

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Brock Development Group Inc. (c/o Michelle Doornbosch)
2598 - 2624 Woodhull Road
City File: Z-9673, Ward 9
Public Participation Meeting

Date: January 9, 2024

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Brock Development Group Inc. (c/o Michelle Doornbosch) relating to the property located at 2598-2624 Woodhull Road:

- (a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on January 23, 2024, to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, The London Plan, to change the zoning of the subject property **FROM** an Agricultural (AG2) Zone, holding Agricultural (h-4*AG2) Zone and holding Open Space (h-2*OS4) Zone **TO** an Agricultural Special Provision (AG2(_)) Zone, holding Agricultural Special Provision (h-4*AG2(_)) Zone and holding Open Space (h-2*OS4) at 2598 Woodhull Road and an Agricultural Special Provision (AG2(_)) Zone and Open Space (OS5) Zone at 2624 Woodhull Road and a portion of 2598 Woodhull Road.

IT BEING NOTED that the above noted amendment is being recommended for the following reasons:

- i. The recommended amendment is consistent with the Provincial Policy Statement, 2020.
- ii. The recommended amendment conforms to the policies of The London Plan, including, but not limited to, the Key Directions and Farmland and Green Space Place Type policies.
- iii. The recommended amendment is intended to support a conditionally approved consent to sever application given the identified lands are constrained for viable agricultural use.
- iv. The recommended amendment is not intended to impact the character of the agricultural area. The proposed use will co-exist in harmony with the adjacent land uses and considers the long-term protection of natural heritage resources, the long-term compatibility of uses and does not create a net increase in the number of buildable lots.

Executive Summary

Summary of Request

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the subject site from an Agricultural (AG2) Zone, holding Agricultural (h-4*AG2) Zone and holding Open Space (h-2*OS4) Zone to an Agricultural Special Provision (AG2(_)) Zone, holding Agricultural Special Provision (h-4*AG2(_)) Zone and holding Open Space (h-2*OS4) at 2598 Woodhull Road and an Agricultural Special Provision (AG2(_)) Zone and Open Space (OS5) Zone at 2624 Woodhull Road and a portion of 2598 Woodhull Road.

Purpose and the Effect of Recommended Action

The recommended action will permit a single detached dwelling as a permitted use where farm dwellings are currently the only permitted dwelling type. Special provisions are required to reflect the current site conditions and will allow for the development of the proposed single detached dwelling, which is proposed to be oriented towards and accessed from Woodhull Road. The existing dwelling at 2598 Woodhull Road and the rear portion of the subject lands currently zoned as Open Space (OS4) will remain unchanged.

Linkage to the Corporate Strategic Plan

This recommendation supports the following Strategic Areas of Focus:

1. **Climate Action and Sustainable Growth** by ensuring waterways, wetlands, watersheds, and natural areas are protected and enhanced.
2. **Climate Action and Sustainable Growth** by ensuring London is more resilient and better prepared for the impacts of a changing climate.
3. **Housing and Homelessness** by protecting natural heritage areas and agricultural areas for the needs of Londoners now and into the future.

Analysis

1.0 Background Information

1.1 Planning History

B.008/21 – Consent application seeking a lot adjustment of approximately 1,887.7m² from 2598 Woodhull Road to consolidate with the abutting property to the south (2624 Woodhull Road) for the purpose of constructing a future single detached non-agricultural dwelling, and to retain approximately 9,319.1m² for the purpose of maintaining the existing single detached non-agricultural dwelling. The application was initially refused at the Committee of Adjustment but approved through an Ontario Lands Tribunal Appeal with the condition that a Zoning By-law Amendment be undertaken to allow for the comprehensive review of the subject lands.

1.2 Property Description and Location

The subject lands, municipally known as 2598-2624 Woodhull Road, are located in the Woodhull Planning District on the east side of Woodhull Road. The lands have a total area of approximately 0.52 hectares with a combined lot frontage of approximately 119.6 metres along Woodhull Road. 2598 Woodhull Road currently contains a single detached dwelling and detached garage, while 2624 Woodhull Road is currently vacant. Both properties are also partially zoned Open Space (OS4) to recognize and protect the on-site natural heritage features on the east side of the lots. The subject lands are also within the UTRCA regulatory area. The surrounding neighbourhood consists of a mix of agricultural uses, low-density residential uses, and open spaces.

1.3 Site Statistics

- Current Land Use – Single Detached Dwelling/ Vacant
- Frontage – 119.6 metres
- Area – 5,200 metres square (0.52 hectares)
- Shape – Rectangular
- Located within the Built Area Boundary: No
- Located within the Primary Transit Area: No

1.4 Surrounding Land Uses

- North – Agriculture; Open Space; Rural Residential
- East – Open Space
- South – Agriculture; Open Space
- West – Agriculture; Environmental Review

1.4.1 Existing Planning Information

- The London Plan – Farmland and Open Space Place Types fronting a Rural Connector
- Existing Zoning – Agricultural (AG2), holding Agricultural (h-4*AG2) and holding Open Space (h-2*OS4) Zone

Additional site information and context is provided in Appendix B.



Figure 1. Aerial Photo of 2598-2624 Woodhull Road and surrounding lands.

2.0 Discussion and Considerations

2.1 Development Proposal

In November 2023, the City accepted a complete zoning by-law amendment application to develop the subject lands for a low-density residential use. The development proposal is comprised of one single detached dwelling with a maximum height of 12.0 metres. The dwelling will be oriented towards and accessed from Woodhull Road. The rear portion of the subject lands currently zoned as Open Space (OS4) will remain unchanged.

The application included a conceptual site plan, showing the conditionally approved parcel and the proposed development, shown below as Figure 2.

The proposed development includes the following features:

- Land use: Residential
- Form: Single detached dwelling
- Height: 12.0 metres
- Residential units: 1 unit
- Building coverage: 24%

Additional proposal information and context is provided in Appendix B and C.

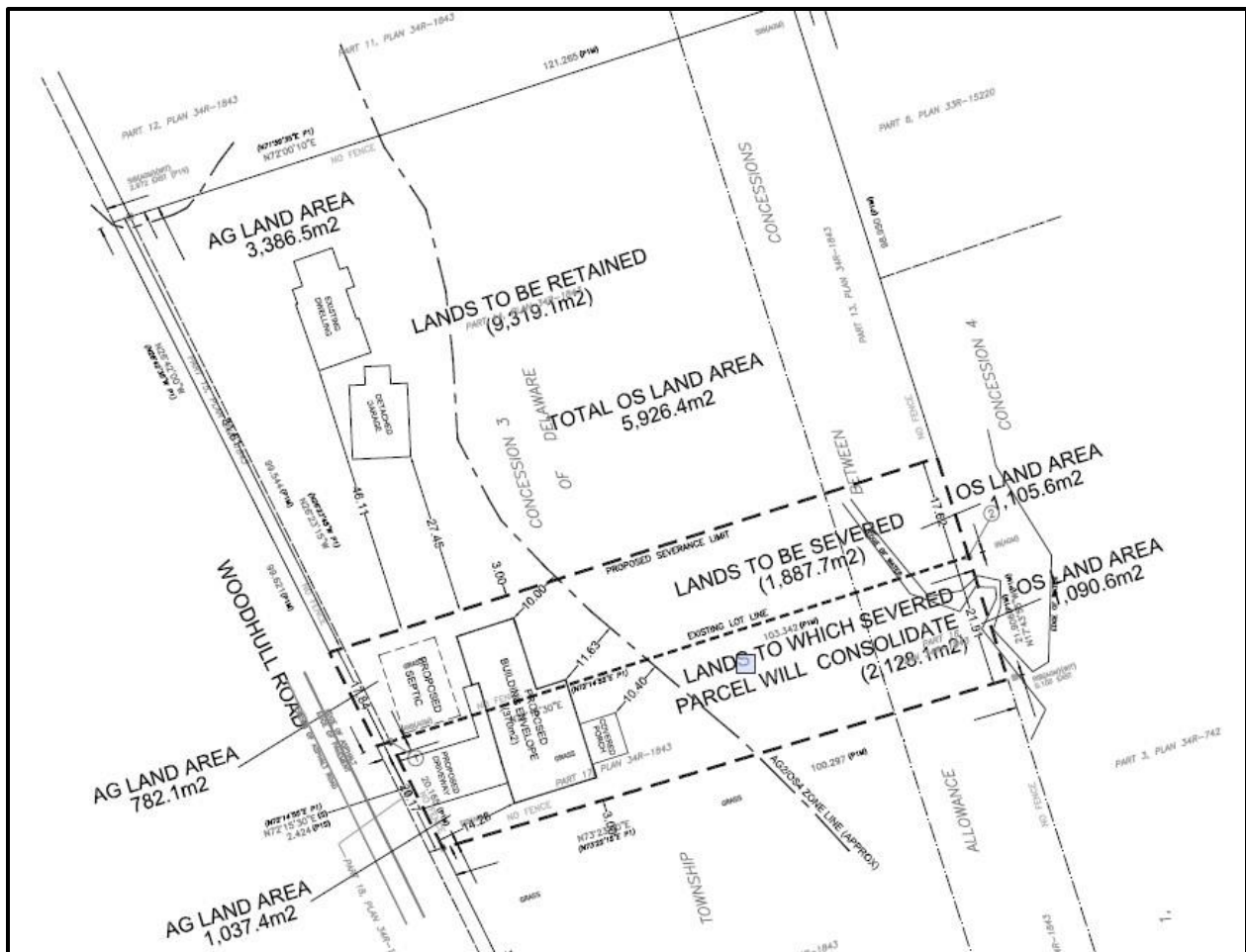


Figure 2. Concept Site Plan

2.2 Requested Amendment

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the subject site FROM an Agricultural (AG2) Zone, holding Agricultural (h-4*AG2) Zone and holding Open Space (h-2*OS4) Zone TO an Agricultural Special Provision (AG2(_)) Zone, holding Agricultural Special Provision (h-4*AG2(_)) Zone and holding Open Space (h-2*OS4) at 2598 Woodhull Road and an Agricultural Special Provision (AG2(_)) Zone and Open Space (OS5) Zone at 2624 Woodhull Road and a portion of 2598 Woodhull Road.

The following table summarizes the special provisions that have been proposed by the applicant and those that are being recommended by staff.

Regulation (AG2) – 2624 Woodhull Road	Required	Proposed/Recommended
Lot Frontage (minimum)	300 metres	38.0 metres
Lot Area (minimum)	30 hectares	0.18 hectares
Front Yard Depth (minimum)	30.0 metres	14.0 metres
Interior Side Yard Depth (minimum)	30.0 metres	3.0 metres
Rear Yard Depth (minimum)	30.0 metres	1.0 metres
Lot Coverage (maximum)	10%	24%
Additional Permitted Uses		Single detached dwellings
Regulation (AG2) – 2598 Woodhull Road	Required	Proposed
Lot Frontage (minimum)	300 metres	81.6 metres
Lot Area (minimum)	30 hectares	0.34 hectares
South Interior Side Yard Depth (minimum)	30.0 metres	27.4 metres

2.3 Public Engagement

On November 6, 2023, Notice of Planning Application and Notice of Public Meeting was sent to 11 property owners and residents in the surrounding area. Notice of Application

was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on Thursday, November 9, 2022. A “Planning Application” sign was also placed on the site.

There were six responses received during the public consultation period.

Key issues identified by the public included expressed concerns related to:

- Consent approval generally
- Servicing the site
- Intensity of special provisions
- Neighbourhood character
- Access and vehicle safety
- Environmental and agricultural impacts

Detailed public comments are included in Appendix D of this report.

2.4 Internal and Agency Comments

The application and associated materials were circulated for internal comments and public agencies to review. Comments received were considered in the review of this application and are addressed in Section 4.0 of this report.

