

Hearing Committee Meeting

Tuesday November 26, 2024 1:00pm – 1424 Clarke Road, London

Brian Petrie, Chair of the Hearing Committee, called the meeting to order at 1:02 pm on Tuesday November 26, 2024 at 1424 Clarke Road.

Members Present:

Sandy Levin
Paul Mitchell
Brian Petrie – Chair
Mark Schadenberg
Dean Trentowsky

Regrets: None

UTRCA Staff Present:

Jenna Allain – Manager of Environmental Planning and Regulations
Tracy Annett – General Manager
Joe Gordon – Regulations Coordinator
Jessica Schnaithmann – Land Use Regulations Officer
Christine Creighton – Planner II
Christie Kent – Planning Coordinator
Brent Verscheure – Manager, Lands, Facilities and Conservation Areas
Michelle Viglianti – Administrative Assistant – Recorder
Emily Chandler – Communications and Marketing Specialist – Audio Visual Equipment Operator

UTRCA Lawyer: Not present

1. Approval of Agenda

Mover: Paul Mitchell
Seconder: Mark Schadenberg
THAT the Hearing Committee approves the agenda.
Carried.

2. Declaration of Conflicts of Interest

The Chair inquired whether the members had any conflicts of interest to declare relating to this hearing.

3. Minutes of Previous Meeting

Mover: Sandy Levin

Seconder: Mark Schadenberg

THAT the Hearing Committee approves the minutes dated November 26, 2024.
Carried.

4. Business Arising from the Minutes

There was no business arising from the minutes.

5. Application #153-24

The Hearing for the consideration of application #153-24 was called to order at 1:02pm.

The Chair presented his opening remarks stating the Committee was to consider an application by 2796539 Ontario Inc. care of Farhad Noory of Royal Premier Developments, Application #153-24, to permit development within a riverine flood hazard associated with a river or stream valley and within an area regulated by the Upper Thames River Conservation Authority at 1310 Adelaide Street North and 795 Windermere Road in the City of London, Ontario.

Mover: Sandy Levin

Seconder: Paul Mitchell

RESOLVED to sit as a Hearing Committee to consider application #153-24 by 2796539 Ontario Inc. c/o Farhad Noory of Royal Premier Development to consider development within a riverine flood hazard associated with a river or stream valley and within an area regulated by the Upper Thames River Conservation Authority at 1310 Adelaide Street North and 795 Windermere Road in the City of London, Ontario.
Carried.

The following people were present to represent the applicant:

Farhad Noory – President, Royal Premiere Homes

(unknown) Noory – Operations, Royal Premiere Homes

Nick Djach – Strik, Baldinelli, Moniz Ltd.

Ryan Frouws – Strik, Baldinelli, Moniz Ltd.

Adam Spargo – Matrix Solutions Inc.

Joe Gordon, Regulations Coordinator, presented the UTRCA report to the Hearing Committee.

Nick Djach from Strik, Baldinelli, Moniz Ltd. presented materials on behalf of the applicant to the Hearing Committee.

The Chair asked UTRCA staff if they had clarifying questions for the applicants. There were none.

The Chair asked the applicants if they had clarifying questions for UTRCA staff. Farhad Noory posed several clarifying questions to UTRCA staff.

The Committee members asked questions of UTRCA staff and the applicants regarding their reports and presentations.

Moved: Dean Trentowsky

Seconded: Paul Mitchell

THAT the Hearing Committee go into deliberations.

Carried.

The Hearing Committee moved into deliberations at 2:28pm.

The Hearing Committee rose from deliberations at 3:43pm.

All those still present were invited to rejoin the meeting.

Mover: Sandy Levin

Secunder: Mark Schadenberg

THAT the Hearing Committee adjourn the Hearing for application #153-24.

Carried.

Mark Schadenberg left the meeting at 3:44pm.

The Chair reported the following decision and reasoning:

THAT Application #153-24 for the proposed development activity within a riverine flooding hazard regulated by the UTRCA at 1310 Adelaide Street North and 795 Windermere Road, City of London be refused for the following reasons:

1. The development is an intensification of the property as a whole, contrary to UTRCA Replacement Structures in the Floodway Policy 4.2.2.6 c) iii);
2. The development is located within a high risk floodway:
 - a) that would be rendered inaccessible to people and vehicles (ie. Safe Access) during times of flooding hazards, contrary to UTRCA Floodway and Riverine Flooding Hazard Policies 3.2.3.1(4) & 4.2.1(a) & 4.2.2(e) and PPS policy 3.1.2 c);
 - b) that results in an area of inundation that contains high points of land not subject to flooding, contrary to UTRCA Floodway Policy 3.2.3.1(2) and PPS policy 3.1.2 d);
3. The development includes activities that rely upon lands owned by the UTRCA and managed by the City of London under agreement (Flood Plain Acquisition Program). UTRCA land management staff do not support such proposed activities upon its lands for the purpose of facilitating private development on abutting properties,
4. The prior City of London Official Plan and Zoning Bylaw amendment (OZ-8709)

to permit the proposed land uses was not supported by UTRCA; and

5. Therefore, the development activity will likely create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property.

6. Adjournment

There being no further business to discuss, the meeting was adjourned at 3:48pm on a motion by Paul Mitchell.

Tracy Annett, General Manager
/mv