

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

**From:** G. Kotsifas P. Eng.,  
Managing Director, Development & Compliance Services and  
Chief Building Official

**Subject:** 1423197 Ontario Inc. (Royal Premier Homes)  
3557 Colonel Talbot Road

**Public Participation Meeting on:** May 13, 2019

## Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of 1423197 Ontario Inc. (Royal Premier Homes) relating to the property located at 3557 Colonel Talbot Road:

- (a) The comments received from the public during the public engagement process attached hereto as Appendix "A", **BE RECEIVED**
- (b) Planning staff **BE DIRECTED** to make the necessary arrangements to hold a future public participation meeting regarding the above-noted application in accordance with the *Planning Act*, R.S.O 1990, c.P. 13.

**IT BEING NOTED** that staff will continue to process the application and will consider the public, agency, and other feedback received during the review of the subject application as part of the staff evaluation to be presented at a future public participation meeting.

## Executive Summary

### Summary of Request

The requested amendment is to allow three townhouse buildings, each 2.5-storeys (9 metres) in height for a total of 28 units (41uph).

### Purpose and the Effect

The purpose and effect of the recommended action is to:

- i) Present the requested amendment in conjunction with the statutory public meeting;
- ii) Preserve appeal rights of the public and ensure Municipal Council has had the opportunity to review the Zoning By-law Amendment request prior to the expiration of the 150 day timeframe legislated for a Zoning By-law amendment;
- iii) Introduce the proposed development and identify matters raised to-date through the technical review and public consultation;
- iv) Bring forward a recommendation report for consideration by the Planning and Environment Committee at a future public participation meeting once the review is complete.

## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The subject site is located north of Lambeth on the west side of Colonel Talbot Road between Pack Road and Kilbourne Road. The site abuts a new subdivision to the north and west and a large estate lot to the south. The lands to the east are currently used for agricultural purposes but will be developed through plans of subdivision in the future. Located on the south portion of the site is a small pond and the Dingman Creek which is subject to UTRCA regulations and is also part of an ongoing review of the extent of the floodplain and how it relates to updated flood projections for the Dingman Creek.

#### 1.2 Current Planning Information (see more detail in Appendix D)

- 1989 Official Plan Designation – Multi-Family, Medium Density Residential/Open Space
- The London Plan Place Type – Neighbourhood Place Type
- Existing Zoning – Urban Reserve (UR4) Zone

#### 1.3 Site Characteristics

- Current Land Use – Vacant
- Frontage – 107 metres (351 feet)
- Depth – 76m average (250 feet))
- Area – 0.808ha (2.0 ac)
- Shape – Irregular