Key issues identified by staff and agencies include:

- The site is located outside of the Urban Growth Boundary and there are no municipal services available to service this site. Staff determined that services can be addressed through the clearance of conditions for the related consent application.
- The EIS proposed a 0m buffer after the dripline was surveyed. City Ecology staff is not supportive of no ecological buffer to the proposed development and recommends revising the buffer to extend to the erosion hazard limit as indicated in the previous comments. Further analysis is provided under section 4.4 of this report.
- If boundary markers are to be implemented as recommended in the EIS, they should be located at the edge of the ecological buffer and not the edge of the significant woodland.

Detailed internal and agency comments are included in Appendix E of this report.

2.5 Policy Context

2.5.1 The Planning Act and the Provincial Policy Statement, 2020

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the *Provincial Policy Statement, 2020* (PPS). The *Planning Act* requires that all municipal land use decisions affecting planning matters shall be consistent with the *PPS*.

The mechanism for implementing Provincial policies is through the Official Plan, The London Plan. Through the preparation, adoption, and subsequent Ontario Land Tribunal (OLT) approval of The London Plan, the City of London has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest are reviewed and discussed in The London Plan analysis below. As the application for a Zoning By-law amendment complies with The London Plan, it is staff’s opinion that the application is consistent with the *Planning Act* and the *PPS*.

Section 2.3 of the *PPS* identifies prime agricultural areas to be protected for long-term agricultural uses. Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons. The consolidated lot is limited to the minimum size required to support the development of the single detached dwelling with private services, without impacting the retained parcel. Both the consolidated lot and retained lands are not used

for agricultural purposes due to their limited size and location between a natural heritage feature and the road. The proposed zoning by-law amendment will facilitate the lot adjustment resulting in the future development of a single detached dwelling.

Rural Areas are considered important to the economic success of the province and to our quality of life. Land use patterns within rural areas shall be carefully planned so as to encourage healthy, integrated and viable growth through; (1) building upon the existing rural character, (2) promoting regeneration, (3) accommodating a mix of housing, (4) encouraging the conservation and redevelopment of existing rural housing stock, and (5) utilizing rural infrastructure and public services efficiently (1.1.4.1) Permitted uses on rural lands located in municipalities also include residential development, including lot creation, that is locally appropriate for the context of the site (1.1.5.2).

Section 2.3 of the PPS also identifies natural features and areas to be protected for the long-term. Development and site alterations in significant natural areas shall not be permitted unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions (2.1.5). Based on the scientific findings of the Environmental Impact Study an extension of the existing open space zone is recommended along the subject land's erosion hazard limit to buffer the development from the identified natural features. To ensure the continued protection of the natural heritage feature Staff is recommending that these lands be rezoned to a more restrictive Open Space (OS5) zone.

The recommended amendment is consistent with the vision and goals of the PPS 2020 for rural and natural areas and is not anticipated to have a negative impact on the healthy, integrated, or viable growth of the property.

2.5.2 The London Plan, 2016

The London Plan (TLP) includes evaluation criteria for all planning and development applications with respect to use, intensity and form, as well as with consideration of the following (TLP 1577-1579):

1. Consistency with the *Provincial Policy Statement* and all applicable legislation.
2. Conformity with the Our City, Our Strategy, City Building, and Environmental policies.
3. Conformity with the Place Type policies.
4. Consideration of applicable guideline documents.
5. The availability of municipal services.
6. Potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated.
7. The degree to which the proposal fits within its existing and planned context.

Staff are of the opinion that all the above criteria have been satisfied.

3.0 Financial Impact/ Considerations

3.1 Financial Impact

There are no direct municipal financial expenditures with this application.

3.2 Climate Emergency

On April 23, 2019, Council declared a Climate Emergency. Through this declaration the City is committed to reducing and mitigating climate change. Details on the characteristics of the proposed application related to the City's climate action objectives are included in Appendix C of this report.

4.0 Key Issues and Considerations

4.1 Land Use

The proposed residential use is supported by the policies of the *Provincial Policy*

Statement, 2020 (PPS) and contemplated in the Farmland Place Type. Residential dwellings may be permitted on existing lots of record subject to a zoning by-law amendment, provided it does not create conflicts with farming operations, and is subject to an environmental impact study if adjacent to any natural heritage feature (TLP 1190_). 2624 Woodhull Road is an existing lot of record, consolidating with a portion of 2598 Woodhull Road to increase the lot to the minimum size required to support the development of the single detached dwelling with private services.

In this case, neither of the existing lots of record at 2598 nor 2624 Woodhull Road, nor the abutting property to the south, are considered viable for agricultural purposes due to onsite natural heritage features and the size of the lots. Although the property across the road has a functioning agricultural use, no conflicts with farming operations are anticipated because of the additional separation, of roughly 20 metres, that Woodhull Road provides.

Furthermore, prior to the consent for lot adjustment (B.008/21) being finalized, it is a requirement that the Zoning By-law Amendment be approved to allow the proposed single detached dwelling to be considered a permitted use on the subject lands and ensure its compatibility with surrounding land uses (TLP 1704_10).

The rear portion of the subject lands are located within the Greenspace Place Type in The London Plan. The Greenspace Place Type in conjunction with the Plan's Environmental Policies are intended to protect and conserve our natural areas and their delicate ecosystems, keep development an appropriate distance from our hazard lands, and offer a variety of parks that contribute significantly to the quality of life for Londoners (TLP 759_). The existing open space (zoned) lands are proposed to expand and be rezoned to a more restrictive open space zone to provide an increased buffer on the site and better protect and conserve the natural features. This aligns with the environmental policies of The London Plan which states that where natural areas that are within the Green Space Place Type represent significant natural features and ecological functions, that in addition to the protection provided by their inclusion in the Green Space Place Type, additional measures to provide for their protection and rehabilitation are considered necessary (TLP 1315_).

4.2 Intensity

The proposed residential intensity is consistent with the policies of the *PPS* and with the Farmlands Place Type in The London Plan which states that residential dwellings may be permitted on existing lots of record subject to a zoning by-law amendment provided it does not create conflicts with farming operations and subject to an environmental impact study if adjacent to any natural heritage feature (TLP 1190_; 1193_). Farm parcels must also be established at a minimum size of 40 hectares as per the intent of The London Plan for existing farmland lots (TLP 1215_2). In this case, neither of the existing lots of record at 2598 nor 2624 Woodhull Road are 40-hectares and are considered viable for agricultural purposes due to onsite natural heritage features. The consent for lot adjustment will effectively increase the size of 2624 Woodhull Road while minimally reducing the size of 2598 Woodhull Road to permit a single detached dwelling on both properties.

As a result of the lot adjustment special provisions to recognize the reduced lot sizes and frontages are required to permit the proposed development.

4.3 Form

The proposed built form is generally consistent with the Farmland Place Types which directs development to be located toward the street to minimize the impact on the amount of land that is agriculturally viable for production (TLP 1216_). The proposed built form is also consistent with the City Design policies in The London Plan by facilitating a development that is designed to be a good fit and compatible within its context (TLP 193_2). The proposed built form is comparable in size and location to abutting properties along Woodhull Road. The proposed location is also situated with sufficient buffers based on the scientific findings of the Environmental Impact Study to the identified natural heritage features mitigating for the adverse impacts of the development on the natural heritage features and vice versa.

4.4 Natural Heritage Features

The Greenspace Place Type in conjunction with the Plan's Environmental Policies is intended to protect and conserve our natural areas and their delicate ecosystems, keep development an appropriate distance from our hazard lands, and offer a variety of parks that contribute significantly to the quality of life for Londoners (TLP 759_). The Green Space Place Type will be implemented by such planning initiatives as providing for the protection of natural heritage features and areas which have been identified, studied, and recognized by City Council as being of city-wide or regional significance, and/or by the Ministry of Natural Resources and Forestry as provincially significant (TLP 761_7). Based on the scientific findings of the Environmental Impact Study, it was determined that additional buffering and protection of the identified natural heritage feature was required. The existing open space (zoned) lands are proposed to be expanded upon by roughly 10.0 metres (which includes the entirety of the significant woodland and roughly a 5.0 metre buffer) to ensure appropriating buffering to the natural heritage features and to protect the proposed development from potential soil erosion. The expansion of the open space lands ensures the zoning line is located at the edge of the ecological buffer which includes the entirety of the significant woodland where the previous zone line did not.

In accordance with the PPS, development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions (2.1.8). To restrict the potential for development and site alterations in the open space (zoned) lands, the natural heritage feature is being rezoned to a more restrictive open space zone, the OS5 zone. Minimal uses such as conservation lands, conservation works, managed woodlots and passive recreation uses, including hiking trails and multi-use pathways are permitted.

As the Environmental Impact Study was scoped to include the existing and future lands of 2624 Woodhull Road only, the existing Open Space (OS4) zone and environmental based holding provisions will remain in place on the retained lands at 2598 Woodhull Road until such time as the natural heritage features are evaluated.



Figure 3. Concept Site Plan identifying the natural heritage feature and required buffer.

4.5 Zoning

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the subject site from an Agricultural (AG2) Zone, holding Agricultural (h-4*AG2) Zone and holding Open Space (h-2*OS4) Zone to an Agricultural Special Provision (AG2(_)) Zone,

holding Agricultural Special Provision (h-4*AG2(_)) Zone and holding Open Space (h-2*OS4) at 2598 Woodhull Road and an Agricultural Special Provision (AG2(_)) Zone and Open Space (OS5) Zone at 2624 Woodhull Road and a portion of 2598 Woodhull Road. The following summarizes the special provisions that have been proposed by the applicant and those that are being recommended by staff.

In accordance with The London Plan, as the use of lands, buildings, and structures at 2598 Woodhull Road did not comply with the Zoning By-law but were lawfully used for such purpose prior to the approval of the Zoning By-law, the existing use and site conditions can be recognized as legal non-conforming in accordance with the Planning Act (TLP, 1665_). As a result of the consent to sever, special provisions are required to recognize the new lot area, lot frontage and south interior side yard. No additional special provisions are required.

A minimum frontage of 38.0 metres (2624 Woodhull Road) and 81.6 metres (2598 Woodhull Road).

The intent of regulating minimum lot frontages is to ensure lots are adequately sized and shaped to support the intended use of the lands. In this case, neither of the existing lots of record at 2598 nor 2624 Woodhull Road had a required lot frontage of 300 metres prior to the conditionally approved consent for lot adjustment. The consent for lot adjustment will effectively increase the frontage of 2624 Woodhull Road, permitting a larger property width that can better accommodate the development of the proposed single detached dwelling. Additionally, single detached dwellings are being added as an additional use on the subject lands which do not require as large of a lot frontage as the uses permitted within the Agricultural zone on the site. For reference, the single detached dwellings zoned Residential R1 (R1-11) along Elviage drive, in close proximity to the subject lands, only require a lot frontage of 24.0 metres to support a single detached dwelling.

A minimum lot area of 0.18 hectares (2624 Woodhull Road) and 0.34 hectares (2598 Woodhull Road).

The intent of regulating minimum lot areas in agricultural zones is to ensure that there is an appropriate amount of land to facilitate the permitted uses. In this case, neither of the existing lots of record at 2598 nor 2624 Woodhull Road were 40-hectares prior to the conditional approved consent for lot adjustment. The consent for lot adjustment will effectively increase the lot size of 2624 Woodhull Road, improving the quality and quantity of lands available on this site, while minimally reducing the size of 2598 Woodhull Road. Additionally, single detached dwellings are being added as an additional use on the subject lands which do not require as large of a lot area as the uses permitted within the Agricultural zone on the site. For reference, the single detached dwellings zoned Residential R1 (R1-11) along Elviage drive, in close proximity to the subject lands, only require a lot area of 1390 square metres (or 0.14 hectares) to support a single detached dwelling. Furthermore, the reduced minimum lot area refers specifically to the area zoned as Agriculture (AG2) whereas the total lot areas, including the Open Space zone, is much larger. Accounting for the Open Space zoned lands the total lot area of 2624 Woodhull Road is 0.4 hectares, and the total lot area of 2598 Woodhull Road is 0.93 hectares.

