

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Removal of Holding Provision
Peter and Louise McConnell
2890 and 2898 Woodhull Road

Meeting on: November 4, 2019

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of Peter and Louise McConnell relating to lands located at 2890 and 2898 Woodhull Road:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting to be held on November 12, 2019 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject lands located at 2898 Woodhull Road **FROM** a Holding Agricultural (h-4•AG2) Zone **TO** an Agricultural (AG2) Zone to remove the h-4 holding provision; and,
- (b) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject lands located at 2890 Woodhull Road **FROM** a Holding Agricultural (h-4•AG2) Zone **TO** an Agricultural (AG2) Zone to remove the h-4 holding provision, **BE REFUSED** for the following reason:
 - i. the condition for removing the holding provision has not been satisfied as a slope stability or geotechnical assessment has not been provided for the parcel at 2890 Woodhull Road, as required in accordance with the provisions of *The London Plan*, the City of London, and Upper Thames River Conservation Authority.

Executive Summary

Purpose and Effect of Recommended Action

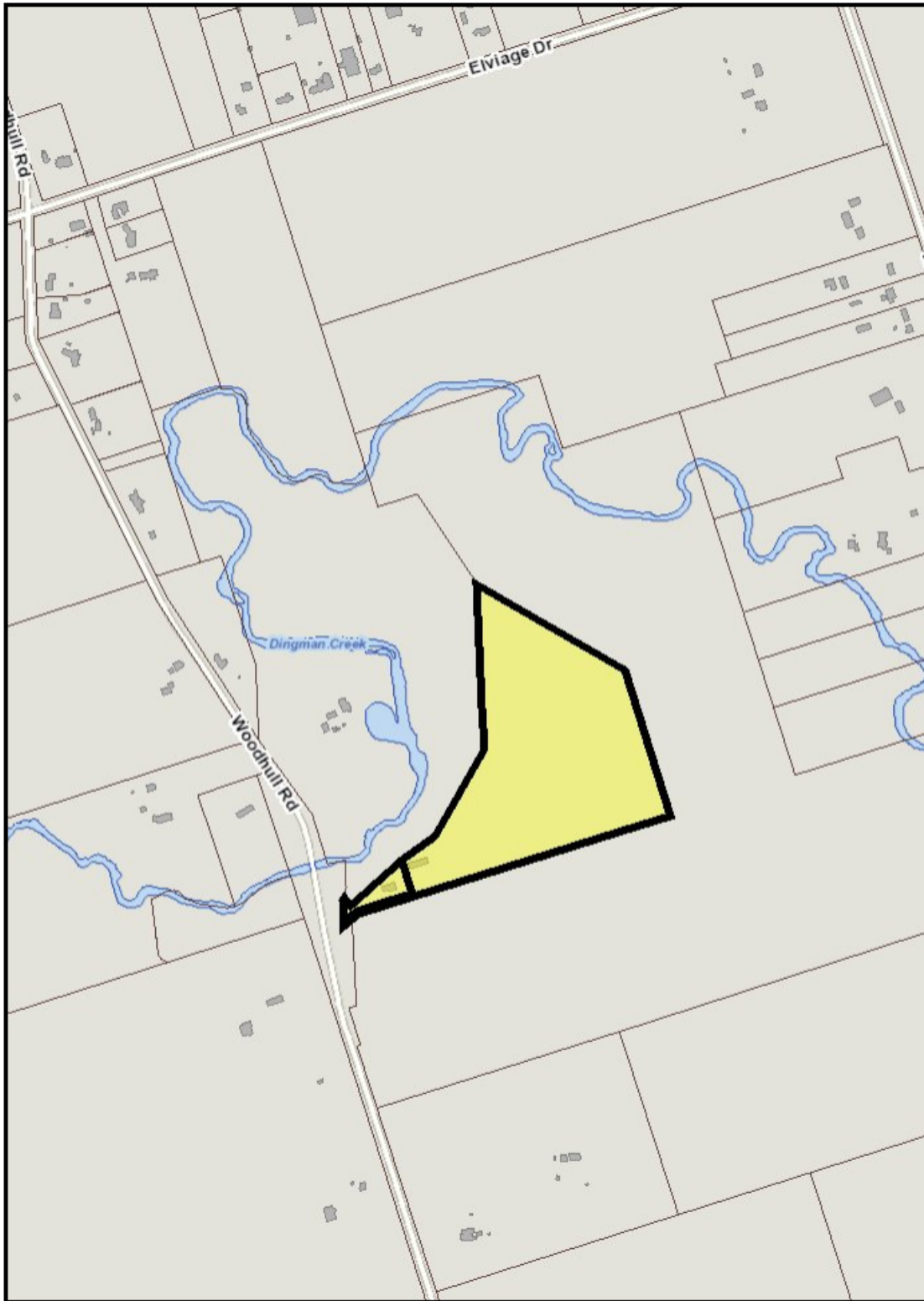
The purpose and effect is to remove the holding h-4 provision from the zoning to allow development of a residential dwelling on the property at 2898 Woodhull Road, subject to an accepted geotechnical study to determine slope stability and erosion hazards associated with the steep slopes adjacent the Dingman Creek.

