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**File No: 08 RIV b
Planner: L. Mottram**

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES and CHIEF BUILDING OFFICIAL
SUBJECT:	RIVERBEND SOUTH SECONDARY PLAN TERMS OF REFERENCE PUBLIC PARTICIPATION MEETING ON JULY 23, 2013 @ 4:30 P.M.

RECOMMENDATION

That, on the recommendation of the Manager, Development Services and Planning Liaison, the attached revised terms of reference to guide the process and preparation of the River Bend South Secondary Plan **BE ADOPTED**.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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May 28, 2013 – Report to Planning and Environment Committee with respect to a request by Sifton Properties Limited to proceed with the preparation of the River Bend South Secondary Plan (Agenda Item #13).

December 3, 2012 – Report to Civic Works Committee on Tributary ‘C’ Storm/Drainage & Stormwater Management Transportation and Sanitary Trunk Servicing Environmental Study Report modifications.

July 17, 2012 – Report to Civic Works Committee with respect to the Municipal Class Environmental Assessment (EA) Study Schedule “C” for Tributary ‘C’ Storm/Drainage and Stormwater Management (SWM), Transportation and Sanitary Trunk Servicing Works located within the Downstream Thames River Subwatershed Area (Agenda Item #12).

September 27, 2010 – Information report to Planning Committee with respect to the request by Sifton Properties Limited to proceed with Official Plan amendment, Zoning By-law amendment, and plan of subdivision applications for the area proposed as “Phase 1” within the Riverbend South Planning Area (Agenda Item #13).

March 17, 2008 – Report to Planning Committee on the Riverbend South Community Visioning meeting held on February 12, 2008.

January 14, 2008 – Report to Planning Committee with respect to draft terms-of-reference for the Riverbend South Area Plan, and the proponent’s request to proceed by way of a plan of subdivision with accompanying background studies and associated Planning Act applications instead of an area plan process.

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Location map

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PURPOSE

The purpose of this report is to bring forward for adoption the revised terms of reference for the Riverbend South Secondary Plan pursuant to the direction of Municipal Council that the previously established terms of reference be updated and presented at a public participation meeting. The Riverbend South lands are located southeast of the intersection of Oxford Street West and Westdel Bourne, as shown on the attached location map, comprising an area of approximately 60 hectares (148 acres).

BACKGROUND

At its session held on June 11, 2013, Municipal Council resolved:

13. *That, on the recommendation of the Manager, Development Services and Planning Liaison, the following actions be taken with respect to a request by Sifton Properties Limited to proceed with the preparation of the River Bend South Secondary Plan:*
- a) *the previously established Terms-of-Reference BE UPDATED and presented at a public participation meeting of the Planning and Environment Committee in July, 2013;*
 - b) *upon adoption of the Terms of Reference, noted in part a), above, by the Municipal Council, Sifton Properties Limited BE REQUESTED to update the required background studies and complete the Secondary Plan process, with input from the City of London, in accordance with the approved Terms of Reference;*
 - c) *final approval for the Secondary Plan BE WITHHELD until such time as the Part II Order issues, relating to the Tributary 'C' Municipal Class EA, have been resolved;*
 - d) *subdivision concept plans BE CIRCULATED as part of the Secondary Plan process; and,*
 - e) *subdivision applications NOT BE ACCEPTED within the River Bend South area as they are considered incomplete until such time as the Part II Order issues, relating to the Tributary 'C' Municipal Class EA, have been resolved. (2013-D08) (13/13/PEC)*

Earlier this year Development Services staff met with representatives from Sifton Properties Limited to consider a request to reactivate the Riverbend South Secondary Plan process. This would allow Sifton to submit updated technical studies, including an updated subdivision plan concept, for circulation and review to identify and resolve any outstanding issues in advance of obtaining Official Plan designations. Staff indicated agreement with the request to reactivate the process recognizing that the secondary plan can be progressed, though not approved, while the Tributary 'C' Municipal Class EA issues are being resolved.

It was recognized that a significant amount of background work, including public consultation and presentation of land use alternatives, had been undertaken by Sifton. However, since the outcome of the Tributary 'C' Municipal Class EA Part II Order request cannot be pre-determined, final approval of the Secondary Plan and acceptance of subdivision applications within the area should be postponed, pending a satisfactory resolution of the EA.

It was also recognized the terms of reference that were previously presented to Committee and subsequently revised in 2007, required updating to reflect updated background information and current municipal policies. At the May 28, 2013 Planning and Environment Committee meeting, staff recommended that the terms of reference be brought forward to a public meeting at PEC and endorsed by Council, to ensure the Secondary Plan proceeds in accordance with established planning parameters.