A minimum front yard depth of 14.0 metres (2624 Woodhull Road).

The intent of a front yard depth is to ensure sufficient space between the buildings and front lot line to accommodate all site functions while also taking into consideration Minimum Distance Separation (MDS I) requirements. In this case, the reduced front yard depth will help situate the proposed development an appropriate distance from the street to minimize the impact of the single detached dwelling on the natural features as well as to situate the dwelling outside of the erosion hazard lands. Note, it is the responsibility of the property owners to ensure compliance with the Minimum Distance Separation (MDS I) requirements and that private services can be effectively provided within the front yard depth during the building permit stage.

A minimum interior side yard depth of 3.0 metres (2624 Woodhull Road) and minimum south interior side yard depth of 27.4 metres (2598 Woodhull Road).

The intent of interior side yard setbacks is to provide adequate separation and to mitigate potential impacts between the proposed development and adjacent properties. In the agricultural (AG2) zones in particular, side yard setbacks are larger to ensure sufficient setbacks are provided to facilitate the permitted uses, including livestock facilities that are subject to the Minimum Distance Separation (MDS I) requirements. In this case, neither the subject lands at 2598 nor 2624 Woodhull Road nor the abutting property at 2648 Woodhull Road have or are proposing uses other than single detached dwellings. The existence of natural heritage features also limits the sites capacity to accommodate agricultural type uses while meeting the Minimum Distance Separation (MDS I) requirements. Additionally, single detached dwellings are being added as an additional use on the subject lands which do not require as large interior side yard setbacks.

Furthermore, regarding the reduced south interior side yard setback of 27.4 metres for 2598 Woodhull Road this is recognizing the setback from the new property line. Prior to the consent for lot adjustment the property complied with the required south interior side yard depth. As a result of the consent application, the detached garage is situated slightly closer to the south property line than is permitted. No concerns with the reduced interior side yard setbacks from the adjacent properties was raised.

A minimum rear yard depth of 1.0 metres (2624 Woodhull Road).

The intent of a rear yard depth is to provide adequate separation and to mitigate potential impacts between the proposed development and adjacent properties. In this case, the zoning line (the line that separates the Agriculture (AG2) zone and the Open Space (OS5) zone) acts as the line in which the rear yard depth is measured to rather than the typical rear property line. Initially a rear yard depth of 10.0 metres was proposed, however, as the existing open space (zoned) lands are being proposed to be expanded to ensure appropriating buffering to the natural heritage features and to protect the proposed development from potential soil erosion, the setback was effectively further reduced to 1.0 metres. It should also be noted that the setback is measured to the proposed covered porch whereas the main dwelling is situated at a larger setback to the zone line. Furthermore, as the open space lands have been expanded to provide for adequate buffering to the natural heritage features, Staff are satisfied that no adverse impacts to the natural heritage features are anticipated.

To permit a maximum lot coverage of 24 percent (2624 Woodhull Road).

The intent of regulating the maximum permitted lot coverage in the agricultural zone is to ensure structures remain subordinate to the main agricultural uses. In the agricultural (AG2) zone in particular, a maximum lot coverage of 10 percent is required (whereas other agricultural zones required a maximum lot coverage of 20 percent) to facilitate the permitted uses. In this case, the increased maximum lot coverage is a result of the reduced lot area based on the final zone line and is considered sufficient to accommodate the proposed single detached dwelling.

Conclusion

The applicant has requested an amendment to Zoning By-law Z.-1 to rezone the subject site from an Agricultural (AG2) Zone, holding Agricultural (h-4*AG2) Zone and holding Open Space (h-2*OS4) Zone to an Agricultural Special Provision (AG2(_)) Zone, holding Agricultural Special Provision (h-4*AG2(_)) Zone and holding Open Space (h-2*OS4) at 2598 Woodhull Road and an Agricultural Special Provision (AG2(_)) Zone and Open Space (OS5) Zone at 2624 Woodhull Road and a portion of 2598 Woodhull Road.

The recommended action is consistent with the *Provincial Policy Statement, 2020 (PPS)*, conforms to The London Plan and will permit the development of a single detached dwelling. The development will facilitate the development of the subject site while ensuring the protection and enhancement of on-site and adjacent natural areas.

Prepared by: **Michaella Hynes**
Planner, Planning Implementation

**Reviewed by: Mike Corby, MCIP, RPP
Manager, Planning Implementation**

**Recommended by: Heather McNeely, MCIP, RPP
Director, Planning and Development**

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

Copy: Britt O'Hagan, Manager, Current Development
Michael Pease, Manager, Site Plans
Brent Lambert, Manager, Development Engineering

Appendix A

Bill No. (number to be inserted by Clerk's Office)
2023

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 2598-2624 Woodhull Road.

WHEREAS Brock Development Group Inc. has applied to rezone an area of land located at 2598-2624 Woodhull Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

THEREFORE, the Municipal Council of The Corporation of the City of London enacts as follows:

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 2598-2624 Woodhull Road, as shown on the attached map comprising part of Key Map No. A105, from an Agricultural (AG2) Zone, holding Agricultural (h-4*AG2) Zone and holding Open Space (h-2*OS4) Zone TO an Agricultural Special Provision (AG2(_)) Zone, holding Agricultural Special Provision (h-4*AG2(_)) Zone and holding Open Space (h-2*OS4) at 2598 Woodhull Road and an Agricultural Special Provision (AG2(_)) Zone and Open Space (OS5) Zone at 2624 Woodhull Road and a portion of 2598 Woodhull Road.
- 2) Section Number 9.4 of the Agriculture (AG2) Zone is amended by adding the following Special Provisions:

AG2 (_) 2598 Woodhull Road

a) Regulations:

- | | |
|---|-------------------------|
| i) Lot Frontage (Minimum) | 81.6 metres |
| ii) Lot Area (Minimum) | 0.34 hectares |
| iii) South Interior Side Yard Depth (Minimum) | 27.4 metres (89.9 feet) |

AG2 (_) 2624 Woodhull Road

a) Additional Permitted Uses

- i) Single detached dwellings

b) Regulations:

- | | |
|--|-------------------------|
| i) Lot Frontage (Minimum) | 38.0 metres |
| ii) Lot Area (Minimum) | 0.18 hectares |
| iii) Front Yard Depth (Minimum) | 14.0 metres (45.9 feet) |
| iv) Interior Side Yard Depth (Minimum) | 3.0 metres (9.8 feet) |

- | | |
|---------------------------------------|-----------------------|
| v) Rear Yard Depth
(Minimum) | 1.0 metres (3.3 feet) |
| vi) Lot Coverage
(Maximum Percent) | 24% |

- 3) This Amendment shall come into effect in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

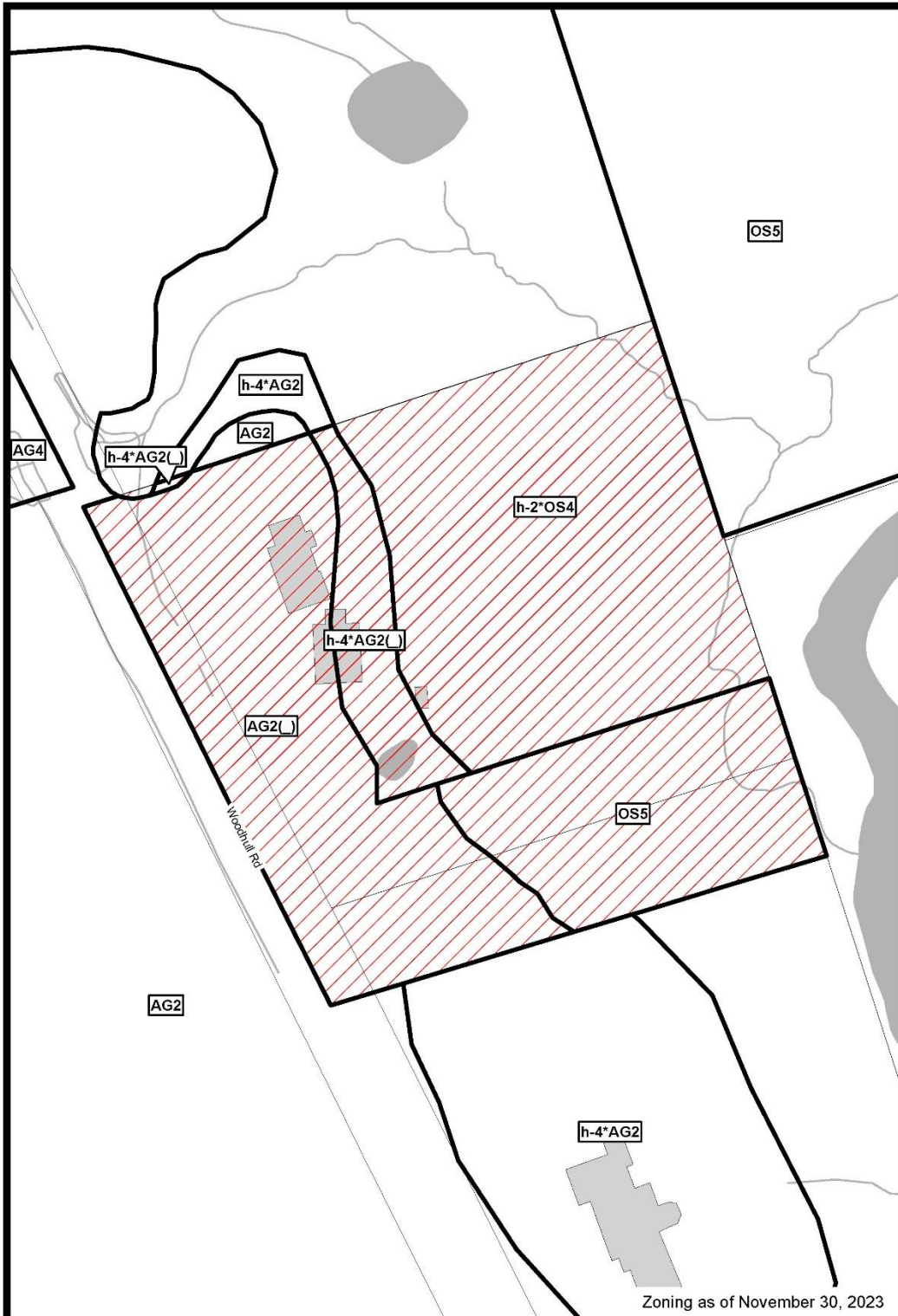
PASSED in Open Council on January 23, 2023, subject to the provisions of PART VI.1 of the *Municipal Act, 2001*.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – January 23, 2023
Second Reading – January 23, 2023
Third Reading – January 23, 2023

AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



File Number: Z-9673
Planner: MH
Date Prepared: 2023/12/11
Technician: RC
By-Law No: Z.-1-

SUBJECT SITE 

1:1,000

0 5 10 20 30 40
Meters



Appendix B - Site and Development Summary

A. Site Information and Context

Site Statistics

Current Land Use	Single Detached Dwelling/ Vacant
Frontage	119.6 metres
Area	5,200 metres square (0.52 hectares)
Shape	Rectangular
Within Built Area Boundary	No
Within Primary Transit Area	No

Surrounding Land Uses

North	Agriculture; Open Space; Rural Residential
East	Open Space
South	Agriculture; Open Space
West	Agriculture; Environmental Review

Proximity to Nearest Amenities

Major Intersection	Woodhull Road and Elviage Drive (300 metres)
Dedicated cycling infrastructure	N/A
London Transit stop	N/A
Public open space	N/A
Commercial area/use	N/A
Food store	N/A
Community/recreation amenity	N/A

B. Planning Information and Request

Current Planning Information

Current Place Type	Farmland and Open Space Place Types fronting a Rural Connector
Current Special Policies	N/A
Current Zoning	Agricultural (AG2), holding Agricultural (h-4*AG2) and holding Open Space (h-2*OS4) Zone

Requested Designation and Zone

Requested Place Type	N/A
Requested Special Policies	N/A
Requested Zoning	An Agricultural Special Provision (AG2(_)) Zone, holding Agricultural Special Provision (h-4*AG2(_)) Zone and holding Open Space (h-2*OS4) at 2598 Woodhull Road and an Agricultural Special Provision (AG2(_)) Zone and Open Space (OS5) Zone at 2624 Woodhull Road and a portion of 2598 Woodhull Road.