Rationale of Recommended Action

1. The condition for removing the holding (h-4) provision has been met and the recommended amendment will allow development of a proposed residential dwelling in compliance with the Zoning By-law.
2. A slope assessment report which addresses constraints and establishes the erosion hazard limits on the property at 2898 Woodhull Road has been prepared to the satisfaction of the City and UTRCA.
3. A slope stability or geotechnical assessment has not been prepared for the adjacent property at 2890 Woodhull Road; therefore, it is recommended that the h-4 holding provision not be removed from the AG2 zoning of this parcel, as outlined in (b) above.

Analysis






1.1 Location Map



Location Map

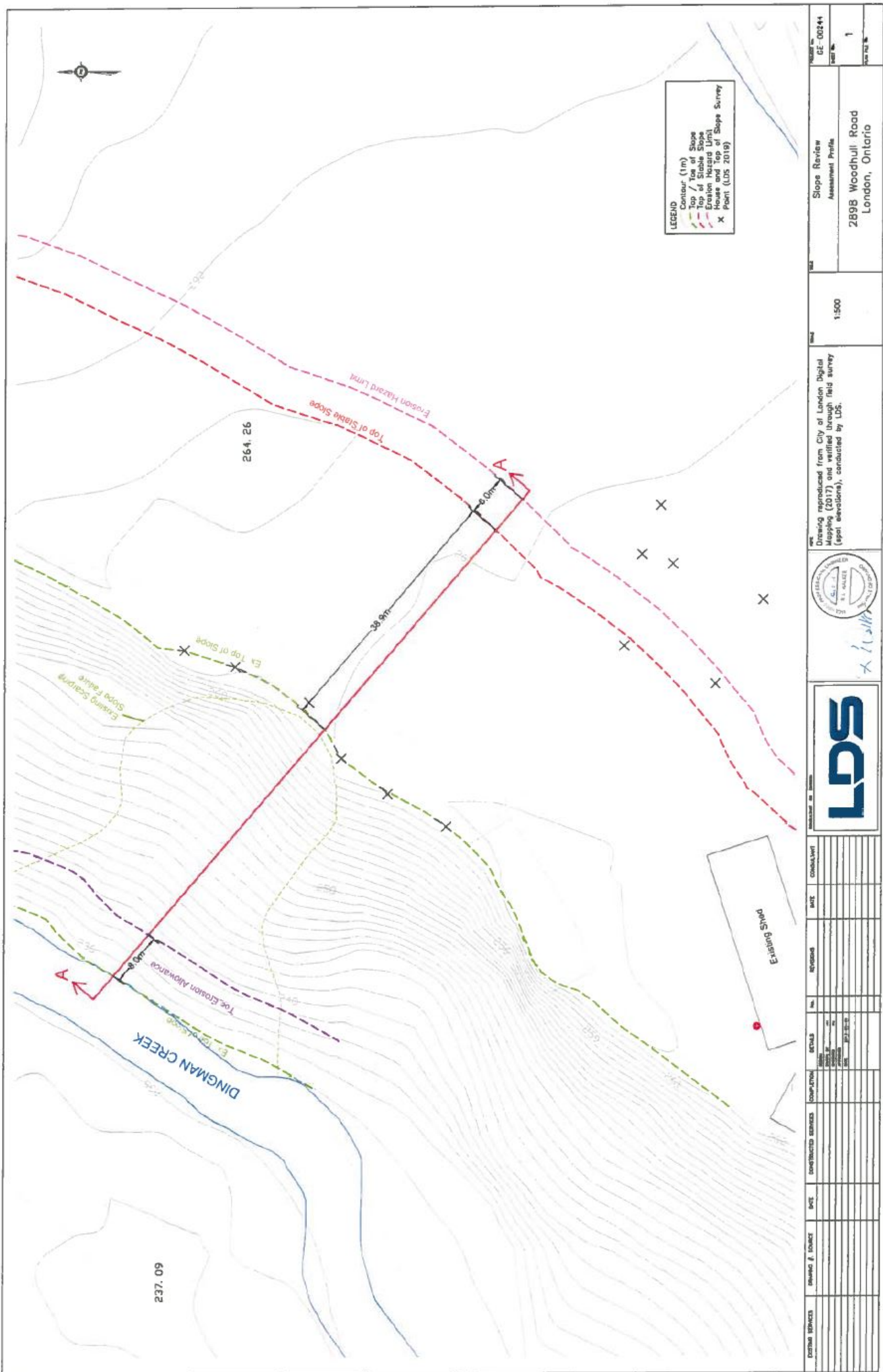
Subject Property: 2890 Woodhull Road
Applicant: Peter McConnell
File Number: H-9116
Created By: Larry Mottram
Date: 9/13/2019
Scale: 1:8000