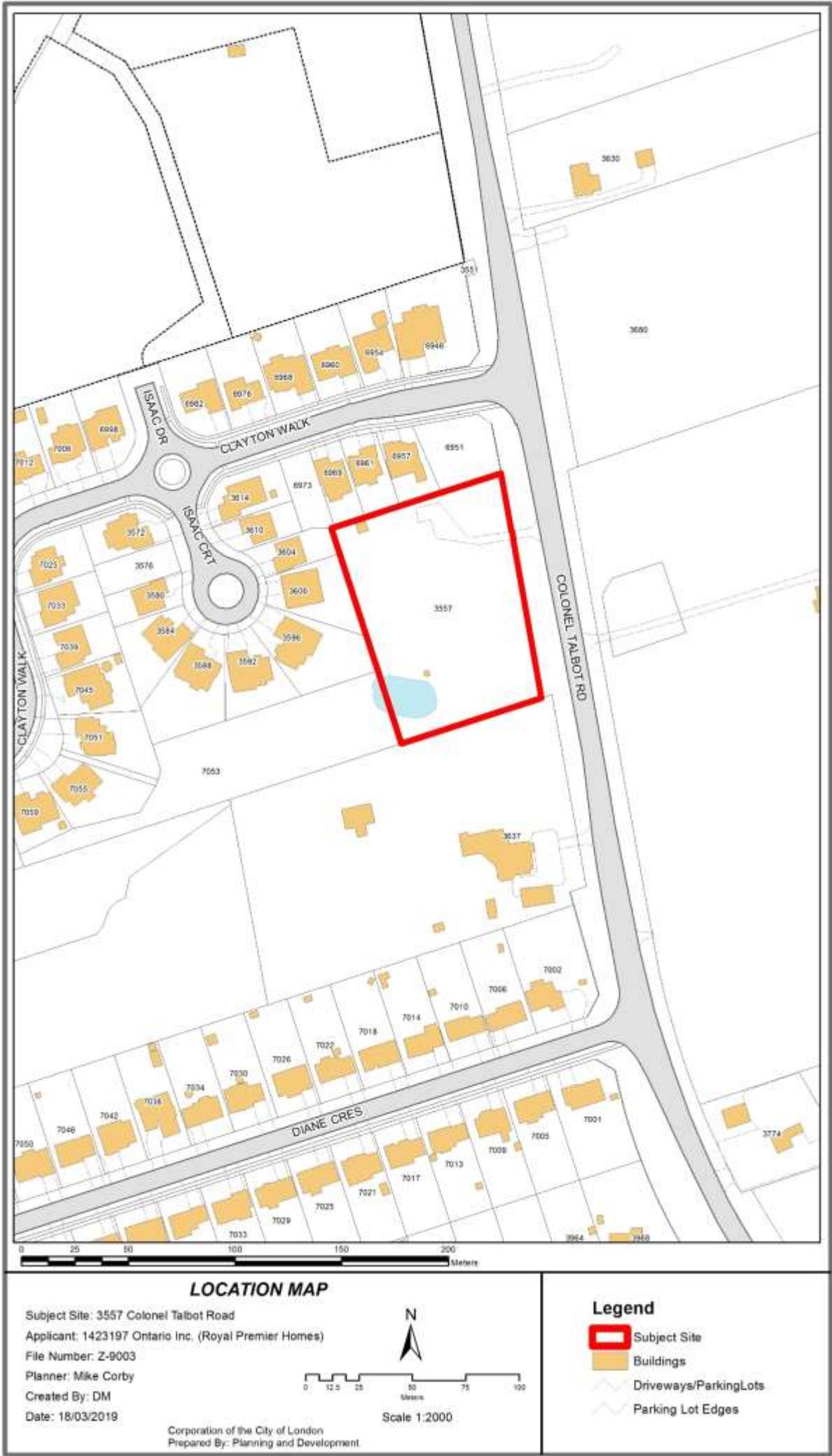
#### 1.4 Surrounding Land Uses

- North – Low Density Residential
- East – Currently Agricultural, future plan of subdivision
- South – Low Density Residential
- West – Low Density Residential

#### 1.5 Intensification (28 residential units)

- The proposed residential units do not represent intensification within the Built-area Boundary
- The proposed residential units are located outside of the Primary Transit Area.

1.6 Location Map



## 2.0 Description of Proposal

### 2.1 Development Proposal

The proposed development includes a total of three townhouse buildings each 2.5-storeys in height for a total of 28 units. The largest townhouse building, located on the north part of the property, will have 12 units, the next townhouse building to the south will have 10 units and the smallest townhouse building will include 6 units. The development is proposed to be located 8 metres away from the former floodplain limit on the south portion of the site. The extent of this limit is currently under review by the UTRCA.



2.2 Submitted Studies

The application was accepted as completed on January 7, 2019. The following information was submitted with the application:

- Planning Justification Report
- Conceptual Site Plan
- Urban Design Brief
- Servicing Study
- Environmental Impact Study
- Tree Protection Plan
- Zoning Referral Record

2.3 Requested Amendment

The requested amendment is for a Zoning By-law amendment from an Urban Reserve (UR4) Zone and Open Space (OS4) Zone to a Residential R5 Special Provision (R5-5(\_)) Zone and Open Space (OS4) Zone to permit cluster/stacked townhouse dwellings.

3.0 Relevant Background

3.1 Community Engagement (see more detail in Appendix B)

There were 5 public responses received during the community consultation period.

Concerns for:

- Loss of privacy for the properties to the north. Specifically due to the proposed height of the decks which will look into the rear yards.
- Loss of trees on the site.
- The proposed built form/density are not in keeping with the area.
- Increase in traffic.
- Decrease in property value.

3.2 Policy Context

The subject site is currently located in a Multi Family, Medium Density Residential (“MFMDR”) designation in the 1989 Official Plan and is also subject to the Medium Density Residential policies of the Southwest Area Plan. The London Plan identifies the subject site and surrounding area as a Neighbourhood Place Type which provides a broad range of uses and heights.

*Provincial Policy Statement 2014*

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use and development. Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns of the PPS encourages healthy, livable and safe communities which are sustained by accommodating an appropriate range and mix of residential, employment and institutional uses to meet long-term needs. It also promotes cost-effective development patterns and standards to minimize land consumption and servicing costs. The PPS encourages settlement areas (1.1.3 Settlement Areas) to be the main focus of growth and development. Within the Settlement Areas appropriate land use patterns are established by providing appropriate densities and mix of land uses that efficiently use land and resources along with the surrounding infrastructure, public service facilities and are also transit-supportive (1.1.3.2).

The policies of the PPS require municipalities to identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock (1.1.3.3) while promoting appropriate development standards which facilitate intensification, redevelopment and

compact form (1.1.3.4).

The PPS also promotes an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents (1.4 Housing). It directs planning authorities to permit and facilitate all forms of housing required to meet the social, health and wellbeing requirements of current and future residents, and direct the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs. It encourages densities for new housing which efficiently use land, resources, and the surrounding infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed.

The PPS ensures that development is directed to areas outside of natural hazard lands which includes lands which are impacted by flooding hazards. Development and site alteration may be permitted in the flood fringe, subject to appropriate floodproofing to the flooding hazard elevation or another flooding hazard standard approved by the Minister of Natural Resources (3.1 Natural Hazards, 3.11, 3.1.6). Site alteration may be also be permitted in portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor or could be mitigated in accordance with provincial standards (3.1.7).

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

### ***The London Plan***

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

The subject site is located in the Neighbourhoods Place Type along a Civic Boulevard which would permit a range of residential uses including single detached, semi-detached, duplex, converted dwellings, townhouses, stacked townhouses, fourplexes and low-rise apartments (Permitted Uses \*921\_).

Neighbourhoods Place Types along a Civic boulevard also require a minimum height of 2-storeys and permit a maximum height of 4-storeys, while 6-storeys can be achieved through Type 2 bonusing. Zoning is applied to ensure the intensity of development is appropriate to the neighbourhood context, utilizing regulations for such things as height, density, gross floor area, coverage, frontage, minimum parking, setback, and landscaped open space (Intensity \*935\_).