Requested Special Provisions

Regulation (AG2) – 2624 Woodhull Road	Required	Proposed
Lot Frontage (minimum)	300 metres	38.0 metres
Lot Area (minimum)	30 hectares	0.18 hectares
Front Yard Depth (minimum)	30.0 metres	14.0 metres
Interior Side Yard Depth (minimum)	30.0 metres	3.0 metres
Rear Yard Depth (minimum)	30.0 metres	1.0 metres
Lot Coverage (maximum)	10%	24%
Additional Permitted Uses		Single detached dwellings

Regulation (AG2) – 2624 Woodhull Road	Required	Proposed
Regulation (AG2) – 2598 Woodhull Road	Required	Proposed
Lot Frontage (minimum)	300 metres	81.6 metres
Lot Area (minimum)	30 hectares	0.34 hectares
South Interior Side Yard Depth (minimum)	30.0 metres	27.4 metres

C. Development Proposal Summary

Development Overview

The recommended action will permit a single detached dwelling as a permitted use where farm dwellings are currently the only permitted dwelling type.

Proposal Statistics

Land use	Residential
Form	Single detached dwelling
Height	12.0 metres
Residential units	1
Density	N/A
Gross floor area	N/A
Building coverage	24%
Landscape open space	N/A
Functional amenity space	Provided onsite
New use being added to the local community	No

Mobility

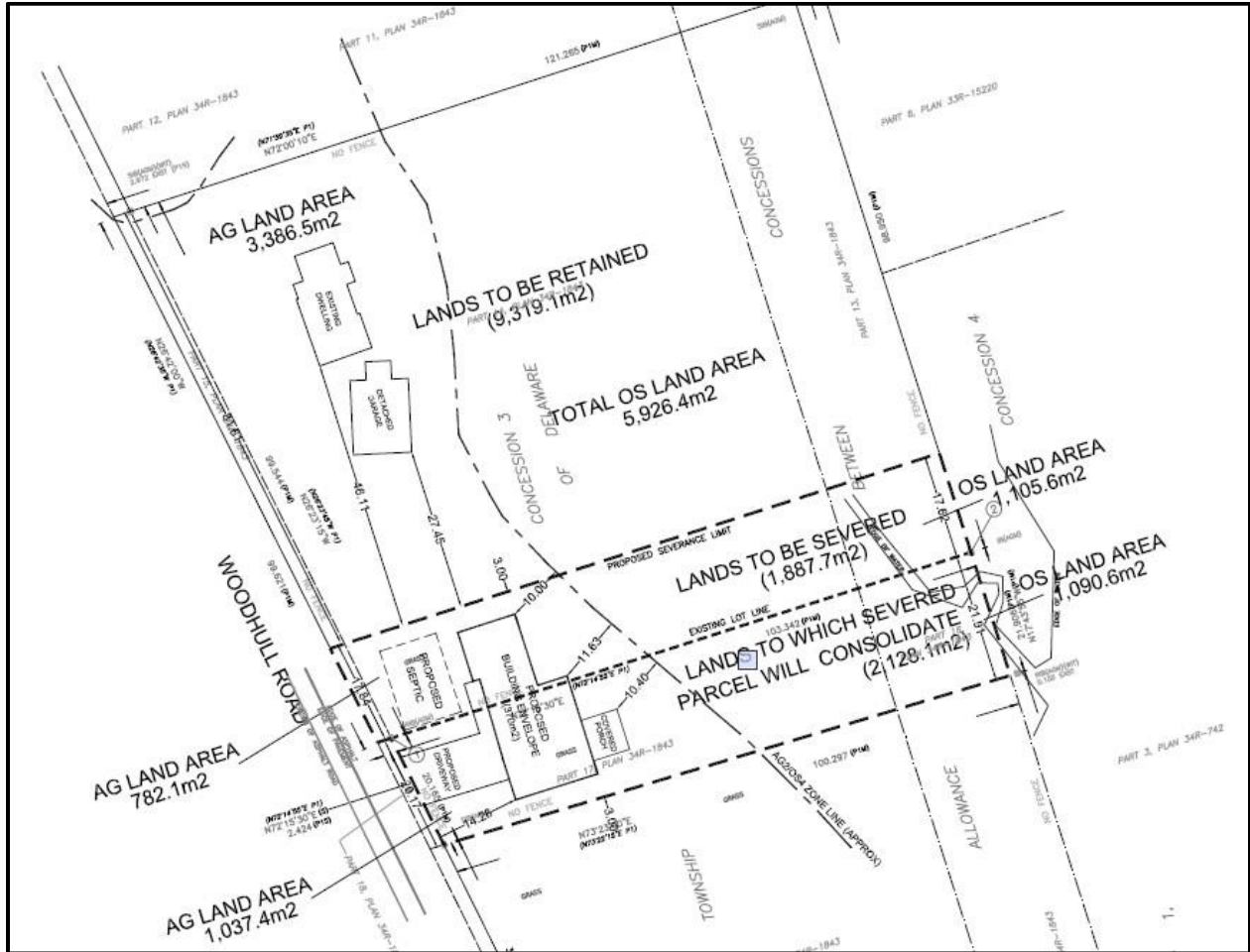
Parking spaces	4
Vehicle parking ratio	4 spaces/ unit
New electric vehicles charging stations	N/A
Secured bike parking spaces	N/A
Secured bike parking ratio	N/A
Completes gaps in the public sidewalk	N/A
Connection from the site to a public sidewalk	N/A
Connection from the site to a multi-use path	N/A

Environmental Impact

Tree removals	Yes
Tree plantings	Yes
Tree Protection Area	Yes
Loss of natural heritage features	No
Species at Risk Habitat loss	No
Minimum Environmental Management Guideline buffer met	No
Existing structures repurposed or reused	No
Green building features	Unknown

Appendix C – Additional Plans and Drawings

Concept Site Plan



Appendix D – Public Engagement

Community Engagement

Public liaison: On November 6, 2023, Notice of Planning Application and Notice of Public Meeting was sent to 11 property owners and residents in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on Thursday, November 9, 2022. A “Planning Application” sign was also placed on the site.

Nature of Liaison: The purpose and effect of this zoning change is to facilitate the development of a single detached dwelling. Possible change to the Zoning By-law Z.-1 FROM a holding Agricultural and Open Space (h-4*AG2/h-2*OS4) Zone TO an Agricultural Special Provision and Open Space (AG2(_)/OS4) Zone. Special Provisions for 2624 Woodhull Road include a reduced lot frontage of 38.0 metres whereas 300 metres is the minimum required; reduced lot area of 0.18 hectares whereas 30 hectares is the minimum required; reduced minimum front yard setback of 14.0 metres whereas 30.0 metres is required; reduced minimum interior side yard setbacks of 3.0 metres whereas 30.0 metres is required; reduced minimum rear yard setback of 10.0 metres whereas 30.0 metres is required; increased maximum lot coverage of 24% whereas 10% is the maximum permitted; and to permit single detached dwellings as an additional permitted use. Special Provisions for 2598 Woodhull Road include a reduced lot area of 0.34 hectares whereas 30 hectares is the minimum required. The City may also consider the use of holding provisions, and additional special provisions to facilitate the proposed development.

Public Responses: Six replies received.

Public Comment #1 – John Lean

Michaella

I am a resident and owner. I am in receipt of the notice of planning application regarding 2598-2624 Woodhull Rd.

The proposed application is an abuse of planning principles and would create a de facto subdivision of agricultural lands. This is contrary to provincial planning policy, especially in an area with no municipal water or sanitary services. The requested amendments to set-back provisions are extreme and out of character for the area.

Public Comment #2 – Mark and Ruth Rau

Hello Michaella,

We are emailing you with regard to proposed zoning bi-law amendment file number Z-9673 for 2598-2624 Woodhull Road, proposing a single detached dwelling with special provisions for lot frontage, lot area; minimum yard setbacks and maximum yard coverage.

Although we are not immediately impacted by the proposed amendment we are very much concerned that it could result in a “slippery-slope” for more zoning changes that would render this stretch of Woodhull Road as a residential area with the concomitant infrastructure, expansion and environmental effects that would accompany same. This is not what attracted us to this property in the first place and is not the way we wish to leave it when that time comes.

We therefore ask you to oppose this zoning bi-law amendment proposal at the next zone planning committee meeting scheduled for 9 January 2024.

Public Comment #3 – Ingrid, Monica, and Dr. Martin Betz

Attention Michaella Hynes:

Our family would like to submit a protest in regard to the proposed zoning by-law amendment at 2598-2624 Woodhull Road (File Z-9673). We live at one of the original farms on this stretch of the road, at that time known as Concession IV, Delaware Township.

When the area was designated a Green Zone, regulations were introduced to govern the severing of properties and the random building of houses. They recognized the unique natural features of the land (the hilly terrain, wooded areas, Dingman Creek and ravines) and were meant to preserve its rural and agricultural nature. They served also to protect - since we're all on wells out here - the capacity of the water table. The rules were strict but fair; no exceptions permitted.

Except perhaps for wildlife; for some years an endangered pair of bald eagles has been nesting in the ravine backing onto the properties in question. Not many cities the size of London have managed to preserve such a unique and flourishing green space within their boundaries. For that we can thank the zoning by-laws still currently in place.

Which makes what is now being proposed by the Brock Development Group all the more troubling. Everything about the requested amendments: lot size, frontage, distance of setback (note the placement of the septic tank, necessary because Woodhull does not have sewers) is at odds with the rural nature of neighbouring properties.

If London allows this ill-thought-out exception, how will it be able to turn down the next ones sure to follow? A copy of this protest is being sent to Ward 9 Councillor Anna Hopkins.

Thank you for giving this matter your attention.

Public Comment #4 – Kevin Gowanlock

November 20, 2023
Planning and Environment
Committee 6th Floor, City Hall,
300 Dufferin Ave London,
Ontario
N6A 2L9

Re: File: Z-9673

Dear Planning and Environment Committee,
I am writing to you with concerns regarding File: Z-9673

This application requests a zoning amendment to allow:

- A single detached dwelling
- Special provisions requested for lot frontage, lot area, minimum yard setbacks, maximum lot coverage, and to permit the proposed use.

Proposed Driveway Location

With regards to allowing a single detached dwelling on this property, should there not be concern for the safety of occupants exiting and entering the proposed driveway? I do not feel the City of London (City) has properly evaluated the planned location of the driveway for the proposed dwelling by Brock Development (Applicant).

Woodhull Road has seen a significant increase in traffic over the past few years as commuters find alternative routes from the busy Westdel Bourne Road to travel North and South. Even though the traffic speed is posted at 60 km/hr, this is far from the norm as cars drive much faster than the posted rate, closer to 80 km/hr.

In the area of this application, there is a significant and serious visibility issue concerning traffic line of sight due to the road grade elevation changes.