Legend

-  Subject Property
-  Parks
-  Assessment Parcels
-  Buildings
-  Address Numbers



1.3 Slope Assessment Profile



Excerpt from Slope Stability Assessment, Site Review and Desktop Study – 2898 Woodhull Road, London – LDS Consultants, May 6, 2019

2.0 Description of Proposal

The proposal is for construction of a 1 storey residential dwelling on the property at 2898 Woodhull Road. The proposed dwelling site is located within an open area of agricultural tableland above the Dingman Creek valley lands lying immediately to the north.

3.0 Relevant Background

3.1 Planning History

The response received from the Upper Thames River Conservation Authority indicated that the applicant began consultation with the UTRCA in early 2019 regarding construction of a proposed single detached dwelling at 2898 Woodhull Road. Based on this consultation, the applicant provided a Slope Stability Assessment prepared by LDS Consultants, dated May 6, 2019. Generally, the UTRCA accepts the findings of this assessment and has been working with the applicant through the Section 28 permit process. This assessment was prepared only for 2898 Woodhull Road; therefore, an additional/supplementary assessment would be required to establish the erosion hazard limit at 2890 Woodhull Road prior to removing the holding provision on this parcel.

4.0 Key Issues and Considerations

4.1 Has the condition for removal of the holding (h-4) provision been met?

The purpose of the holding (“h-4”) provision in the zoning by-law is as follows:

“Purpose: To refine the One Hundred Year Erosion Limit (identified on Schedule “B” of the Official Plan), assess the potential impacts of development and identify measures to avoid or address potential erosion/slope instability hazards, an agreement shall be entered into specifying appropriate development conditions and boundaries, based on a geotechnical study that has been prepared in accordance with the provisions of the Official Plan and to the satisfaction of the City of London, prior to removal of the “h-4” symbol” (Z.-1-051390)

Permitted Interim Uses: Existing uses

This application request involves two contiguous parcels of land located at 2890 and 2898 Woodhull Road. The parcel at 2890 Woodhull Road is approximately 0.4 hectares (1.0 ac.) in area and consists of an existing residential dwelling which is currently occupied. The property at 2898 Woodhull Road is approximately 10 hectares (25 ac.) and consists of an existing shed/workshop structure and cultivated fields. Both properties share an existing access driveway from Woodhull Road. Both parcels are also situated on tablelands adjacent a 28 metre (91.8 ft.) high, wooded embankment above the Dingman Creek to the north.