All planning and development applications will conform with the City Design policies of The London Plan. New developments should be designed to avoid the need for noise walls that are required to protect amenity areas as defined by provincial guidelines (Form \*936\_).

Residential intensification is fundamentally important to achieve the vision and key directions of The London Plan. Intensification within existing neighbourhoods will be encouraged to help realize the vision for aging in place, diversity of built form, affordability, vibrancy, and the effective use of land in neighbourhoods. Such intensification must be undertaken well in order to add value to neighbourhoods rather than undermine their character, quality, and sustainability (Residential Intensification In Neighbourhoods \*937\_).

In addition to The City Design policies of this Plan residential intensification projects are subject to additional urban design considerations (\*953\_). New proposals must clearly demonstrate that the proposed intensification project is sensitive to, compatible with,

and a good fit within the existing surrounding neighbourhood. The Plan evaluates compatibility and fit from a form perspective on specific list of criteria to help ensure it is in keeping with the character of the surrounding neighbourhood. The intensity of the proposed development will be appropriate for the size of the lot such that it can accommodate such things as driveways, adequate parking in appropriate locations, landscaped open space, outdoor residential amenity area, adequate buffering and setbacks, and garbage storage areas (Additional Urban Design Considerations for Residential Intensification (\*953\_).

The southerly portion of the site is within the Greenspace Place Type due to the Dingman Creek running through the site creating a potential flooding hazard. The Greenspace Place Type intends to reduce the potential for loss of life and damage to property due to flooding by restricting the development of flood plain and hazard lands to an appropriate range of uses (\*761(6)). City Council may acquire lands within the Green Space Place Type or add to the Green Space Place Type for the purposes of adding to the network of publicly-accessible open space, providing protection to lands identified as being susceptible to flooding or erosion; and providing protection to natural heritage areas within the Green Space Place Type (\*768\_).

### ***1989 Official Plan***

The 1989 Official Plan designates the site as Multi-Family, Medium Density Residential which permits multiple-attached dwellings, such as row houses or cluster houses; low-rise apartment buildings; rooming and boarding houses; emergency care facilities; converted dwellings; and small-scale nursing homes, rest homes and homes for the aged (3.3.1. Permitted Uses).

Development within areas designated Multi-Family, Medium Density Residential shall have a low-rise form and a site coverage and density that could serve as a transition between low density residential areas and more intensive forms of commercial, industrial, or high density residential development. Height will be limited to four storeys however, in some instances may be permitted to exceed this limit, if determined through a compatibility report. Generally developments will not exceed 75 uph.

As noted the subject site is affected by the Dingman Creek and is subject to flooding on the south portion of the site which is regulated by the UTRCA. The Official Plan provides the opportunity to use a one or two zone concept when dealing with Hazard lands which is in keeping with provincial policies. The City of London and the Upper Thames River Conservation Authority have adopted a one zone concept for the City (15.6.2. One-Zone Concept) which means no flood fringe exists. The zoning of flood plain lands will reflect the restricted use of these lands, and will prohibit any new development, with the exception of existing uses and minor additions and/or renovations to existing structures. Development within the Flood Plain will be restricted to: flood and/or erosion control structures; facilities which by their nature must locate near watercourses; ancillary facilities of an adjacent land use which are of a passive, non-structural nature and do not adversely affect the ability of the flood plains to pass floodwaters; and essential public utilities and services. The development of flood plain lands shall also be subject to additional conditions outlined in the Official Plan.

### ***Southwest Area Secondary Plan***

The development proposal is also located in the Southwest Area Secondary Plan and subject to the Lambeth Neighbourhood (20.5.7) policies of the Plan. The site is designated Medium Density Residential (20.5.7.2) within the Lambeth Neighbourhood which is intended to provide for medium intensity residential uses that are consistent with existing and planned development. The primary permitted uses in the Multi-family, Medium Density Residential designation of the 1989 Official Plan shall apply. New convenience commercial uses and secondary permitted uses allowed in the Multi-family, Medium Density Residential designation of the Official Plan shall not be permitted.

The built form and intensity of development require a minimum density of 30 units per

hectare and a maximum density of 75 units per hectare while building heights defer to the 1989 Official Plan specifically Section 3.3.3 i). A residential density exceeding 75 units per hectare (up to 100 units her hectare) may be considered in accordance with Section 3.3.3 ii) of the 1989 Official Plan (20.5.7.2 Medium Density Residential).

A Draft comprehensive Natural Heritage Study was completed as part of the Secondary Plan process. The Dingman Creek Significant River Corridor is a major component of the natural heritage system in the Southwest Area Secondary Plan. It is considered a significant river and ravine corridor which represents a continuous wildlife linkage and water resources system connecting significant core natural heritage features that extend beyond the limits of the city. The protection, maintenance, enhancement and rehabilitation of the corridor are integral to the sustainability of this unique natural heritage feature and its ecological functions. An ecological buffer will be established along each side of Dingman Creek based upon the recommendations of an approved Environmental Impact Study (EIS) in accordance with Section 15 of the Official Plan. Lands delineated as ecological buffers pursuant to Subsection 20.5.3.6 i) b) and c) may be acquired by the City pursuant to Section 16 of the Official Plan.

In order to enhance open space opportunities within the Southwest Area, the City will seek to locate open space corridors adjacent to key natural heritage features. These corridors are intended to provide for uses such as trails, active and passive parkland and stewardship opportunities. The City may acquire these enhanced open space corridor lands in accordance with the municipal land dedication requirements of the Planning Act or through purchase, donation, bequest, expropriation or other lawful means (20.5.3.6 Natural Heritage).