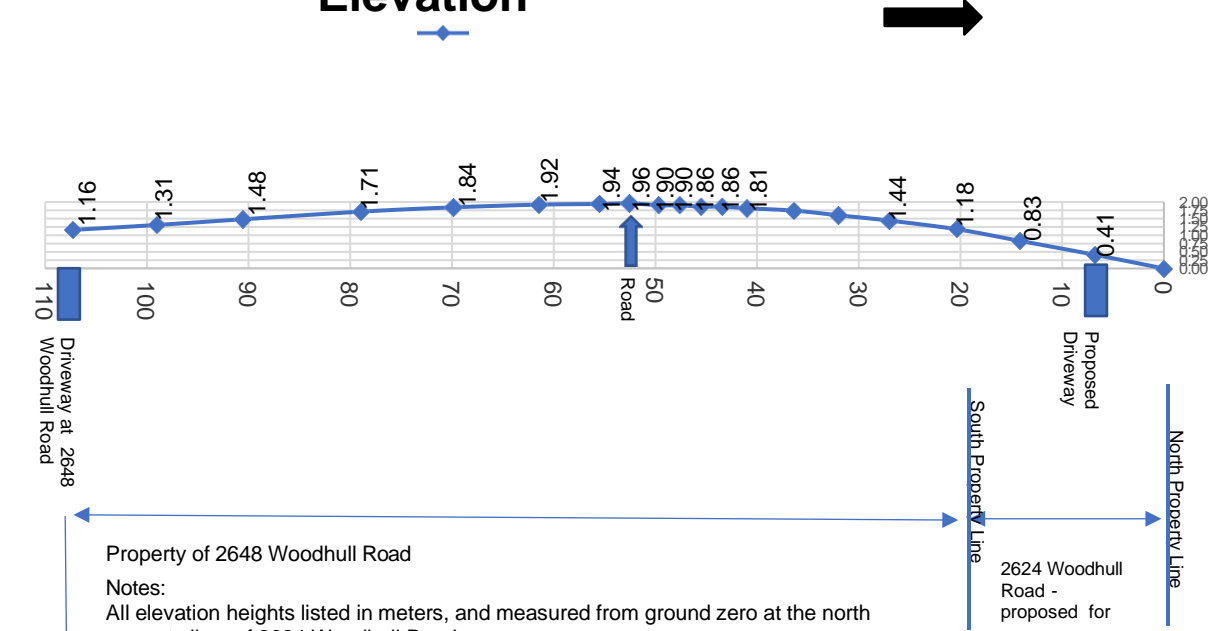
To the south of 2648 Woodhull, there is a gradual uphill grade, which peaks at approximately 200 feet to the North of the driveway at 2648. The road grade then rapidly descends as you proceed northward toward 2598. This road grade causes significant anxiety for the existing residences at 2648, 2649 and 2598 as they enter and exit their driveway. Traffic moving southbound cannot see the driveway or any vehicle exiting 2648 and 2649 until they move south of the peak, (approximately 200 feet north of the driveway at 2648) as the grade does not enable a line of sight for oncoming southbound vehicles. There was a car accident approximately 2 years ago involving a vehicle travelling southbound, colliding with another vehicle that was turning into the drive at 2648. The southbound vehicle could not stop in time. Fig. 3.1, Table 3.2, 3.3

My family and I have had numerous incidences leaving our driveway travelling southbound, where we pull out into the west lane, and a vehicle also traveling southbound comes speeding up over the hill right up behind us, they need to urgently brake to avoid colliding with us. This southbound traffic has approximately 200 feet to react to and avoid a collision. We are fortunate that we have a circle driveway, so we are never required to back out onto the street and when we exit southbound we do so with urgency. There is a "Hidden Driveway" sign at the bottom of the hill to the North for vehicles travelling southbound, but this warning has little to no effect on speeding cars.

The line of sight concern is a much more significant issue for those vehicles travelling northbound with any vehicle entering or exiting the applicant's proposed driveway location. The road peaks to the north of 2648 Woodhull (as noted earlier), but there is only about 125 feet of roadway to the proposed applicant's driveway, with an approximate 5 to 6 feet grade drop in elevation from the road peak. The grade changes in the roadway causes a complete loss of the line of sight for northbound vehicles with any vehicle entering or exiting from the proposed driveway until after northbound vehicles travels over the road crest.

Woodhull Road Change in Elevation

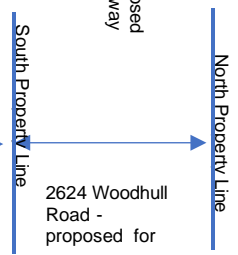
Fig. 1.74



Property of 2648 Woodhull Road

Notes:

All elevation heights listed in meters, and measured from ground zero at the north property line of 2624 Woodhull Road
 Proposed driveway center at 2624 Woodhull Road is approx. 45.75 m north of the peak of the road crest, 1.55 m elevation below the peak of the road crest.
 Center of driveway at 2648 Woodhull Road is approx. 54.72 m south of the peak of the road crest, .8 m elevation below the peak of the road crest.



Elevation between Driveways and Hill Peak

Table 3.2

Pt. 0 (m)	vs Pt. 0 (m)	Measurement Location
0.00	0.00	2624 Woodhull Road, North property line
6.78	0.41	Estimated proposed driveway location
14.15	0.83	
20.36	1.18	Property line between 2648 and 2624 Woodhull Road
27.00	1.44	
31.98	1.60	
36.32	1.74	
40.95	1.81	
43.49	1.86	
45.53	1.86	
47.60	1.90	
49.64	1.90	
52.53	1.96	Road peak on crest of hill
55.51	1.94	
61.43	1.92	
69.85	1.84	
78.93	1.71	
90.56	1.48	
98.97	1.31	
107.25	1.16	Driveway at 2648 Woodhull Road

Elevation difference between road peak and 2624 Woodhull Road driveway is 1.55 m (5') {1.96 m - .41 m} at a distance of 46 m (150 ft) {52.53 m - 6.78 m}

Elevation difference between road peak and 2648 Woodhull Road driveway is .8 m (2'7") {1.96 m - 1.16 m} at a distance of 55 m (180 ft) {107.25 m - 52.53 m}

Line of Sight Stopping Distance

Table 3.3

Pt. 0 (m)	vs Pt. 0 (m)	Measurement Location
0.00	0.00	2624 Woodhull Road, North property line
6.78	0.41	Estimated proposed driveway location
14.15	0.83	
20.36	1.18	Property line between 2648 and 2624 Woodhull Road
27.00	1.44	
31.98	1.60	
36.32	1.74	
40.95	1.81	
43.49	1.86	
45.53	1.86	
47.60	1.90	
49.64	1.90	
52.53	1.96	Road peak on crest of hill
55.51	1.94	
61.43	1.92	
69.85	1.84	
78.93	1.71	
90.56	1.48	
98.97	1.31	
107.25	1.16	Driveway at 2648 Woodhull Road

Approx. line of sight stopping distance for vehicles travelling southbound approaching the driveway at 2648 Woodhull Road. 86 m (282 ft)

Approx. line of sight stopping distance for vehicles travelling northbound approaching the proposed driveway at 2624 Woodhull Road. 68 m (224 ft)

Note: Line of sight stopping distance calculated using Transportation Association of Canada's Geometric Design Guide for Canadian Highways (TAC GDG) guidelines reference Section 3.3.3. using a driver's eye height of 1.08 meters and a tail light height of .6 m

To fully understand the seriousness of this hazard, I have included the stopping distance of a vehicle at different rate of speeds. There are numerous articles and studies with regards to stopping distances found through web searches, but for this calculation, I will refer to an article written by the Ottawa Safety Council. <https://www.ottawasafetycouncil.ca/stopping-distances-and-distracted-driving/>

Total Stopping Distance is a combination of Total Driver Reaction Time and Vehicle Braking Distance. Total Driver Reaction Time considers Perception Time (1.5 seconds) and Reaction Time (1.0 Seconds), for a total of 2.5 seconds for Total Reaction Time. At 60 km/hr, the reaction distance is approximately 43 meters (140 ft.). A driver distracted in any way will significantly increase this distance.

Vehicle Braking Distance is how much further a vehicle will travel once the driver has reacted, and the brakes have been applied. At 60 km/hr, the vehicle braking distance is approximately 45 meters. This may increase for many reasons, including the weight of the vehicle, conditions of the vehicle's tires, and as well road conditions, etc.

Applying this definition, the Total Stopping Distance of a car travelling 60 km/hour under ideal conditions is approximately 66 meters (216 feet). Total Stopping Distance would increase significantly at the more likely higher rate of speed of 80 km/hour on Woodhull Road.

Southbound Traffic

The road grade in the described area causes significant risks to the residence at 2648 and 2649 Woodhull Road from vehicles travelling southbound with 86 m (282 ft) line of sight.

Travel Speed (km/hr)	Line of Sight	Payment Conditions	Distance Required To Stop	Safely Stopped
60	86 m (282 ft)	Dry	66 m	Yes
60		Wet	84 m	Yes
80		Dry	99 m	No
80		Wet	134 m	No
Ref. Table C2-1 and Table C2-2				

With reference to the chart above, cars travelling southbound have the ability to stop safely at 60 km/hr on both dry and wet payment. At 80 km/hr, which is the normal speed on Woodhull Road, cars cannot stop safely under either condition.

Northbound Traffic

The road grade at the proposed driveway at 2624 Woodhull Road causes significant risks to the future residences from vehicles travelling Northbound with only 68 m (224 ft) line of sight.

Travel Speed (km/hr)	Line of Sight	Payment Conditions	Distance Required To Stop	Safely Stopped
60	68 m (224 ft)	Dry	66 m	Yes
60		Wet	84 m	No
80		Dry	99 m	No
80		Wet	134 m	No
Ref. Table C2-1 and Table C2-2				

With reference to the chart above, cars travelling Northbound have the ability to stop safely at 60 km/hr on dry payment. On wet payment, they cannot stop safely. At 80 km/hr, which is the normal speed on Woodhull Road, cars cannot stop safely under either condition. With reference to table C2-3, even a 3% grade change can add another 5 m to safely stop. Under these parameters, cars will not be able to stop safely at even 60 km/hr on dry payment.

Photo 1.0 refers to the view from a SUV travelling southbound, turning into the proposed driveway. In a lower vehicle, the line of sight would be decreased further.

Photo 2.0 refers to the view from the proposed driveway looking Southbound, exiting the driveway.

From my experience with entering and exiting our driveway at 2648 Woodhull, and the near misses with

approaching vehicles, it is my opinion that this is a very dangerous location for the proposed driveway.

Table C2-2
STOPPING DISTANCE ON DRY PAVEMENTS

Speed v		Perception and Brlllce Reaction		Coefficient of friction dry pav't	Braking distance on level	Stopping distance (calculated)
Design	Assumed condition	Time	Distance			
km/h	km/h	s	m	f	m	m
40	40	2.5	28	0.625	10	38
50	50	2.5	35	0.618	16	51
(60)	60	2.5	42	0.603	24	(66)
70	70	2.5	49	0.590	33	82
(III)	III	2.5	56	0.580	43	(99)
90	90	2.5	63	0.570	56	119
100	100	2.5	71	0.562	70	139
110	110	2.5	76	0.553	86	162
120	120	2.5	83	0.545	104	187
130	130	2.5	90	0.540	123	213
140	140	2.5	97	0.535	144	241
150	150	2.5	104	0.530	167	271
160	160	2.5	111	0.528	191	302

Table C2-1
MINIMUM STOPPING SIGHT DISTANCE a-4 WET PAVEMENTS

Speed v		Perception and Brake Reaction		Coefficient of friction wet pav't	Braking distance on level	S-Min. Stopping sight distance	
Design	Assumed condition	Time	Distance			calculated	rounded
km/h	km/h	s	m	f	m	m	
40	40	2.5	28	0.380	17	45	45
50	50	2.5	35	0.358	27	62	65
(60)	60	2.5	42	0.337	42	(84)	85
70	70	2.5	49	0.323	60	109	110
(80)	79	2.5	55	0.312	79	(134)	135
90	87	2.5	60	0.304	98	158	160
100	95	2.5	66	0.296	120	186	185
110	102	2.5	71	0.290	141	212	215
120	109	2.5	76	0.283	165	241	245
130	116	2.5	81	0.279	190	271	275
140	122	2.5	85	0.277	211	296	300
150	127	2.5	88	0.273	232	320	320
160	131	2.5	91	0.269	251	342	345

• Design Speeds above 120 km/h are beyond the normal range of application

**Table C2-3
EFFECT OF GRADE ON STOPPING SIGHT DISTANCE
IN WET CONDITIONS**

Design Speed km/h	Assumed speed for condition km/h	Correction in Stopping Distance - metres					
		Decrease for upgrades			Increase for downgrades		
		3%	6%	9%	3%	6%	9%
40	40	-	-	5	-	-	-
50	50	5	5	10	-	5	10
60	60	5	5	10	5	10	15
70	70	5	10	15	5	10	20
80	79	10	15	20	10	15	30
90	87	10	20	25	10	20	40
100	95	10	20	-	15	30	-
110	102	15	25	-	15	35	-
120	109	20	30	-	20	40	-
130	116	25	-	-	20	-	-
140	122	25	-	-	25	-	-
150	127	25	-	-	25	-	-
160	131	30	-	-	30	-	-



Photo 1.0



Photo 2.0

Without some type of intervention to slow traffic down and change the grade of the roadway on Woodhull Road, this is a deadly accident waiting to happen as vehicles leaving the driveway at the proposed 2624 Woodhull residence will risk a collision every time they enter or exit this residence. This is not a question of “if” an accident will occur, but “when”.