The proposed 1 storey dwelling on the parcel at 2898 Woodhull Road, as shown on the site plan, will be located to the east of the existing shed and within an area consisting of open field. A Slope Stability Assessment report has been prepared by Land Development Solutions (“LDS”) Consultants dated May 6, 2019, and certified by a professional geotechnical engineer. The assessment report has been submitted and reviewed by the UTRCA as the subject lands are within a Conservation Authority regulated area. Property owners are required to obtain permission from the UTRCA before beginning any development, site alteration, construction or placement of fill within the regulated area. A site plan and development agreement is not required for a farm residential dwelling within the AG2 Zone. However, detailed drawings will be required for review and approval by the UTRCA, and the owner will be bound by terms and conditions for development of the proposed dwelling through the Section 28 Permit.

The assessment report was prepared to determine the top of stable slope and erosion hazard limit. The slope assessment has identified the three main components of the erosion hazard limit, which are summarized as follows: a Toe Erosion Allowance (8.0

metres from edge of watercourse), a Stable Slope Setback (top of stable slope measured at 38.9 metres back from the top of the existing slope, based on the stable slope geometry of 2.8H:1.0V), and an Emergency Access Allowance (measured at 6.0 metres from top of stable slope). The erosion hazard limit defines the limit of development, and based on the geotechnical analysis that line is established at 44.8 metres back from the top of the existing slope, as shown on the drawing excerpt taken from the slope assessment report. The new residence and its on-site septic system are to be located outside of the erosion hazard limit.

The assessment report also recommended the following mitigation measures to maintain overall slope stability which will be implemented through conditions attached to the Section 28 Permit and the issuance of a building permit for the new dwelling:

- Excavated soils should not be placed over the table land near the crest of slope, unless the soil is placed as engineered structural fill. In addition, any fill placement or changes to existing grades in proximity to the site slopes may be subject to review and approval by UTRCA.
- Where possible, uncontrolled surface water flows over the face of the slope should be minimized, to reduce the risk of surface erosion. In the event that future construction activities occur at the top of the slope or over the face of the slope erosion control measures may be required during construction, to reduce the risk of surface water flows from washing out disturbed surfaces.
- Site grading around the new residence should be designed to direct surface water run-off away from the slope, to limit the amount of uncontrolled surface water flow over the face of the slope, which can contribute to surficial erosion damage to the slope surface.
- Water from downspouts and perimeter weeping tile etc. should be collected in a controlled manner and re-directed away from the slope.
- Vegetation on the slope and along the slope crest should be maintained. A program of plantation where appropriate, including deciduous trees and deep-tooted vegetation is recommended.
- Final design drawings including the final building location, services etc. should be reviewed by this office to ensure that the comments and recommendations provided in this report have been properly interpreted.

Based on staff's review, the h-4 holding provision in conjunction with the AG2 Zoned area on the property at 2898 Woodhull Road can be removed as a geotechnical study, which addresses the constraints and establishes the erosion hazard limits for the subject lands in relation to the location of the proposed dwelling, has been prepared to the satisfaction of the City and UTRCA. The owner will be required to obtain the necessary Section 28 permit and ensure that the work is completed in accordance with its terms and conditions. As a slope stability or geotechnical assessment has not been undertaken for the adjacent property at 2890 Woodhull Road, staff do not recommend removing the h-4 holding provision as it applies to this property at this time.

5.0 Conclusion

In the opinion of Staff, the holding zone requirement has been satisfied and it is appropriate to proceed to lift the holding ("h-4") symbol from the zoning as it applies only to the property at 2898 Woodhull Road as a geotechnical study has been prepared to the satisfaction of the City and UTRCA.

Prepared by:	Larry Mottram, MCIP, RPP Senior Planner, Development Planning
Recommended by:	Paul Yeoman, RPP, PLE Director, Development Services
Submitted by:	George Kotsifas, P. Eng. Managing Director, Development and Compliance Services and Chief Building Official
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.	