**4.0 Matters to be Considered**

A complete analysis of the application is underway and includes a review of the following matters, which have been identified to date:

**Provincial Policy Statement (PPS)**

- Consideration for consistency with policies related to promoting appropriate intensification, efficient use of land and natural hazard lands.

**The London Plan**

- Conformity to policies related to the appropriateness of the proposed use, intensity, form and flood plain lands.
- Impacts on adjacent properties.
- Compatibility with the surrounding area.

**1989 Official Plan**

- Conformity to policies related to the appropriateness of the proposed use, intensity, form and flood plain lands.
- Impacts on adjacent properties.
- Compatibility with the surrounding area.

**Southwest Area Plan**

- Conformity to policies related to the appropriateness of the proposed use, intensity, form and natural heritage features.
- Impacts on adjacent properties.
- Compatibility with the surrounding area.

**Technical Review**

- Appropriate and desirable design of the proposed townhouses.
- All engineering comments have been addressed or will be dealt with at site plan approval stage.
- Identifying matters that could be directed to the site plan approval stage.

**Zoning**

- Suitability of the requested zone, location of zone boundaries pending UTRCA flood hazard review and regulation amendments in relation to the proposed development.

**Public Feedback**

- Identifying and mitigating potential impacts
- Reviewing proposal for compatibility to the local context
- Working with community and applicant to find compromise where disputes exist.

**5.0 Conclusion**

Planning staff will review the comments received with respect to the proposed Zoning By-law amendment and will report back to Council with a recommendation based on the current application or a potential revised application for a Zoning By-law amendment. A future public participation meeting will be scheduled when the review is complete and a recommendation is available.

<b>Prepared by:</b>	<b>Michael Corby, MCIP, RPP Senior Planner, Development Services</b>
<b>Recommended by:</b>	<b>Paul Yeoman, RPP, PLE Director, Development Services</b>
<b>Submitted by:</b>	<b>George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief building Official</b>
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.	

April 9, 2019  
MC/mc

## Appendix A – Public Engagement

**Public liaison:** On January 16, 2019 Notice of Application was sent to 46 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on January 17, 2019. A “Planning Application” sign was also posted on the site.

5 replies were received

**Nature of Liaison:** Possible change to Zoning By-law Z.-1 **FROM** an Urban Reserve (UR4) Zone and Open Space (OS4) Zone **TO** a Residential R5 Special Provision (R5-5(\_)) Zone and Open Space (OS4) Zone to permit cluster/stacked townhouse dwellings.

### Responses:

**From:** Ian Campbell

**Sent:** Monday, January 21, 2019 1:52 PM

**To:** Corby, Mike <mcorby@London.ca>; Hopkins, Anna <ahopkins@london.ca>

**Subject:** File: Z-9003

Mike/Anna:

My name is Ian Campbell. I own the 3+ acres of residential land to the south of 3557 Colonel Talbot Road. (3637 Colonel Talbot Rd., London, ON N6P 1H6)

In a word. “wow”.

It was my understanding from general buzz and conversation that the owner of the property was going to re-build 1 (ONE) home on the property.  
This proposal is for 28. #big\_difference.

So...I am **very OPPOSED** to the Application for any changes to zoning for that property.

A recent value of my home was estimated at \$2.8M...and 11 of my window face NORTH...the direction of the property. The addition of a townhouse complex with 28 units, a 2.5 story-one no less, will degrade my property value significantly.

Further, in my opinion, the traffic on Colonel Talbot Road, including the anticipate additional traffic from the York developments is already at capacity (I generally wait :30 seconds for a clearing to get out of my driveway currently) and the addition of 28+ cars in and out of a driveway will make for very dangerous traffic conditions for both owners and cars with a right of way.

Further, the plan indicates that the wooded area in the SE corner of the property would be eliminated, damaging a woodland area which currently acts as a privacy buffer between my property and the 3557 property.

Further, both lived in my house for 12 years and having worked in the past with Upper Thames Conservation Authority regarding the creek and the potential for flooding there should be significant concerns with flooding in the creek and the pond which could cause damage to land and property.

**Again, I am OPPOSED to this application...and would like to continue to be informed of any updates to the application.**

**Can you please confirm receipt of this email.**

Regards,  
Ian

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**From:** Andrew Floriancic  
**Sent:** Thursday, January 24, 2019 7:33 PM  
**To:** Corby, Mike <mcorby@London.ca>  
**Subject:** File Z-9003 proposed development

Good evening Mr. Corby

My name is Andrew Floriancic. I am contacting you regarding file: Z-9003. A development that has been proposed by a developer for 3557 Colonel Talbot Road in London Ontario.

I am a resident of 3604 Isaac Court. The proposed development is suppose to back on to my back yard. The plan illustrates the my backyard and the road area will back onto each other.

My back yard along with 3 other homes have a line of large, mature cedars that are approximately 40+ feet high. These cedar trees currently lay on my property line with them slightly going on into the new development. It is my hopes that these mature cedar trees are not removed. It is beneficial for both the developer/ new homes and for my property. It creates privacy and separation.

I am looking for direction in which I can propose this to the developer and save the trees from being removed.

Any assistance would be greatly appreciated.

Thanks for your time

Andrew Floriancic

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**From:** Ibrahim Semhat  
**Sent:** Tuesday, January 29, 2019 9:07 AM  
**To:** Corby, Mike <mcorby@London.ca>;  
**Subject:** Z-9003 3557 Colonel Talbot Road Zoning By-Law Amendment

Good Morning Mike,

Hope you are well.