It is understood that it is the responsibility of the City to provide its residences with safe roadways that enable safe egress/entry to new development. Accessing new development should not cause a road safety hazard. It is requested that the City undertake an engineering review of the relevant road information to ensure appropriate safety measures (up to and including road grade changes) are enabled and/or appropriate traffic provisions are in place to allow a safe driveway placement prior to enabling this application. It is requested that the City review the engineering data that specifically identifies the road elevations, line of sight requirements and stopping distances needed to confirm sufficient line of sight/visibility requirements are in place for the proposed lot entry/exit. It is specifically requested that the City reviews, approves and makes public the “line of sight” currently available and Total Safety Distance or other provisions needed to enable a safe exit for the proposed driveway location.

The road grade elevations and vehicular line of sight needed in the vicinity of the proposed application do not appear to be safe and should be upgraded for both the residential and vehicular traffic need. Until this grade is altered, residents in this area are at a significant traffic safety risk, and it seems it would be irresponsible to risk additional concern by approving this application without appropriate road safety improvements.

Until the City provides evidence that there are no road safety risks to the addition of this driveway on Woodhull Road, I am opposed to the approval of this Zoning amendment.

Setbacks

I am concerned with the application to reduce the minimum interior side yard setback to 3.0 meters whereas 30.0 meters is required.

Below, Photo 3.0 shows an approximate south property line of 2624 Woodhull Road, the property in question. The applicant is requesting a reduction in setback to 3.0 meters.

Along this property line you will see a row of very tall Pine trees which have existed for many years. These trees are mature and fragile, and any damage to their root system could have detrimental effects on their future.

They have been planted around six feet from the property line. In some areas, the branches extend thirteen feet from the trunk, establishing its drip line.

These trees have branches that extend to 2.0 to 2.5 meters over the property line in question, that would practically touch any dwelling that was constructed at 3.0 meters.



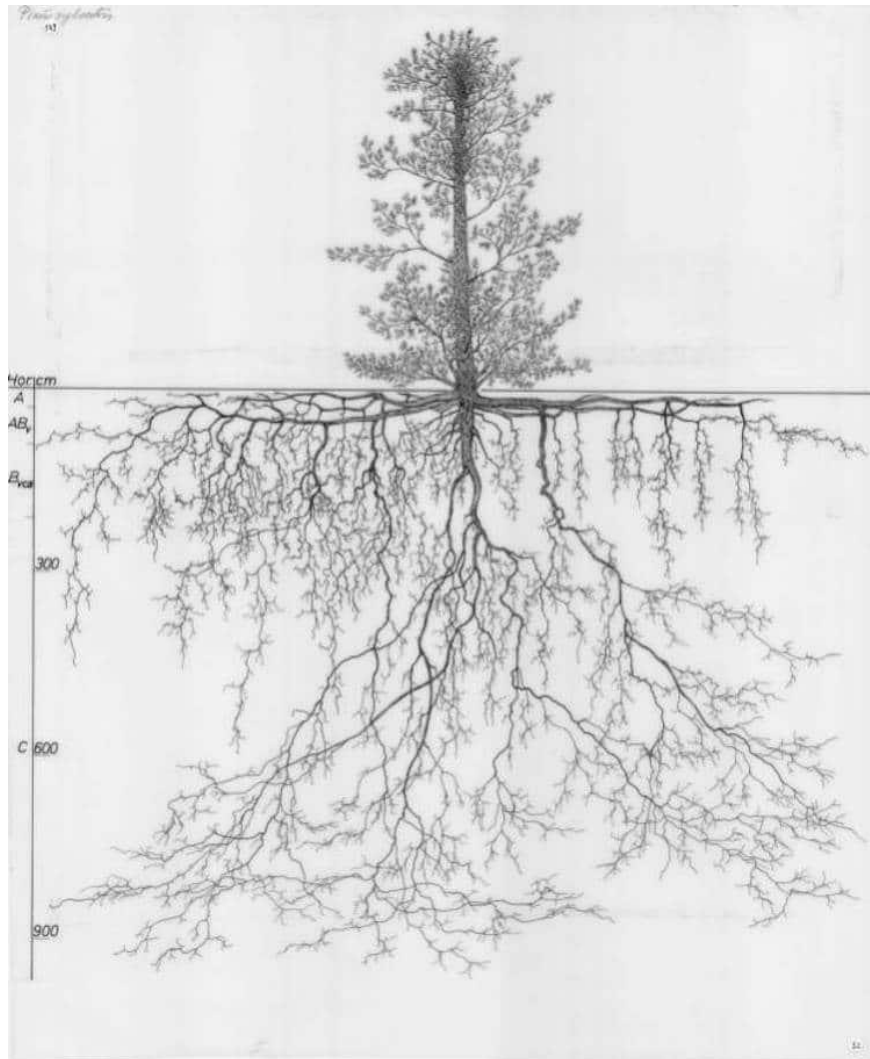
As per reference to Davey Tree's website blog, it states"

"How Far Do Pine Roots Spread?"

As you stare up at your tall, thick pine tree, you might be wondering how far its roots actually spread.

Your tree's roots can extend as far as 2 to 3 times the width of its drip line. In other words, the dripline is the farthest point from the tree where foliage is growing."

The following pencil drawing depicts the root system of a tree in the Pine family.



Reference drawing of a Pinus Sylvestris tree

<https://mymodernmet.com/tree-root-drawings-archive-wageningen-university/>

Based on the reference from Davey tree, if the roots extend 2-3 times the width of the drip line, then there is potential for a root system to extend 7.9 – 11.9 m (26-39 ft) from the trunk, which is six feet from the lot line. This would result in a root system extending 6.1 – 10 m (20-33 ft) into the property in question.

If you allow for a minimum 2.0 m (6 ft) for excavating for construction of the dwellings foundation to ensure no damage to root system, then at a minimum, the side yard setback on the south side of the property in question should be 12 m (40 ft) at minimum.

These trees are not on the applicant's property, and no consideration has been made for the livelihood of these trees, even though they will enjoy their beauty from their property. They are irreplaceable and should not be threatened by development.

With reference to page 9 of the Planning Justification Report submitted by the applicant which states

"The reduced 3.0 m side yard setbacks are appropriate given the context of the existing surrounding properties. The existing established tree line along the south property line also provides an added buffer from the existing dwelling to the south"

You will be hard pressed in this area to find any existing surrounding property that has a dwelling 3.0 meters from any of their property lines. You will also be hard pressed to find a residential dwelling that takes up 84% of the width of their property.

The applicant will state that our residence at 2648 Woodhull Road is 105 ft in width, so they should be allowed to build a dwelling 105 ft wide. The difference is that our lot is 604 ft wide, with the house width taking up only 17% of the total width, not 84% as with the applicant.

What ever happened to building a nice 20 meter wide (66 ft) home with appropriate setbacks that covers over 50% of the total width. This makes sense for a country property. This would still provide a beautiful home in a country-like atmosphere and would fit in with the other properties in the area.

Excavating the Proposed Property

In the documents I have possession of, I have not observed details of any excavating of the property around the proposed dwelling. Presently, the runoff of rainwater from rainfall, travels from the roadway down towards the embankment, making the ground quite soggy (saturated) at the northeast lot line of our property. With the addition of a dwelling (and non-permeable surfaces), at 3 meters from our lot line, there is limited room for diverting any new/additional runoff away from our property. Does the proponent's submission to the City identify the methods of discharge, change in runoff direction, methods and volume due to the building of a dwelling or excavation or construction process? Will this run-off volume increase and change in direction impact the erosion and stability of the proponent's property and hence adjacent properties? Will the additional surcharge imposed by the building envelope loading and or construction techniques in addition to the increased run-off volumes increase the potential for slope failure?

In photo 4.0, the inside area of the blue line is consistently wet during spring and rainy periods. This is from the natural slope from the road descending to the east. It becomes very saturated with deer tracking through the grass leaving marks and killing the lawn.



Photo 4.0



Photo 5.0

Photo 5.0 shows the downward slope from the road where the water flows and accumulates at the bottom, saturating the ground.

Can I be assured that constructing a dwelling on the adjacent property will not add to this problem, and cause instability to the slope on my property? I appreciate that a Slope Stability and Geotechnical Study was performed at 2624 Woodhull Road, but is that sufficient enough to guarantee there will be no added slope instability to my property?

Our property is zone Agriculture. We own a barn to the south of our residence. It has running water piped in from an adjacent well. In the past, the barn has housed 2-3 horses, and had a fenced in area around the barn.

Even though we presently do not use the barn for livestock, this property would be perfect for hobby horse farmers, that could have pasture fenced in for grazing on both the North and South side of the residence.

The present setback of 30 m for agriculture zoned land exists to protect owners from unwanted smell from adjacent land's livestock. By reducing this side setback, will this create an issue for future owners who may wish to fence in the area North of my property, and graze livestock?

Drilled Well & Septic System

Contrary to the applicant's belief in their previous application, there is no city water available at this location. A drilled well will be required, but this is not shown in their consent sketch. To meet proper setbacks requirements for this well, the septic system will need to be located a certain distance from its location. I question the location of the planned septic system. Since this ground contains silty sand which is not conducive for proper absorption, a larger than average septic bed with imported quality sand will be required. To ensure proper distance of this bed from the well, the interior side setback of the north property line should only be reduced to a distance that will allow the septic system to be located north of the dwelling. This relocation of the septic system would also allow for the relocation of the driveway further north of the property which would increase its line of sight, significantly reducing the risk of a deadly car accident.

Summary

The applicant is attempting to build a home on agriculture land that covers 84% of its property width. This size of home does not resemble other properties in the neighbourhood which enjoy significant space from property lines, and maintain a country-like feeling. In order to build a massive home on this property, the applicant is requesting setbacks normally found in the city. Should all properties not rely on their own land to use as a buffer instead of taking advantage of the buffer provided by their neighbour? A 3 meter side setback is not a sufficient buffer to avoid nuisance complaints in AG-2 zoned lands.

The approval of this application will increase the risk of a vehicle collision causing injury and even death, as the driveway is planned to be located where there is a reduction of line of sight to oncoming traffic.

There is the risk of damaging a tree root system from excavating too close to the property line to the south.

There is concern for the location of the septic system to allow for proper distance from the drilled well.

There is also a concern for limiting the use of the agriculture property to the south due to the applied variance to yard setbacks.

Please consider these concerns with addressing this application. Thank you for allowing me the opportunity to address my concerns.

Appendix E – Internal and Agency Comments

Site Plan

- No comment.