CC: Matt Feldberg, Manager, Development Services (Subdivisions)
Lou Pompilli, Manager, Development Services - Planning
Ismail Abushehada, Manager, Development Services - Engineering

October 28, 2019
GK/PY/LM/lm

Appendix A

Bill No. (Number to be inserted by Clerk's Office)
2019

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to remove holding provision from the zoning for lands located at 2898 Woodhull Road.

WHEREAS Peter and Louise McConnell have applied to remove the holding provision from the zoning over lands located at 2898 Woodhull Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provision from the zoning of the said lands;

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 the lands located at 2898 Woodhull Road, as shown on the attached map, to remove the h-4 holding provision so that the zoning of the lands as an Agricultural AG2 Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

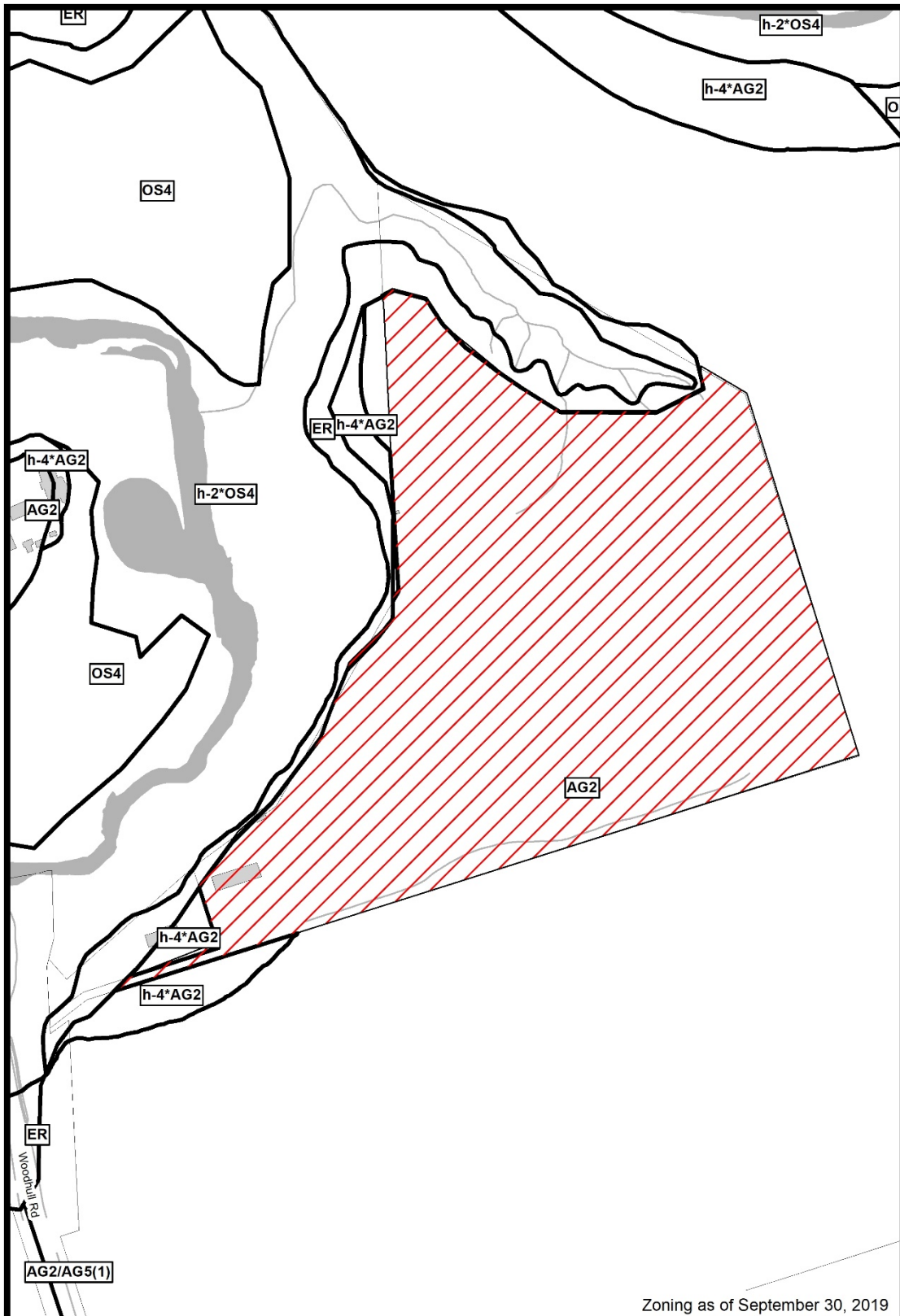
PASSED in Open Council on November 12, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – November 12, 2019
Second Reading – November 12, 2019
Third Reading – November 12, 2019