We are the resident of 6961 Clayton Walk home and I am writing to you to share my thoughts and feelings on this zoning by-law amendment Z-9003.

Royal Premier Home has an application to change the zoning by-law of 3557 Colonel Talbot property from Urban Reserve UR4 & Open Space OS4 to Residential R5 Special Provision R5-5, on an application to build 28 condo units, each 2.5 stories in height in 3 townhouse buildings.

As you may know, 3557 Colonel Talbot property used to house a farm house that was damaged by fire about 2 years ago. to the best of my knowledge, the lush trees on this property are reserve protected along with the little creek and pond.

Changing the zoning of this property located adjacent to my property line will be damaging to the privacy of my home and neighborhood. It will also affect the rest of my neighbors on Clayton Walk near the intersection with Colonel Talbot Street. our property value may plunge down if this application is approved to build condo in our upscale neighborhood.

When we purchased our home on Clayton Walk in summer 2017, we fell in love with the nature of the 3557 Colonel Talbot property including the lush trees, creek and pond. This was key factor in our purchasing decision to move to our 6961 Clayton home.

We are firmly against approving this application for zoning by-law amendment and reject Royal Premier Home proposal of building these condo. Considering all the construction taking place in close neighborhood on Pack road and the city in general, it would be essential to maintain properties like 3557 Colonel Talbot as farm house with its beautiful landscape and trees.

Please let me know your thoughts and if you have any questions. Hope to hear back from you soon.

Thank you in Advance.

Best Regards,

IBRAHIM M. SEMHAT

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**From:** Wing Man Lau  
**Sent:** Wednesday, February 6, 2019 3:46 PM  
**To:** Corby, Mike <mcorby@London.ca>  
**Subject:** Re: Concerns on Planning application for 3557 Colonel Talbot Road

Hi Mike,

Hope things are well.  
I just wanted to follow up on this. Is there a date set for the meeting?

In addition to my previous email, I wanted to ask a few other questions.

- I was advised that the tree's behind my property were protected? Is this true and how can I find out if they are or not?
- Will the thames valley conservation authority be deciding on the status of the units going across the dingman conservation area?

Thank-you  
Regards  
Wing Man Lau

On Wed, Jan 30, 2019 at 2:13 PM Wing Man Lau wrote:

Hi Mike,

I am writing in regards to the zoning by-law amendment received for 3557 Colonel Talbot Road.

My wife and I received the planning application and after reviewing it we have a few questions.

1. What is the likelihood that this will go through?
2. Will our input have any leverage on how the applicant's plan will change.

We reside on Lot 23 Clayton walk and the trees behind our property were a huge reason we selected the lot we did. We even applied for a variance on our house plans due to the trees on that property. Their 2.5 storey units will significantly invade on the privacy of the homes on the south side of Clayton walk. There are a number of homes which already have installed pools. Even if a wooden fence was a requirement they would still be intruding on the privacy of those homes.

Suggestions for the planning applicant.

1. Would they be able to relocate the mature trees currently on the north side of their property closer to the property line to maintain the privacy for the residences on the south side of Clayton walk.
2. Would the applicant be willing to repropose to move their development a few meter south to extend the distance from the north side property line, in hopes to keeping some trees.
3. If they are to reduce the number of town house units can the whole development be moved closer to the south of their property.
4. Would it be possible to limit the high of the town homes?
5. If the mature trees are maintained on the north side of the lot then the concern for privacy for all residences on the south side of Clayton walk would help.

Thank-you for your consideration.

Regards  
Wing Man Lau  
Resident of Lot 23 Clayton Walk

Responses to Public Liaison Letter and Publication in “The Londoner”

Telephone	Written
Tiffany Richter 6969 Clayton Walk, London ON, N6P0B2	Ian Campbell 3637 Colonel Talbot Rd, London, ON N6P 1H6
	Andrew Floriancic 3604 Issac Court, London ON N6P 0B2
	IBRAHIM M. SEMHAT 6961 Clayton Walk, London ON, N6P 0B2
	Wing Man Lau 2651 Clayton Walk, London ON, N6P 0B2

## Agency/Departmental Comments

*London Hydro – January 29, 2019*

London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. However, London Hydro will require a blanket easement.

*Parks Planning – March 15, 2019*

The Parks Planning & Design Section has reviewed the Zoning By-law Amendment application for 3557 Colonel Talbot Road and offers the following comments to be considered in your decision:

- **3557 Colonel Talbot Road – Proposed Residential Developments**

- Parkland dedication has not been collected for this development. Fulfilment of this requirement may come in the form of land dedication, payment of cash-in-lieu or a combination of the two. As indicated in the EIS, staff are interested in acquiring the open space lands as satisfaction of the parkland requirement for this proposal. These lands will be taken at the time of site plan approval. It is the intention of staff to construct a multi-use pathway from Colonel Talbot Road, south of the pond, to the pathway immediately west of the site that will be constructed in the summer of 2019. Further discussions with the applicant will be required.
- The EIS recommends an 8 meter setback from the existing Open Space OS4 zone or the floodplain boundary. It is noted the recommended setback encroaches into the conceptual development.
- Staff suggest all the recommendations of the December 18, 2018 and associated addendums, be reflected in the staff report, the by-law amendment and the site plan as appropriate.



