

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: George Kotsifas P. Eng.,
Deputy City Manager, Planning and Economic Development

Subject: Karen and Eric Auzins
3207 Woodhull Road
Public Participation Meeting

Date: January 31, 2022

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Karen and Eric Auzins relating to the property located at 3207 Woodhull Road:

- (a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on February 15, 2022 to amend The London Plan to change the designation of a portion of the subject lands **FROM** a Farmland Place Type **TO** a Green Space Place Type on Map 1 – Place Types, and to change the identification and delineation of natural heritage features on a portion of the subject lands **FROM** a Potential Environmentally Significant Area **TO** an Environmentally Significant Area on Map 5 – Natural Heritage;
- (b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on February 15, 2022 to amend Zoning By-law No. Z.-1, in conformity with The London Plan as amended in part (a) above, to change the zoning of the lands proposed to be severed **FROM** a Holding Open Space (h-2*OS4) Zone, an Agricultural (AG2) Zone and an Environmental Review (ER) Zone **TO** an Open Space Special Provision (OS5(*)) Zone, and to change the zoning of the lands proposed to be retained **FROM** an Agricultural (AG2) Zone, a Holding Open Space (h-2*OS4) Zone and an Environmental Review (ER) Zone **TO** an Agricultural Special Provision (AG2(_)) Zone, a Holding Agricultural Special Provision (h-_*AG2(_)) Zone, an Open Space Special Provision (OS5(**)) Zone and an Environmental Review (ER) Zone.

Executive Summary

Summary of Request

The owner has requested to rezone the subject site to facilitate the severance of the woodlot on the property for conveyance to the Thames Talbot Land Trust for conservation and management purposes. No new uses or changes of the lands are being proposed for the conveyed or retained lands.

Purpose and Effect of Recommended Action

The recommended Official Plan amendment will designate the lands proposed to be severed and conserved as Green Space on the Place Types Map of The London Plan, and also identify these lands as an Environmentally Significant Area on the Natural Heritage Map of The London Plan, providing for the protection of environmental features on these lands from development impacts over the long-term.

The recommended zoning for the rear portion of the property is an Open Space Special Provision (OS5(*)) Zone. The special provisions include; no minimum lot frontage requirement; a reduced Minimum Distance Separation between the woodlot and existing livestock facilities; and the removal of passive recreation uses which include hiking trails and multi-use pathways from the list of permitted uses.

The recommended zoning for the front portion of the property includes an Agricultural Special Provision (AG2(_)) Zone, a Holding Agricultural Special Provision (h-_*AG2(_)) Zone, an Open Space Special Provision (OS5(**)) Zone and an Environmental Review (ER) Zone. This combination of zoning recognizes the proposed undersized farm parcel and open space lands, and allows for continued use of the retained farm parcel for agricultural uses as permitted by the Agricultural (AG2) Zone. It will also provide additional short and long-term protection to the lands to be conveyed, by prohibiting farm related buildings or structures within 20 metres of the feature, and requiring the appropriate reports and studies prior to any change in land use to establish an appropriate development limit related to ecological features and functions and their buffers, and to hazards associated with the Provincially Significant Wetland and steep slopes.

The immediate effect of the recommended Official Plan and Zoning By-law amendment is to facilitate the severance of the rear portion of the lands for conservation and management purposes.

Rationale of Recommended Action

1. The recommended amendment is consistent with the Provincial Policy Statement, 2020;
2. The recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Key Directions, Farmland and Green Space Place Types, and Natural Heritage Features and Hazards.
3. The recommended changes to Maps 1 and 5 of The London Plan support the conservation and protection of environmentally significant features and functions over the long-term.

Linkage to the Corporate Strategic Plan

Building a Sustainable City – London has a strong and healthy environment.

Climate Emergency

On April 23, 2019, Council declared a Climate Emergency. Through this declaration the City is committed to reducing and mitigating climate change by encouraging intensification and growth at appropriate locations. The application under consideration will not result in intensification and growth and will protect a natural area that contributes to reducing and mitigating climate change.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

None.

1.2 Property Description

The subject property is located on the west side of Woodhull Road and abuts the Township of Middlesex Centre along its west and south property lines. Lands to the immediate south of the subject site are also owned by the applicants, and were the subject of Zoning By-law amendment and Consent to Sever applications considered by the Township of Middlesex Centre. Conditional consent to sever was granted on July 14, 2021.

The front (east) part of the property is the site of a farm dwelling and related outbuildings, agricultural uses, a farm pond with a dam, and the McKay Pioneer Cemetery. This portion has an approximate land area of 12 – 13 hectares. The barn associated with the farm use is located on the adjacent applicant-owned property within Middlesex Centre, having been part of a larger farmholding prior to annexation in 1992.