Landscape Architecture

- The Development and Planning Landscape Architect has no concerns with the re-zoning application Z-9673 for 2598 or 2624 Woodhull. They would like to inform the applicant of the following bylaw and policy that will be applicable to this development.
- The City of London Tree Protection Bylaw protects trees with a diameter of 50+ cm growing on private property. Permits would be required to remove on-site trees with diameters +50cm at breast height. <https://london.ca/by-laws/consolidated-tree-protection-law> contact Forestry Dispatcher at trees@london.ca with details of your request. Any person who contravenes any provision of this By-law is guilty of an offence and if convicted is liable to a minimum fine of \$500.00 and a maximum fine of \$100,000.00.
- London Plan Policy 399- b. Trees will generally be replaced at a ratio of one replacement tree for every ten centimeters of tree diameter that is removed.
- Portion of this site is located within a tree protection area as defined in the Tree Protection Bylaw. No Person shall Injure or Destroy a tree of any size or cause the Injury or Destruction of a Tree within the Tree Protection Area unless a Tree Protection Area Permit has been issued by the City Planner to permit the Injury or Destruction. Any person who contravenes any provision of this By-law is guilty of an offence and if convicted is liable to a minimum fine of \$500.00 and a maximum fine of \$100,000.00.

London Hydro

- London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing service will be at the expense of the owner.

Parks Planning

Matters for Consent

- Parkland dedication will be required in the form of cash in lieu, pursuant to By-law CP-25 and will be finalized through the consent process.

Urban Design

- Urban Design staff have no comments regarding the above-noted ZBA application.

Heritage

- I have reviewed the following Archaeological Assessment associated with Z-9673 for the properties at 2598-2624 Woodhull Road:
 - Lincoln Environmental Consulting Corp., Stage 1-2 Archaeological Assessment of 2598-2624 Woodhull Road in Part of Lot 1, Concession 3, Township of Delaware, Now City of London, Middlesex County, Ontario (PIF P1289-0408-2023) April 2023.
- Please be advised that heritage planning staff recognize the conclusions of the report that state: “No archaeological resources were identified during the Stage 2 Archaeological Assessment of the study area, and as such no further archaeological assessment of the property is recommended.”
- An Ontario Ministry of Citizenship and Multiculturalism (MCM) archaeological assessment acceptance letter has also been received, dated May 3, 2023 (MCM Project Information Form Number P1289-0408-2023, MCM File Number

0019032).

- Archaeological conditions can be considered satisfied for this application.

Ecology

- The first EIS submission proposed a reduced buffer that ranged approximately from 0-5m that City Ecology staff indicated was not sufficient to protect the natural heritage feature and its functions. The revised EIS is now proposing a 0m buffer after the new dripline has been surveyed. City Ecology staff is not supportive of no ecological buffer to the proposed development and recommends revising the buffer to extend to the erosion hazard limit as indicated in the previous comments.
- In lieu of an ecological buffer, the EIS has proposed “naturalization areas” within the significant woodland. City Ecology staff is not supportive of additional plantings within the ESA and significant woodland feature because it is already a high quality, native species dominated woodland. Additional disturbance activities to “naturalize” this already naturalized area would potentially cause more harm than benefit by introducing non-local sources of vegetation and the disturbance required to plant the proposed areas. Naturalization of an actual ecological buffer would be supported.
- The EIS refers to the implementation of ecological buffers for the proposed development. However, there are currently no buffers proposed. See Comment #1 for buffer recommendations and revise text to more accurately describe the application of ecological buffers for the proposed development.
- If boundary markers are to be implemented as recommended in the EIS, they should be located at the edge of the ecological buffer and not the edge of the significant woodland.
- Provide a Landscape Plan for ecological buffer plantings.

Engineering

Major Issues:

- The site is located outside of the Urban Growth Boundary and there are no municipal services available to service this site.

Matters for the OPA/ZBA:

- A holding provision is recommended until the applicant has demonstrated the requirements of D-5-4 and D-5-5 are met and that had proper separation requirements under OBC for wells, septic system and private watercourses have been provided.

The following items are to be considered during a future site plan application stage (building permit stage)

Wastewater:

- There is no sanitary sewer available, and the lands are outside of the UGB.

Water:

- There is no municipal water for the subject sites.

Stormwater:

- Specific comment for this site:
 - The site is within the Area of UTRCA and therefore the applicant is to engage as early as possible with UTRCA to confirm any requirements/approvals for this site.
 - There is no municipal storm sewer or outlet available for this site and therefore the consultant is required to provide a SWM functional report indicating how the site is proposed to be serviced as part of the re-zoning

- application (e.g., on-site controls, LID, etc.).
 - As per the Drainage By-Law, section 5.2, where no storm sewer is accessible the applicant shall provide a dry well or storm water retention system which is certified by a Professional Engineer to the satisfaction of the City Engineer.
 - The owner is required to provide a lot grading plan for stormwater flows and major overland flows on site and ensure that stormwater flows are self-contained on site, up to the 100-year event and safely conveys up to the 250-year storm event, all to be designed by a Professional Engineer for review.
 - Additional SWM related comments will be provided upon future review of this site.
- General comments for sites within Dingman Creek Subwatershed:
 - The subject lands are located in the Dingman Subwatershed. The Owner shall provide a Storm/Drainage Servicing Report demonstrating compliance with the SWM criteria and environmental targets identified in the Dingman Subwatershed Study that may include but not be limited to, runoff volume control, quantity/quality control (80% TSS), erosion, stream morphology, etc.
 - The Owner agrees to promote the implementation of SWM Best Management Practices (BMP's) within the plan, including Low Impact Development (LID) where possible, to the satisfaction of the City Engineer.
 - The owner is required to provide a lot grading plan for stormwater flows and major overland flows on site and ensure that stormwater flows are self-contained on site, up to the 100-year event and safely conveys up to the 250-year storm event, all to be designed by a Professional Engineer for review.
 - The Owner shall allow for conveyance of overland flows from external drainage areas that naturally drain by topography through the subject lands.
 - Stormwater run-off from the subject lands shall not cause any adverse effects to adjacent or downstream lands.
 - An erosion/sediment control plan that will identify all erosion and sediment control measures for the subject site shall be prepared to the specification and satisfaction of the City Engineer and shall be in accordance with City of London and MECP (formerly MOECC) standards and requirements. This plan is to include measures to be used during all phases of construction. These measures shall be identified in the Storm/Drainage Servicing Report.

Transportation:

- Right-of-way dedication of 18.0 m from the centre line be required along Woodhull Rd.
- Detailed comments regarding access design and location will be made through the site plan process.

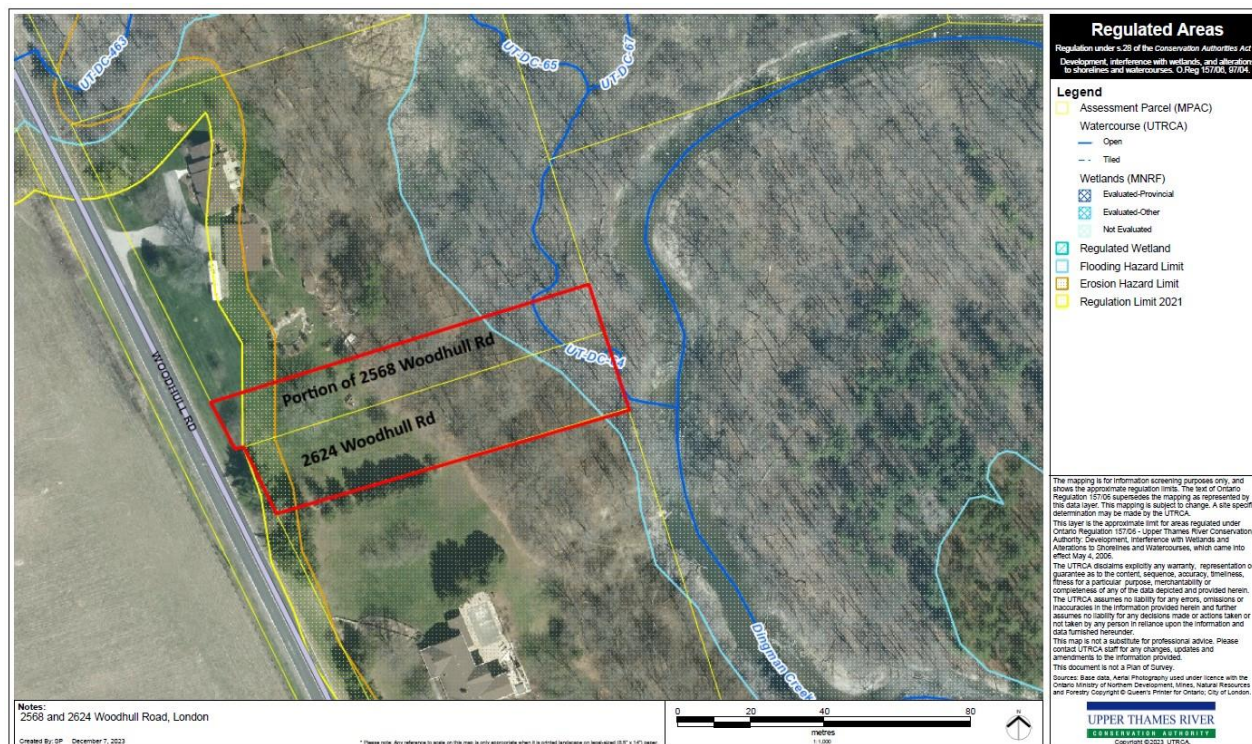
UTRCA

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:
 - Riverine flooding and erosion hazards associated with Dingman Creek; and,
 - A wetland and the surrounding area of interference.
- Please refer to the attached mapping for the location of the regulated features. 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. In addition to the features captured on the UTRCA's Regulation Limit mapping, Figure 6 of the Environmental Impact Study also identified a wetland, mineral meadow marsh (MAM2), within the valley associated with Dingman Creek. The wetland feature is largely located on the adjacent lands, however does extent on the subject lands along with the surrounding area of interference.

- 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.



SUMMARY

- As indicated, the subject lands are regulated by the UTRCA due to the presence riverine flooding and erosion hazards, as well as a wetland and the surrounding area of interference. To address the natural hazard and heritage constraints on these lands that are currently captured through holding provisions, the applicant has submitted an Environmental Impact Study and Slope Stability Assessment. The details of the reports are as follows:
 - Environmental Impact Study prepared by MTE Consultants Inc., dated December 22, 2022; and,
 - Slope Stability Assessment prepared by EXP, dated April 2021.
- We offer the following comments on these reports:

Environmental Impact Study

- 1. The UTRCA originally identified deficiencies with the report via email directly to the applicant prior to receiving the formal application circulation from the City of London. The report was missing appendices and figures, and other critical information that was required to gain an understanding of the existing conditions of the subject lands and the proposed development. The report circulated from the City of London through the formal application process has been revised to encompass these details and requests. The UTRCA is generally satisfied with the report, appendices, and figures.
 - a. Within Table 6, the Net Effects Table, there are two references to stormwater management “serviced by storm sewers”. It is our understanding that municipal services are not available for this area and that all stormwater will be managed on-site. Prior to development proceeding, please confirm that the comment in the Net Effects table (Table 6), related to stormwater servicing will not negatively impact the regulated features.