If it assists you, Parks staff can provide a conceptual pathway alignment of the area

*Development Services – April 9, 2019*

Sanitary:

- Currently there is no municipal sanitary sewer fronting the subject lands. However as part of the Colonel Talbot Road pumping station project, a forcemain and sanitary sewer are currently being designed and are anticipated to be constructed late in 2019. **Until a sanitary outlet is constructed and operational there may need to be a holding provision.**
- As part of any development application the Applicant's Engineer must coordinate with Wastewater and Drainage Engineering Division (WADE), Sewer Operations and the City's Consulting Engineer for suitable location, size and grade of a sanitary outlet. A 200mm diameter sanitary PDC may be required and is to be connected at a sanitary manhole all to City Standards and to the satisfaction of the City Engineer.

Transportation:

- Road widening dedication of 18.0m from centre line.

- Construction of a right turn taper will be required in accordance with City Standards.
- Detailed comments regarding external works and access location and design will be made through the site plan process.

#### Stormwater

- **The site is located within the UTRCA regulated area and therefore UTRCA approval/permits will be required. Limits of proposed development will require a regulatory flood line buffer acceptable to UTRCA. It is recommended that the applicant engage with UTRCA as soon as possible to review the potential for development at this site.**
- The subject lands are located in the Dingman Creek Subwatershed subject to the ongoing Dingman Creek EA. The City is currently finalizing phases 3 and 4 of the Dingman Creek Municipal Class Environmental Assessment (EA) by Aquafor Beech (City's Dingman Creek EA Consultant) and therefore the SWM criteria and environmental targets applicable to this site are unknown at this time.
- Any proposed LID solution should be supported by a Geotechnical Report and/or hydrogeological investigations prepared with focus on the type of soil, its infiltration rate, hydraulic conductivity (under field saturated conditions), and seasonal high ground water elevation. The report(s) should include geotechnical and hydrogeological recommendations of any preferred/suitable LID solution.
- Currently there is no municipal storm sewer or storm outlet available to service the site.
- Additional SWM related comments will be provided upon future review of this site.

*Upper Thames River Conservation Authority – April 9, 2019*

#### CONSERVATION AUTHORITIES ACT

As shown on the enclosed mapping, 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 a riverine flooding hazard associated with a tributary of Dingman Creek. 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. In the event of a conflict with the mapping, the text description under the Conservation Authorities Act Ontario Regulation 157/06 prevails.

UTRCA and City staff participated in a site visit on May 15, 2018 along with the landowner's consulting team (Matt Campbell from Zelinka Priamo Ltd. and Dave Hayman from BioLogic Incorporated). The purpose of the meeting was to develop a Terms of Reference/Scope for an Environmental Impact Study for the subject lands. In addition to the scoping information provided for the EIS, the UTRCA advised that the floodline in the subwatershed was being updated and that new information was anticipated to be available in the fall of 2018 which could impact the limit of the riverine flooding hazard on the subject lands. A copy of the Terms of Reference/Site Visit notes prepared by BioLogic Incorporated, dated May 29, 2018, is attached.

Dingman Creek Stormwater Servicing Class Environmental Assessment (EA)  
The subject lands are located within the Dingman Creek Subwatershed, forming part of the Dingman Creek EA. As shown on the attached Dingman Subwatershed Screening Area map, the subject lands are located within the Screening Area. Further to the advisory comments provided at the May 15, 2018 site visit, UTRCA staff met with Matt Campbell of Zelinka Priamo Ltd. on October 22, 2018 to review a draft version of the Dingman Subwatershed Screening Area map. During these discussions, the UTRCA

reviewed the potential impacts of the Screening Area map for the subject lands and advised that the Conservation Authority was not in a position to support development within the flood plain area based on the preliminary information as the UTRCA's policies do not allow for new development in the flood plain.

#### UTRCA Transition Policy

On August 28, 2018, the UTRCA's Board of Directors approved the Transition Policy for implementing updated Regulation Limit mapping. The Transition Policy is in place to ensure that where there is a discrepancy between the mapping and the text of Ontario Regulation 157/06, the text of the Regulation prevails. The review of development proposals within an area with discrepancies or updated mapping shall consider:

1. The most recent and best available information for natural hazard lands including flood plain modelling, and watercourse and wetland mapping;
2. If available information is insufficient, the proponent may be required to undertake modelling to assess the hazard lands; and
3. The Principle of Development has been previously established under the Planning Act.

In regards to the subject lands:

1. The most recent and best available information identifies the southern portion of these lands as flood plain;
2. The Dingman Screening Area Mapping is currently being peer reviewed to confirm accuracy and no additional modelling is required at this time; and,
3. The Principle of Development has not been established for these lands under the Planning Act as they are not zoned to accommodate the proposed development and therefore this application to amend the Zoning By-law is required.

#### RECOMMENDATION

New modelling indicates that the current flood plain mapping depicted on the UTRCA's Regulation Limit mapping no longer accurately represents the regulated riverine flooding hazards in areas of the Dingman Creek subwatershed. The hazards are defined in text within regulations made pursuant to the Conservation Authorities Act (Ontario Regulation 157/06). As previously noted, in the event of a conflict with the maps, the text description prevails. The UTRCA must rely on the best available information to assess the risks due to flooding in applying the regulation and to be consistent with the natural hazards policies contained within the Provincial Policy Statement.