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



File Number: H-9116
Planner: LM
Date Prepared: 2019/10/15
Technician: DM
By-Law No: Z.-1-

SUBJECT SITE 

1:3,000

0 15 30 60 90 120 Meters



Appendix B – Public Engagement

Community Engagement

Public liaison: Notice of the application was published in the *Public Notices and Bidding Opportunities* section of The Londoner on September 26, 2019.

0 replies were received

Nature of Liaison: 2890 and 2898 Woodhull Road; located on the east side of Woodhull Road, south of the Dingman Creek – City Council intends to consider removing the Holding (“h-4”) Provision from the Agriculture AG2 zoning of the subject lands. This would allow development of a residential dwelling on the property at 2898 Woodhull Road, subject to an accepted geotechnical study to determine slope stability and erosion hazards associated with the steep slopes adjacent the Dingman Creek. The purpose of the “h-4” provision is to refine the One Hundred Year Erosion Limit (identified on Schedule “B” of the Official Plan), assess the potential impacts of development and identify measures to avoid or address potential erosion/slope instability hazards, an agreement shall be entered into specifying appropriate development conditions and boundaries, based on a geotechnical study that has been prepared in accordance with the provisions of the Official Plan and to the satisfaction of the City of London, prior to removal of the “h-4” symbol. Council will consider removing the holding provision as it applies to these lands no earlier than November 12, 2019.

Agency/Departmental Comments:

Upper Thames River Conservation Authority (UTRCA) – October 11, 2019

The UTRCA has the following recommendations and requirements:

1. 2890 Woodhull Road: The entirety of this parcel is located within the UTRCA regulated area, and is zoned “*Environmental Review*” and “*Agricultural AG2 h-4*”. The Slope Stability Assessment prepared by LDS Consultants, dated May 6, 2019, does not address the constraints and erosion hazard limits for these lands. Based on the absence of this assessment, the UTRCA recommends this application be **denied**, or **deferred** until such a time that an acceptable slope stability or geotechnical assessment has been completed.
2. 2898 Woodhull Road: This parcel is regulated by the UTRCA and is zoned “*Agricultural AG2*”, “*Agricultural AG2 h-4*”, “*Environmental Review*” and “*Open Space OS4 h-2*”. The Slope Stability Assessment prepared by LDS Consultants, dated May 6, 2019, addresses the constraints and establishes the erosion hazard limits for these lands in relation to the location of the proposed dwelling. The UTRCA has **no objections** to this application, however we remind the applicant that a Section 28 permit application is still required.