The rear (west) portion of the property is a wooded area through which the Dingman Creek meanders. This area includes a Provincially Significant Wetland, a significant woodland and other components of the natural heritage system and has an area of approximately 15 hectares.

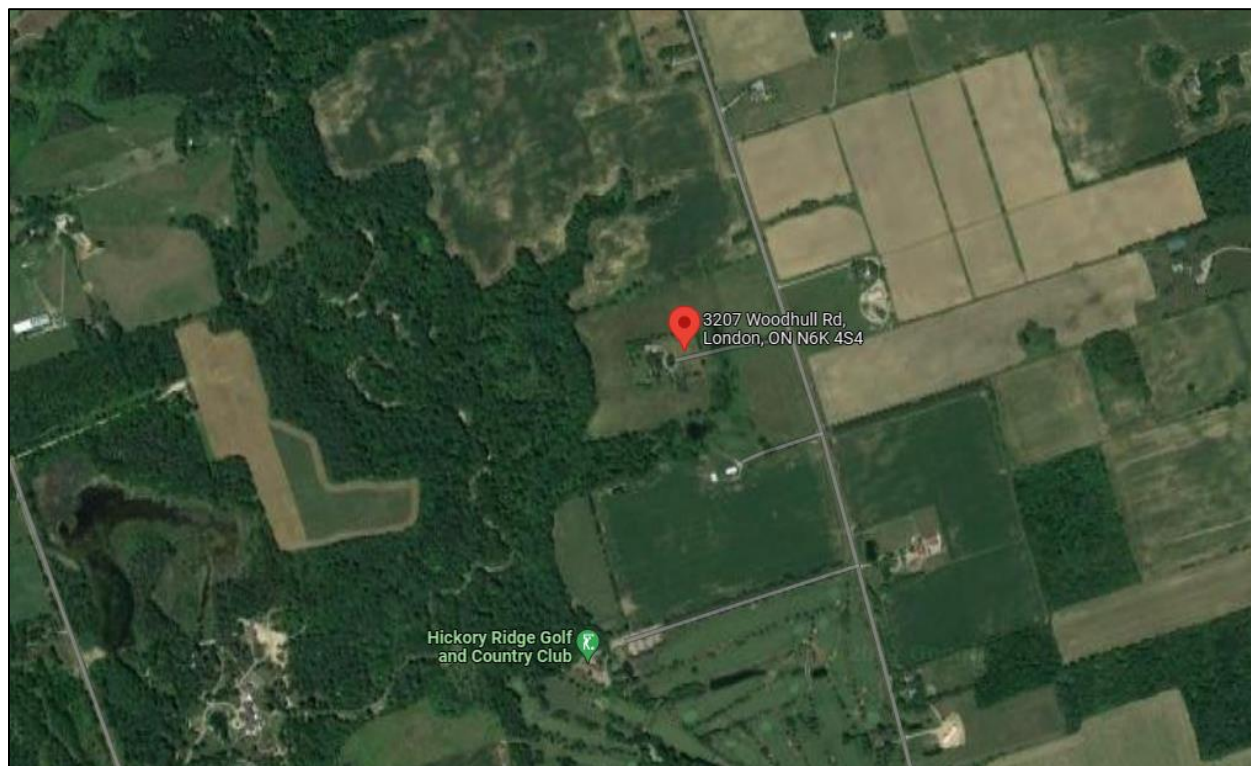


Figure 1: Aerial Photo of 3207 Woodhull Road and surrounding lands

1.3 Current Planning Information (see more detail in Appendix D)

- The London Plan Place Type – Farmland, Green Space and Environmental Review
- Existing Zoning – Holding Open Space (h-2*OS4) Zone, Agricultural (AG2) Zone, and Environmental Review (ER) Zone