A review of the modelling and mapping has been initiated to: ensure that it is consistent with best practices; confirm the best available information is used appropriately in updating hazard mapping; and confirm that the modelling and mapping meets provincial standards. As part of the Dingman Creek EA, the City of London has retained a consultant to peer review the modelling work completed to date. It is anticipated that the peer review will be completed in the summer of 2019.

Updated mapping that accurately illustrates the hazard lands is required to properly plan servicing, review development proposals and issue building permits. While the mapping is being updated the Screening Area is an interim tool intended to assist the UTRCA, City of London and proponents to assess development proposals. The UTRCA considers the following when reviewing development proposals within the Screening Area:

- The use of the property, expanding existing uses versus new development proposals;
- Appropriate floodproofing measures;
- Ensure that the proposed development, including mitigation/floodproofing, does not impact upstream or downstream flood levels;
- The maintenance of channel capacity and channel conveyance functions; and,

- Changes in flood storage characteristics.

At this time during the review of the flood modelling and mapping, the UTRCA does not have sufficient information to confirm that the subject lands are not affected by the flooding hazard.

As previously noted, the UTRCA met with the agent in October 2018 to advise of the potential development restrictions due to the forthcoming Dingman Subwatershed Screening Area which was presented to the public in November 2018. Based on foregoing comments, the UTRCA does not have sufficient information to confirm the extent of the flooding hazard that impacts the subject lands. Accordingly, this application is considered to be premature and the UTRCA recommends that the Zoning By-law Amendment being sought for the lands known municipally as 3557 Colonel Talbot Road be refused, or alternatively deferred until the extent of the flooding hazard can be confirmed.

## Appendix B – Policy Context

The following policy and regulatory documents are being considered in their entirety as part of the evaluation of this requested land use change. The most relevant policies, by-laws, and legislation are identified as follows:

Provincial Policy Statement, 2014

City of London Official Plan

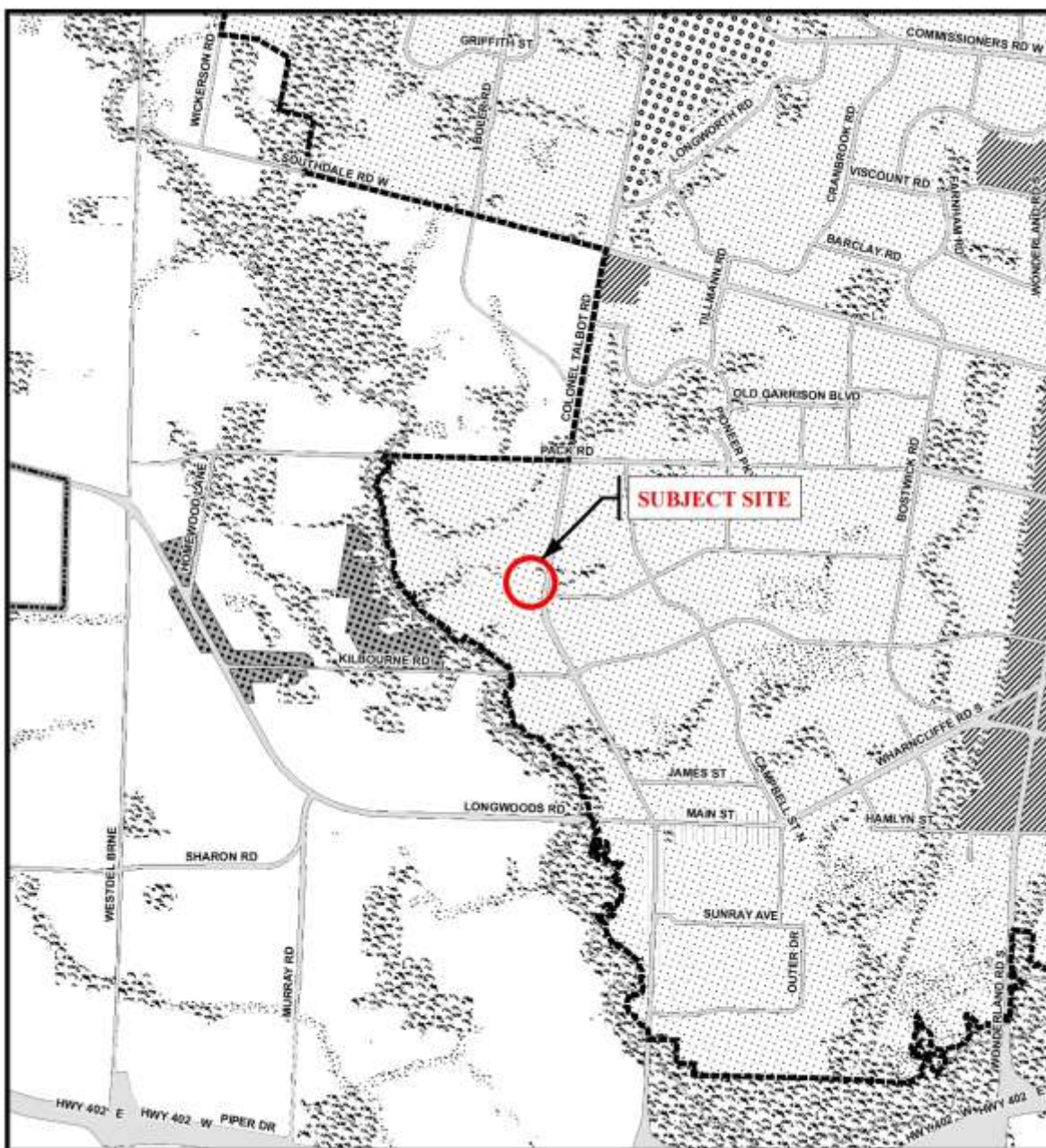
The London Plan (Neighbourhood Place Type)

