1. (see attached sketch)
- PP&D will be seeking to review all required tree preservation and tree hazard assessment studies and reports as it relates to the neighbourhood park block and any pathway alignments.
- The Official Plan requires neighbourhood parks to be flat and well drained in order to accommodate recreational activities. However, in certain situations Council may accept parkland dedication that contains significant vegetation and topography. The Official Plan notes that these lands will be accepted at a reduced or constrained rate. By-law CP-9 establishes and implements these rates as follows:
 - **2.1.3 Land - for park purposes - conveyance – Hazard, Open Space and Constrained Land**
The Corporation retains the right not to accept the conveyance of land that

is considered not suitable or required for park and recreation purposes including but not limited to the size of the parcel, hazard lands, wet lands, hydro lands, easements or other encumbrances that would restrict the Corporation's use of the land. Where the Corporation does not request the Owner to convey table land, the Corporation may in lieu accept constrained land at the following ratios:

- 1) Hazard land - 27 hectares of hazard land for every 1 hectare of table land.
- 2) Open space or other constrained lands - 16 hectares of open space or constrained lands for every 1 hectare of table land.

- The table below summarizes the parkland information as per the submitted plan of subdivision.

Developers IPR Land Breakdown (1ha/300 units)			
Land Type	Ha	Units/Ha	Parkland Calc.
Low Density	11.573	30	1.1573
Med. Density (includes Blocks 25 and 26)	16.861	75	4.22
High Density		150	0.00
Table Land Dedication Required (ha):			5.37

Provided Parkland Dedication	
Parks	0.0
Hazard Lands (Block 27, 28 and 29)	0.436
Parkland Provided	0.436
Outstanding Balance (ha):	4.934

- All proposed pathway corridors and walkway blocks are to be 15m wide, as per Section 1750 of the London Plan

Proposed Conditions

- In conjunction with Focused Design Studies, the Owner's Landscape Architect shall prepare and submit a conceptual plan for the Park Block and all pathway alignments.
- Within one (1) year of registration of this Plan or otherwise approved by the City, the Owner shall grade, service and seed all Park Blocks and Open Space Blocks, transferred to the City as part of the parkland dedication requirements, pursuant to current City Park development standards, to the satisfaction of City, and at no cost to the City. Park Blocks and Open Space, shall not be used for stockpiling of any kind.
- Where Lots or Blocks abut parkland, all grading of the developing Lots or Blocks at the interface with the parkland are to match grades to maintain existing slopes, topography and vegetation. In instances where this is not practical or desirable, any grading into the open space shall be to the satisfaction of the City.
-
- Within one (1) year of registration of this Plan or otherwise approved by the City, the Owner shall install a 1.5 metre chain link fence, without gates, along the

property limit interface of all private Lots and Blocks adjacent to any park and/or open space Blocks, in accordance with the approved engineering drawings and City Standard S.P.O.-4.8, to the satisfaction of the City, and at no cost to the City. Any alternative fencing arrangements shall be to the approval and the satisfaction of the City.

- Prior to construction, site alteration or installation of services, robust silt fencing/erosion control measures must be installed all along all park and open space Blocks, in accordance with the approved engineering drawings and City Standards and certified with site inspection reports submitted to the satisfaction of the City.

Subdivision Engineering Comments (April 29, 2022)

Please find comments below for the revised draft plan relating to engineering matters for the above-noted subdivision application. These comments represent the consolidated comments of Planning and Development (Subdivision Engineering), the Transportation and Planning Design Division, the Sewer Engineering Division, the Water Engineering Division, the Stormwater Engineering Division.

Zoning By-law Amendment

Planning and Development (Subdivision Engineering) and the above-noted engineering divisions have no objection to the proposed Zoning By-law Amendment for the proposed revised draft plan of subdivision subject to the following:

1. 'h' holding provision is implemented with respect to servicing, including sanitary, stormwater and water, to the satisfaction of the Deputy City Manager, Environment and Infrastructure and the entering of a subdivision agreement.
2. 'h-100' holding provision is implemented with respect to water services and appropriate access that no more than 80 units may be developed until a looped watermain system is constructed and there is a second public access available, to the satisfaction of the Deputy City Manager, Environment and Infrastructure.
3. holding provision is implemented with respect to Block 30 in this plan until lands to the north (1343 Sunningdale Road East) are combined to create developable lots and/or blocks, to the satisfaction of the City.
4. holding provision is implemented with respect to Block 8 in this Plan until lands can be combined with Block 233 in Plan 33M-475 to create developable lots and/or blocks, to the satisfaction of the City.
5. holding provision is implemented with respect to Block 33 in this Plan until lands can be combined with Block 71 in Plan 33M-588 to create developable lots and/or blocks, to the satisfaction of the City.
6. holding provision is implemented with respect to Block 26 in this Plan until lands can be combined with Block 231 in Plan 33M-475 to create developable lots and/or blocks, to the satisfaction of the City.
7. holding provision is implemented until such time as any required addendum to the Municipal Class Environmental Assessment (EA) Study Schedule B for Storm/Drainage and Stormwater Management (SWM) Servicing Works for Stoney Creek Undeveloped Lands (Delcan Corporation – May 2011) is finalized.
8. holding provision is implemented until any required regional stormwater management pond(s) are constructed and operational.

Official Plan Amendment

Planning and Development (Subdivision Engineering) and the above-noted engineering divisions have no objection to the proposed Official Plan Amendment for the proposed revised draft plan of subdivision.

Required Revisions to the Draft Plan

Note: Revisions are required to the draft plan as follows:

- i) Remove pavement widths from draft plan. Pavement widths will be identified in conditions.
- ii) Identify all road widths. Red-line to update to London Plan widths and to taper over 30 metres, to the satisfaction of the City.
- iii) Provide 10 metre straight tangents as per City standards.
- iv) Provide 10 metre straight tangent on Street 'D' at Nicole Avenue.
- v) Connect street connections at 90 degrees as per City standards.
- vi) Revise centreline radii as per City standards.
- vii) Provide 0.3 metre reserve along the entire frontage of Sunningdale Road East
- viii) Revise Nicole Avenue and Street 'D' to be 23.0 metres in width as a Neighbourhood Connector.
- ix) The Owner shall provide 6.0 metre x 6.0 metre daylighting triangles at Nicole Avenue and Sunningdale Road East intersection.
- x) The Owner shall provide 3.0 metre x 3.0 metre daylighting triangles at the intersection of Neighbourhood Connectors (i.e., Nicole Avenue at Street 'D', and Blackwell Boulevard at Stackhouse Avenue).
- xi) Remove the bulges on Street 'B' and Street 'C'.
- xii) Ensure all geotechnical issues and all required (structural, maintenance and erosion) setbacks related to slope stability for lands within this plan, to the satisfaction and specifications of the City.
- xiii) Revise right-of-way widths, tapers, bends, intersection layout, daylighting triangles, etc., and include any associated adjustments to the abutting lots, if necessary, to City standards.
- xiv) The Owner shall provide a minimum of 5.5 metres (18') along the curb line between the projected property lines of irregular shaped lots around the bends and/or around the cul-de-sacs on streets in this Plan.
- xv) The Owner shall eliminate the deflection(s) shown in the street line along Street 'D' by providing a radius in accordance with City standards.
- xvi) Nicole Avenue and Street 'D' are to be constructed with a centreline radius of 110 metres as per City standards.
- xvii) The Owner shall ensure all streets with bends of approximately 90 degrees shall have a minimum inside street line radius with the following standard:
 - | | |
|-----------------------|-------------------|
| <u>Road Allowance</u> | <u>S/L Radius</u> |
| 20.0 m | 9.0 m |
- xviii) The Owner shall construct a gateway (without island) treatment on Nicole Avenue at the intersection of Sunningdale Road with a right of way width of 28.0 metres for a minimum length of 45.0 metres tapered back over a distance of 30 metres to the road right of way width of 23.0 metres, to the satisfaction of the City.
- xix) Provide a 0.3m reserve 75 metres back from the centreline of Sunningdale Road East on Nicole Avenue.
- xx) Identify taper of Devos Street over 30 metres from existing Devos Street of 19.0 metres to 20.0 metres in this Plan.
- xxi) Remove the cul-de-sac on Street 'A' and revise Street 'A' to have a 90 degree bend with a future road block to the east. Street 'A' shall require a temporary turning circle.

Please include in your report to Planning and Environment Committee that there will be increased operating and maintenance costs for works being assumed by the City.

Note that any changes made to this draft plan will require a further review of the revised plan prior to any approvals as the changes may necessitate revisions to our comments.