Slope Stability Assessment

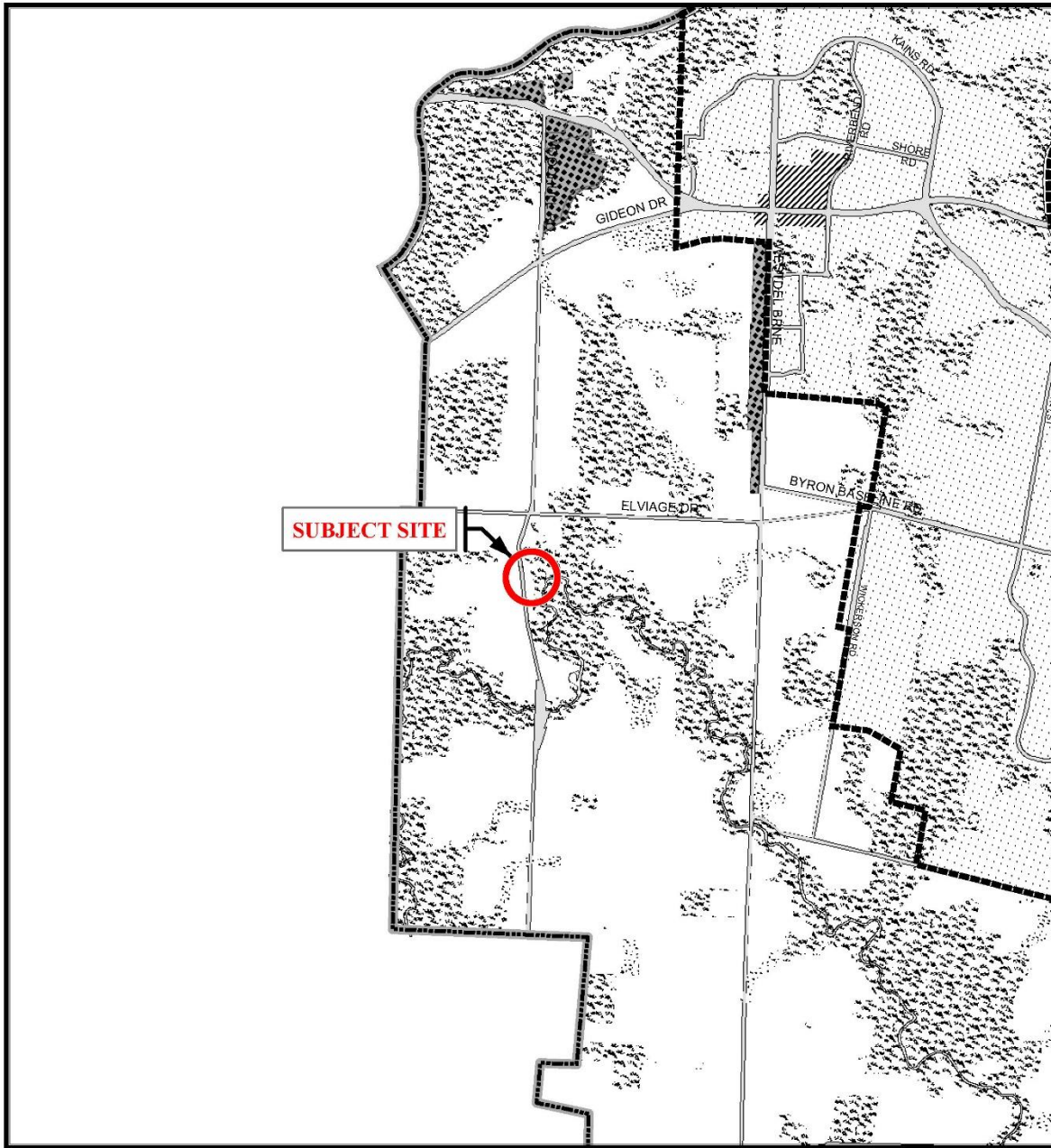
- 2. Please include a reference in the body of the report to the FOS computational results located in Appendix C.
- 3. Please include the computational results for a medium depth rotational failure, in addition to the shallow and deep failures provided.
- 4. Please confirm that the toe of slope and top of slope were identified through survey on the site.
- 5. Please confirm that the proposed development including grading activities (cutting, filling, excavation, etc.), loading of the soil, as well as operation of the construction equipment and machinery were considered in the Factor of Safety (FOS) analysis for the stable slope.
- 6. Please provide justification for the location of the toe of existing slope, in comparison to the location of the proposed 2.0 m toe erosion allowance.
- 7. Please provide justification for the stable slope allowance ending at approximately 245 m elevation, and not to the bottom of the slope at approximately 238 m.
- 8. Please revise and resubmit Drawings 1 and 2 (Estimated Slope Setbacks and Cross-Section A-A') signed, sealed, and dated by a P.Eng.
- 9. It appears from the site photographs that the reconnaissance survey was undertaken during conditions with snow on the ground. Please confirm that there is no visible erosion at the toe of the slope and no water seepage along the face of the slope.
- 10. Please submit a detailed Erosion and Sediment Control (ESC) plan supported by notes, standards, guidelines, monitoring, inspection, and reporting before the construction.

RECOMMENDATION

- Generally, the UTRCA is satisfied that the aforementioned reports have adequately identified a development limit for the subject lands. As a result, the UTRCA has no objections to the proposed Zoning By-law Amendment application and is satisfied that the holding provisions (h-2 and h-4) can be cleared. The Conservation Authority recommends the extent of the hazard lands be zoned Open Space (OS4) to ensure long term protection of the features.
- We request that the applicants consulting team provide responses to the UTRCA's comments prior to development proceeding. We would like to remind the applicant that written approval from the UTRCA is required prior to undertaking any works within the regulated area, including but not limited to site alteration, grading, or development. Please contact our office to obtain the necessary approvals under Section 28 of the Conservation Authorities Act.

Appendix F – Relevant Background

The London Plan – Map 1 – Place Types



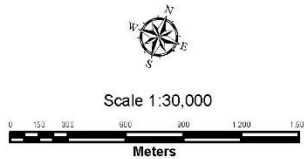
Legend

Downtown	Future Community Growth	Environmental Review
Transit Village	Heavy Industrial	Farmland
Shopping Area	Light Industrial	Rural Neighbourhood
Rapid Transit Corridor	Future Industrial Growth	Waste Management Resource Recovery Area
Urban Corridor	Commercial Industrial	Urban Growth Boundary
Main Street	Institutional	
Neighbourhood	Green Space	

This is an excerpt from Planning & Development's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

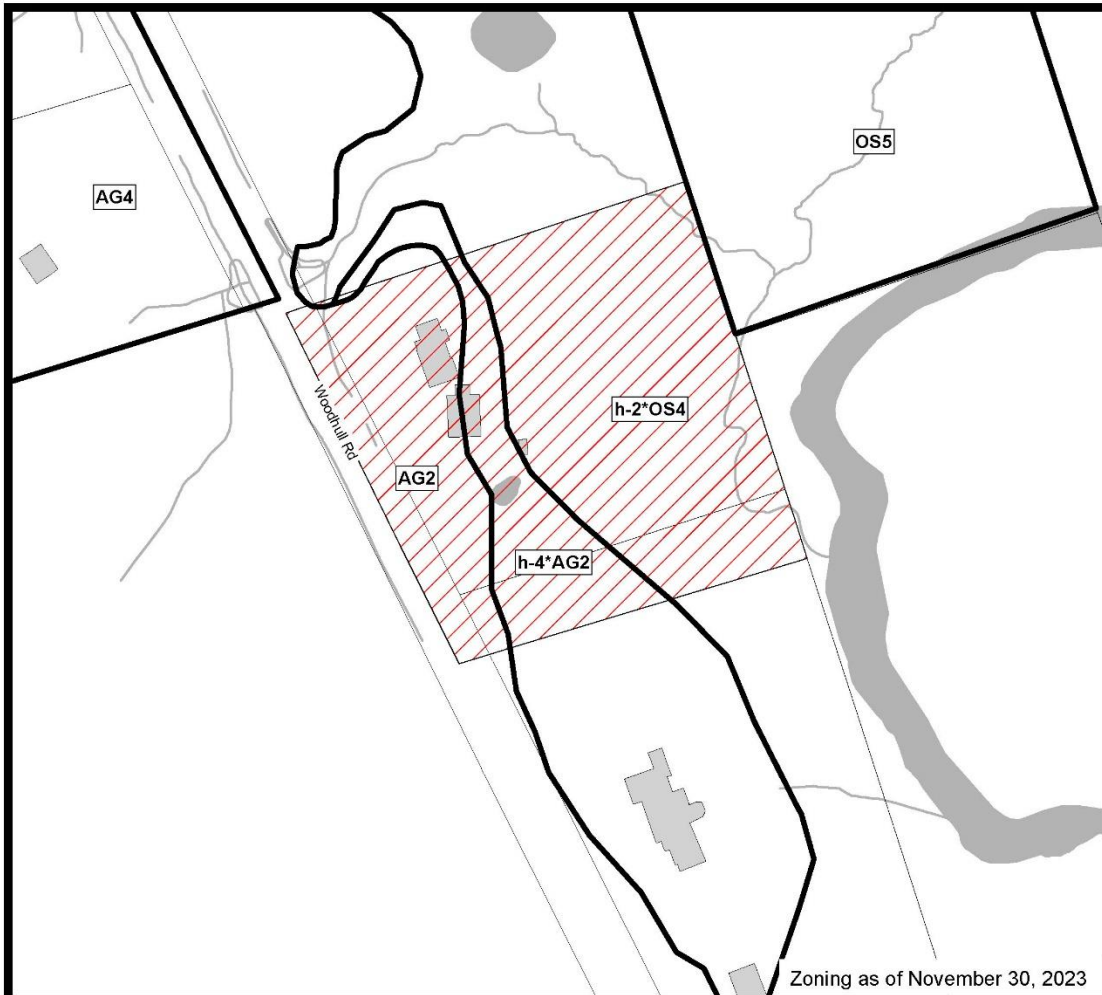
CITY OF LONDON
Official Plan
LONDON PLAN MAP 1
- PLACE TYPES -

PREPARED BY: Planning & Development



File Number: Z-9673
Planner: MH
Technician: RC
Date: 2023/12/12

Zoning By-law Z.-1 – Zoning Excerpt



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

1) **LEGEND FOR ZONING BY-LAW Z-1**

- | | |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS | RF - REGIONAL FACILITY |
| R2 - SINGLE AND TWO UNIT DWELLINGS | CF - COMMUNITY FACILITY |
| R3 - SINGLE TO FOUR UNIT DWELLINGS | NF - NEIGHBOURHOOD FACILITY |
| R4 - STREET TOWNHOUSE | HER - HERITAGE |
| R5 - CLUSTER TOWNHOUSE | DC - DAY CARE |
| R6 - CLUSTER HOUSING ALL FORMS | OS - OPEN SPACE |
| R7 - SENIOR'S HOUSING | CR - COMMERCIAL RECREATION |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | ER - ENVIRONMENTAL REVIEW |
| R9 - MEDIUM TO HIGH DENSITY APTS. | OB - OFFICE BUSINESS PARK |
| R10 - HIGH DENSITY APARTMENTS | LI - LIGHT INDUSTRIAL |
| R11 - LODGING HOUSE | GI - GENERAL INDUSTRIAL |
| DA - DOWNTOWN AREA | HI - HEAVY INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| CSA - COMMUNITY SHOPPING AREA | UR - URBAN RESERVE |
| NSA - NEIGHBOURHOOD SHOPPING AREA | AG - AGRICULTURAL |
| BDC - BUSINESS DISTRICT COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| AC - ARTERIAL COMMERCIAL | RRC - RURAL SETTLEMENT COMMERCIAL |
| HS - HIGHWAY SERVICE COMMERCIAL | TGS - TEMPORARY GARDEN SUITE |
| RSC - RESTRICTED SERVICE COMMERCIAL | RT - RAIL TRANSPORTATION |
| CC - CONVENIENCE COMMERCIAL | "h" - HOLDING SYMBOL |
| SS - AUTOMOBILE SERVICE STATION | "D" - DENSITY SYMBOL |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | "H" - HEIGHT SYMBOL |
| OR - OFFICE/RESIDENTIAL | "B" - BONUS SYMBOL |
| OC - OFFICE CONVERSION | "T" - TEMPORARY USE SYMBOL |
| RO - RESTRICTED OFFICE | |
| OF - OFFICE | |

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

**ZONING
BY-LAW NO. Z.-1
SCHEDULE A**



THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

FILE NO:

Z-9673

MH

MAP PREPARED:

2023/12/11

CK

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Meters