Southwest Area Plan




















Z.-1 Zoning By-law

Site Plan Control Area By-law





### 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 the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations

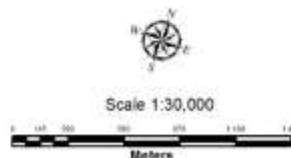
*At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.*

CITY OF LONDON

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LONDON PLAN MAP 1  
- PLACE TYPES -

PREPARED BY: Planning Services

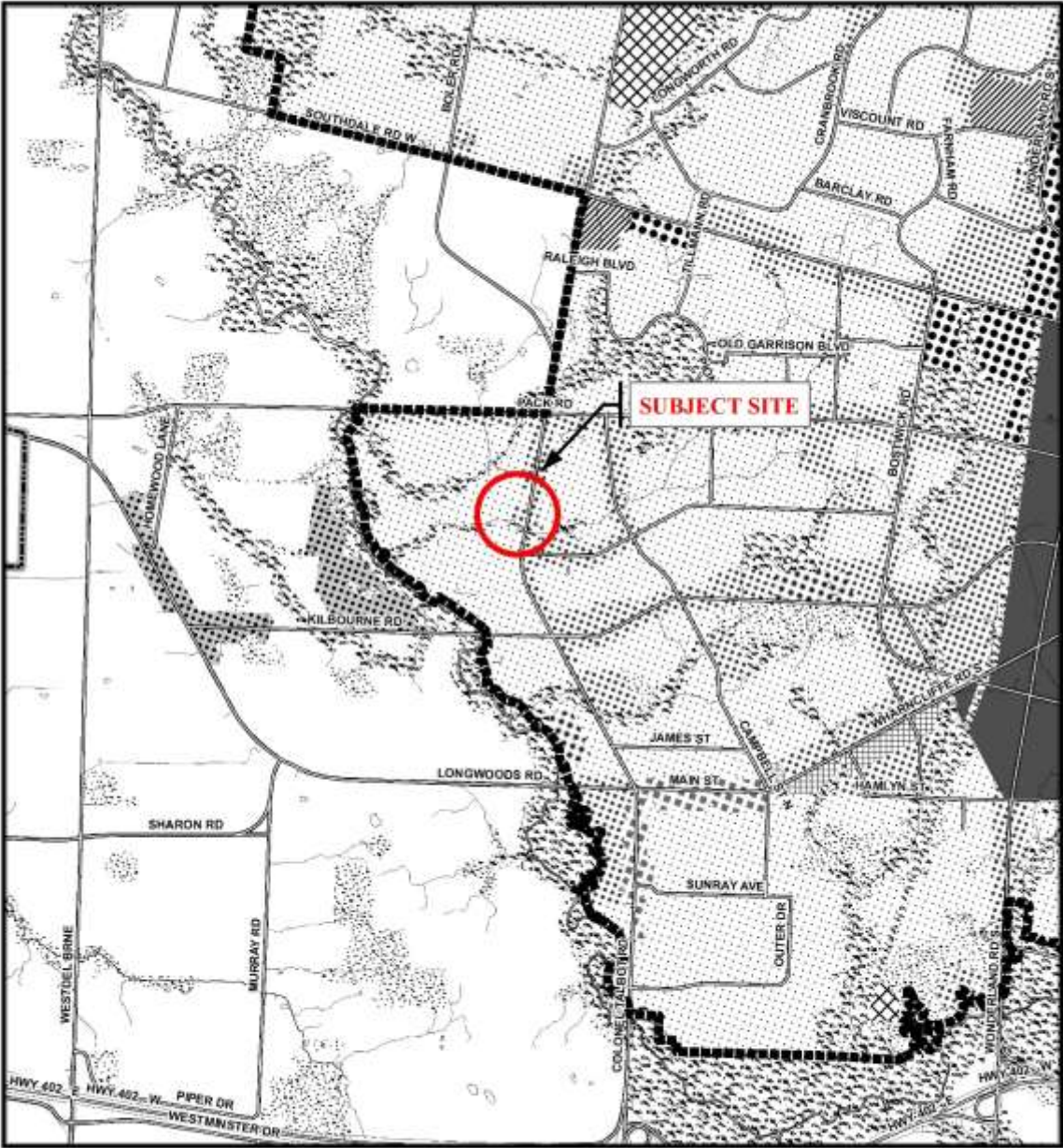


File Number: Z-9003

Planner: MC

Technician DM

**Date:** March 18, 2019



**Legend**

Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional Commercial Node	Office/Residential	Commercial Industrial
Community Commercial Node	Regional Facility	Transitional Industrial
Neighbourhood Commercial Node	Community Facility	Rural Settlement
Main Street Commercial Corridor	Open Space	Environmental Review
Auto-Oriented Commercial Corridor	Urban Reserve - Community Growth	Agriculture
Multi-Family, High Density Residential	Urban Reserve - Industrial Growth	Urban Growth Boundary

**CITY OF LONDON**  
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OFFICIAL PLAN SCHEDULE A  
- LANDUSE -  
  
PREPARED BY: Graphics and Information Services

Scale 1:30,000  
Meters

FILE NUMBER: Z-9003  
PLANNER: MC  
TECHNICIAN: DM  
DATE: 2019/03/18