



"Inspiring a Healthy Environment"

September 15, 2023

City of London – Planning Services
P.O. Box 5035
London, Ontario N6A 4L9

Attention: Brandon Coveney (via e-mail)

**Re: Application to Amend the Official Plan and Zoning By-law File No. OZ-9651
Increasing the Number of Additional Residential Units
Applicant: The Corporation of the City of London**

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 AND PROPOSAL

As a result of changes to the *Planning Act* in 2020, the City of London was required to previously update both its' Official Plan and Zoning By-law to be consistent with the Additional Residential Unit (ARU) policies of the Province. The UTRCA was consulted on the proposed changes and provided comments at that time (OZ-9176). Upon approval of the previous application, the City currently has policy in place which permits a maximum of two (2) additional residential units per lot; including a maximum of one (1) additional residential unit in an accessory/ancillary structure.

As a result of recently modified Provincial policy, the City is proposing another Municipal-wide amendment to further support objectives related to housing supply and affordability. Council has directed City Staff to prepare these amendments to permit up to four (4) residential units wherever a zone permits single detached, semi-detached, or street townhouse dwelling. This Council directive requires that the Official Plan and Zoning By-law permit three (3) additional residential units on a property containing any of the abovementioned housing types, with one (1) of those units permitted within an accessory/ancillary structure.

The proposed amendments include:

- Amending policy 942 #1 of *The London Plan* to:
 - Modify language to increase the number of additional residential units permitted to three (3) units per lot.
- Amending Section 4.37.2 of *Zoning By-law Z.-1* to:
 - Modify language to increase the number of additional residential units permitted to three (3) units perlot, including a maximum of (1) additional residential unit within an accessory or ancillary structure.

CONSERVATION AUTHORITIES ACT - Section 28 Regulations - Ontario Regulation 157/06

Numerous properties within the City of London **are** regulated by the UTRCA in accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the *Conservation Authorities Act*.

The UTRCA has jurisdiction over lands within the regulated area and may require 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. Further, the *Conservation Authorities Act* provides a definition of “*development*” which means:

- (a) *the construction, reconstruction, erection or placing of a building or structure of any kind,*
- (b) *any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or **increasing the number of dwelling units** in the building or structure,*
- (c) *site grading, or*
- (d) *the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere;*

DRINKING WATER SOURCE PROTECTION – Clean Water Act

For policies, mapping and further information pertaining to drinking water source protection; please refer to the approved Source Protection Plan at:

<https://www.sourcewaterprotection.on.ca/approved-source-protection-plan/>

COMMENTS AND RECOMMENDATION

The UTRCA has reviewed the City of London’s proposed amendments in comparison to the existing policies of the London Plan and provisions of the Zoning By-law Z.-1. While we have **no objections** to the amendments as proposed, we offer the following comments/recommendations:

1. Policy 942 #4 provides a value for maximum gross floor area of an additional residential unit. Please clarify how the proposed changes will be implemented into this policy for accessory dwelling units.
2. Policy 942 #12 states the new additional residential units shall not be located in a floodplain as regulated by the conservation area having jurisdiction for that area, unless permitted through a special policy area as described in the Natural and Human Made Hazards policies. Please ensure the policy addresses no additional dwelling units within the flood plain or other natural hazard lands. This should include the conversion of an existing accessory structure into a dwelling unit.
3. Policy 949 advises that site plan approval is not required for additional residential units within existing structures and converted dwellings. Please refer to comment #2 and clarify how this policy will be changed to address existing accessory structure conversions. Furthermore, please ensure that UTRCA regulatory requirements are met through the building permit review for property located within natural hazard lands.
4. Section 4.37 of Z.-1 outlines regulations for Additional Residential Units. Please ensure this section does not permit additional residential units within natural hazard lands of existing and new buildings/structures as this is not currently specified.
5. It is important to note that properties affected by natural hazards may not necessarily be zoned to reflect the natural hazard and it is therefore not sufficient to rely on the residential zoning as a test for allowing additional residential units as-of-right.

The UTRCA and the City of London have policies in place to limit intensification in specific areas and it will be necessary to incorporate appropriate provisions in the Additional Residential Units policies to ensure that

these policies are not contrary to existing policies and that they are consistent with Provincial, UTRCA and City natural hazards policies.

Once available, the UTRCA would appreciate an opportunity to review the wording of the proposed changes.

Thank you for the opportunity to comment.

Yours truly,
UPPER THAMES RIVER CONSERVATION AUTHORITY

A handwritten signature in black ink, reading "Aisling Laverty". The signature is written in a cursive, flowing style with a long, sweeping tail on the final letter.

Aisling Laverty
Land Use Planner I

c.c.: Mike Corby, City of London
Christine Creighton, UTRCA
Stefanie Pratt, UTRCA