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In accordance with the Council Resolution noted above, a revised draft terms of reference for the Riverbend South Secondary Plan has been prepared and submitted by Sifton Properties Limited (**see attached**). Notice of a public meeting to consider the revised draft terms of reference was given to all property owners within the boundaries of the Riverbend South planning area, and all property owners within 120 metres (394 ft.) of the boundaries. A copy of the draft terms of reference is posted on the City of London's website, as well as available for public viewing at the Byron Branch - London Public Library. To date there has been one written response, generally expressing concern about justification for more development, loss of agricultural land, and impact on wooded areas.

The draft terms of reference were also circulated internally and externally to various departments, agencies, and advisory committees, including the City's Environmental and Engineering Services Department, U.T.R.C.A., and school boards. Significant responses and comments received to the circulation have been summarized as follows:

Thames Valley District School Board

"The Thames Valley District School Board has been in contact with Maureen Zunti at Sifton Properties in November of 2012 regarding the potential need for a school block within the Riverbend Secondary Plan. Discussions were in regards to a 5 acre site adjacent to park space, or 8 acres if not. Our preference is for a 5 acre site with connection to park space. We have also indicated a preference for a corner block to insure suitable frontage for school bus drop off and parking. We would also prefer the block to be away from SWM ponds and wooded lots for safety reasons."

Union Gas

"Union has an NPS 12 high-pressure pipeline, located on easement, which runs on the east side of Westdel Bourne from the south side of the Thames River to the south side of Byron Baseline Rd. This pipeline continues on the south side of Baseline Rd to Wickerson Rd and is one of the major feeds into the City of London."

The easement that is in place between Union and the land owner states that: "without the prior written consent of the Grantee [Union Gas Limited], the Grantor [landowner] shall not excavate, drill, install, erect, or permit to be excavated, drilled, installed or erected in, on, over or through the said lands any pit, well foundation, pavement, building or other structure or installation."

*Furthermore, the Technical Standards and Safety Authority (TSSA) have created guidelines for development in the vicinity of oil and gas pipelines. A copy of the TSSA guideline is attached for your review. Depending upon the operating characteristics of a particular pipeline, these guidelines require an additional setback of 20 m to dwellings intended for human occupancy and an additional setback of 200 m to institutions where rapid evacuation may be difficult; these institutions include hospitals, nursing homes, penal institutions, and institutions for the physically and mentally handicapped. Although schools are not specifically mentioned in the TSSA guideline, consideration should be given to increasing the setback to 200 m for these structures as well. The NPS 12 high-pressure pipeline that is located along the east side of Westdel Bourne **does require** these additional setbacks to comply with the TSSA guideline."*

Upper Thames River Conservation Authority

"The Upper Thames River Conservation Authority (UTRCA) has reviewed the revised Terms of Reference for the Riverbend South Secondary Plan. As you may recall, we previously participated in this planning process and submitted comments on the Environmental Impact Study (EIS) on September 6, 2011 (enclosed). We appreciate receiving the notice regarding the re-commencement of this project and look forward to the opportunity to comment on the revised EIS which we hope addresses our concerns."

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Transportation Planning and Design Division – City of London

“The terms of reference for the transportation component study are similar to the requirements outlined in the original 2008 terms of reference. A transportation study was completed in 2010 based on the original 2008 ToR. Comments submitted regarding the 2010 study should be taken into consideration when the transportation study is updated to reflect current conditions and the impact of future land uses.”

Text changes have been incorporated and are highlighted within the attached terms of reference based on the responses received from Environmental and Parks Planning staff and the Environmental and Ecological Planning Advisory Committee (EEPAC) to the circulation, specifically Section 2.2 Natural Heritage Study, Section 2.6 Stormwater Management Study, and Section 2.9 Opportunities and Constraints Summary. Development Services staff are satisfied that the updated terms of reference will provide an appropriate framework to complete the Secondary Plan process in accordance with the requirements of the Official Plan.

CONCLUSION

The attached revised terms of reference are recommended for adoption to guide the preparation of the Riverbend South Secondary Plan and enable the process to proceed ahead.

PREPARED BY:	REVIEWED BY:
LARRY MOTTRAM, MCIP, RPP SENIOR PLANNER – DEVELOPMENT SERVICES	BRUCE HENRY MANAGER, DEVELOPMENT PLANNING
RECOMMENDED BY:	SUBMITTED BY:
TERRY GRAWAY, MCIP, RPP MANAGER, DEVELOPMENT SERVICES AND PLANNING LIAISON	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

July 12, 2013
GK/TG/BH/LM/lm
"Attach."

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