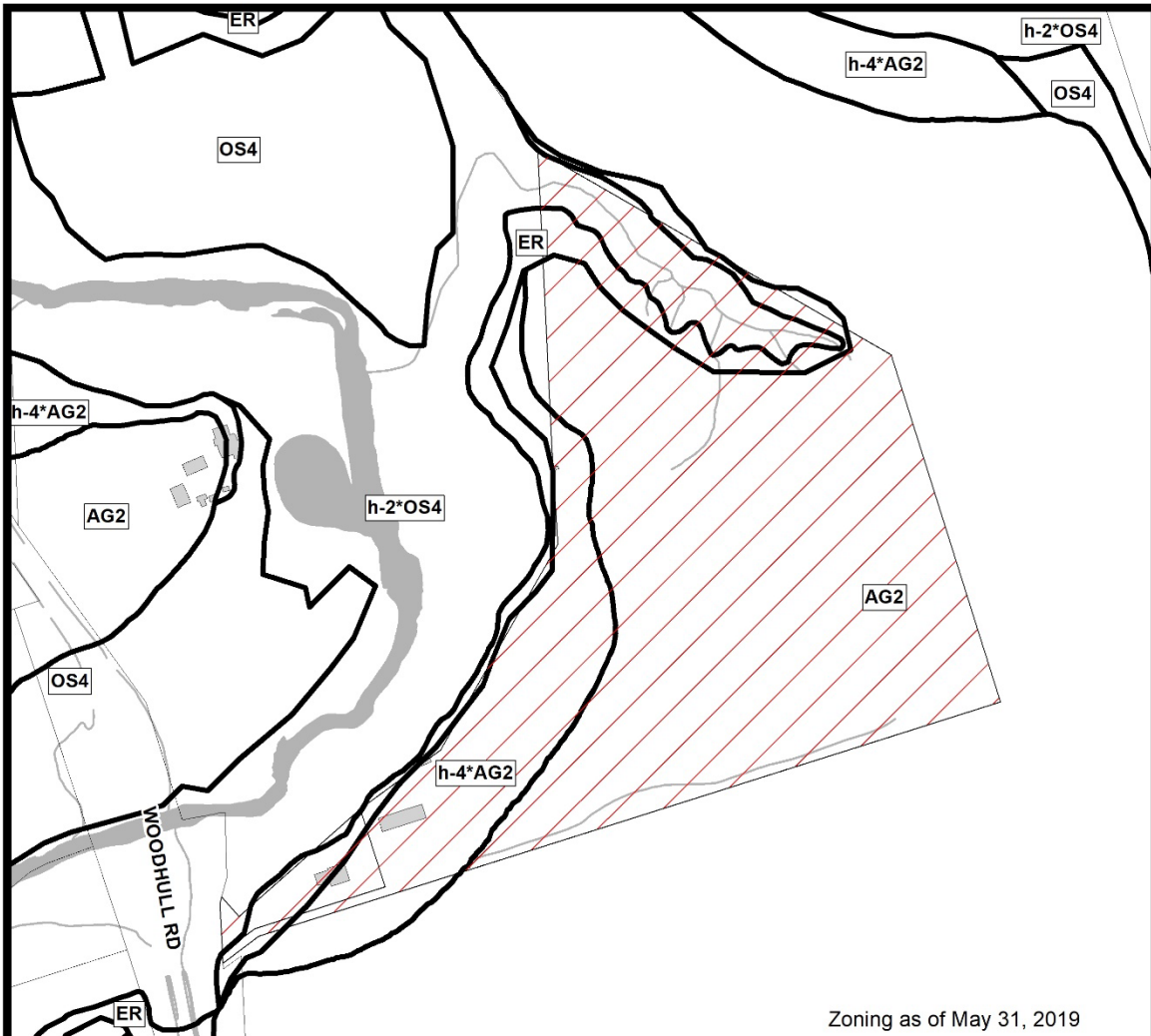
The Section 28 permit application shall include, but is not limited to:

- Detailed site plan drawing identifying hazard limits and proposed works, including the location of the proposed septic system; and,
- Sediment and Erosion Control plans, following the extent of the hazard including the 6 metre erosion access allowance.

Furthermore, it should be noted that no construction activities may occur within the 6 metre erosion access allowance. Please ensure consideration is given for construction works in and around the proposed dwelling in relation to the access allowance.

Appendix C – Relevant Background

Existing Zoning Map



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 | |
| SS - AUTOMOBILE SERVICE STATION | "h" - HOLDING SYMBOL |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | "D" - DENSITY SYMBOL |
| OR - OFFICE/RESIDENTIAL | "H" - HEIGHT SYMBOL |
| OC - OFFICE CONVERSION | "B" - BONUS SYMBOL |
| RO - RESTRICTED OFFICE | "T" - TEMPORARY USE SYMBOL |
| OF - OFFICE | |

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



FILE NO:

H-9116

LM

MAP PREPARED:

2019/10/15

DM

1:4,000

0 25 50 100 150 200

Meters

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