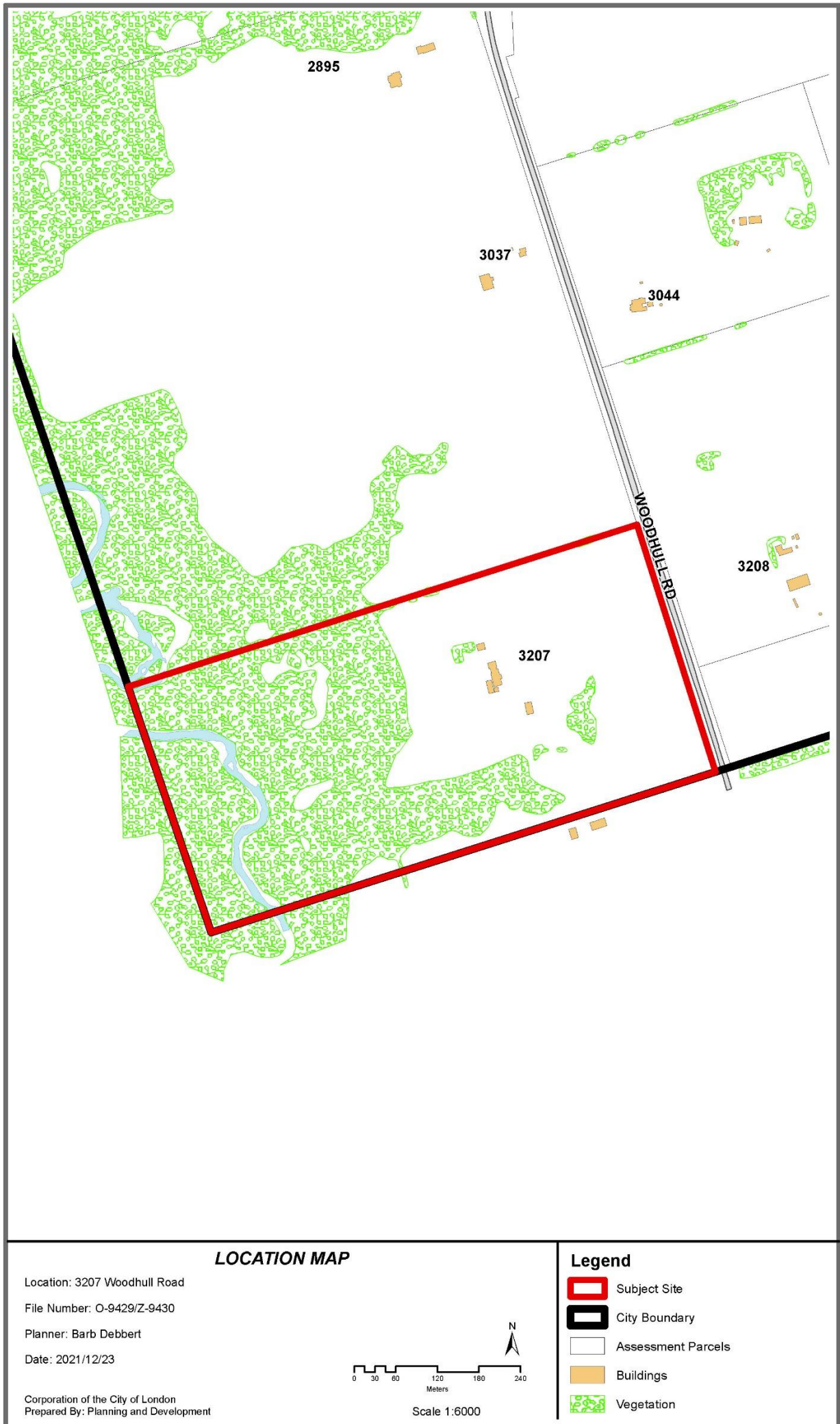
1.4 Site Characteristics

- Current Land Use – Farm dwelling, agriculture, McKay Pioneer Cemetery, woodlot, Dingman Creek
- Frontage – 367.33 metres
- Area – 28 hectares
- Shape – Rectangular

1.5 Surrounding Land Uses

- North – Agriculture
- East – Agriculture
- South – Agriculture in same ownership as applicant, Hickory Ridge Golf and Country Club, Woodland in process of transfer to the Thames Talbot Land Trust (Middlesex Centre)
- West – Agriculture and Woodland (Middlesex Centre)

1.6 Location Map



1.7 Intensification

- No residential intensification is proposed.

2.0 Discussion and Considerations

2.1 Proposal

The applicant is proposing to rezone the land to facilitate the severance of the rear (west) portion of the property (Part 12, a portion of which is illustrated on Figure 2, below) for donation to the Thames Talbot Land Trust for conservation purposes. The proposed zone/severance line provides for a minimum 10 metre wide buffer measured from the dripline of the trees. Vehicular and pedestrian access to the severed portion is proposed to be provided via easements that have been conditionally approved within the Township of Middlesex Centre (Parts 2, 3, and 4). The applicants have stated their intent to register the easements on title in the coming weeks. The front portion is intended to be retained for agricultural purposes in conjunction with the existing farm dwelling, private well and sanitary services, supporting infrastructure and the McKay Pioneer Cemetery. No development is proposed.

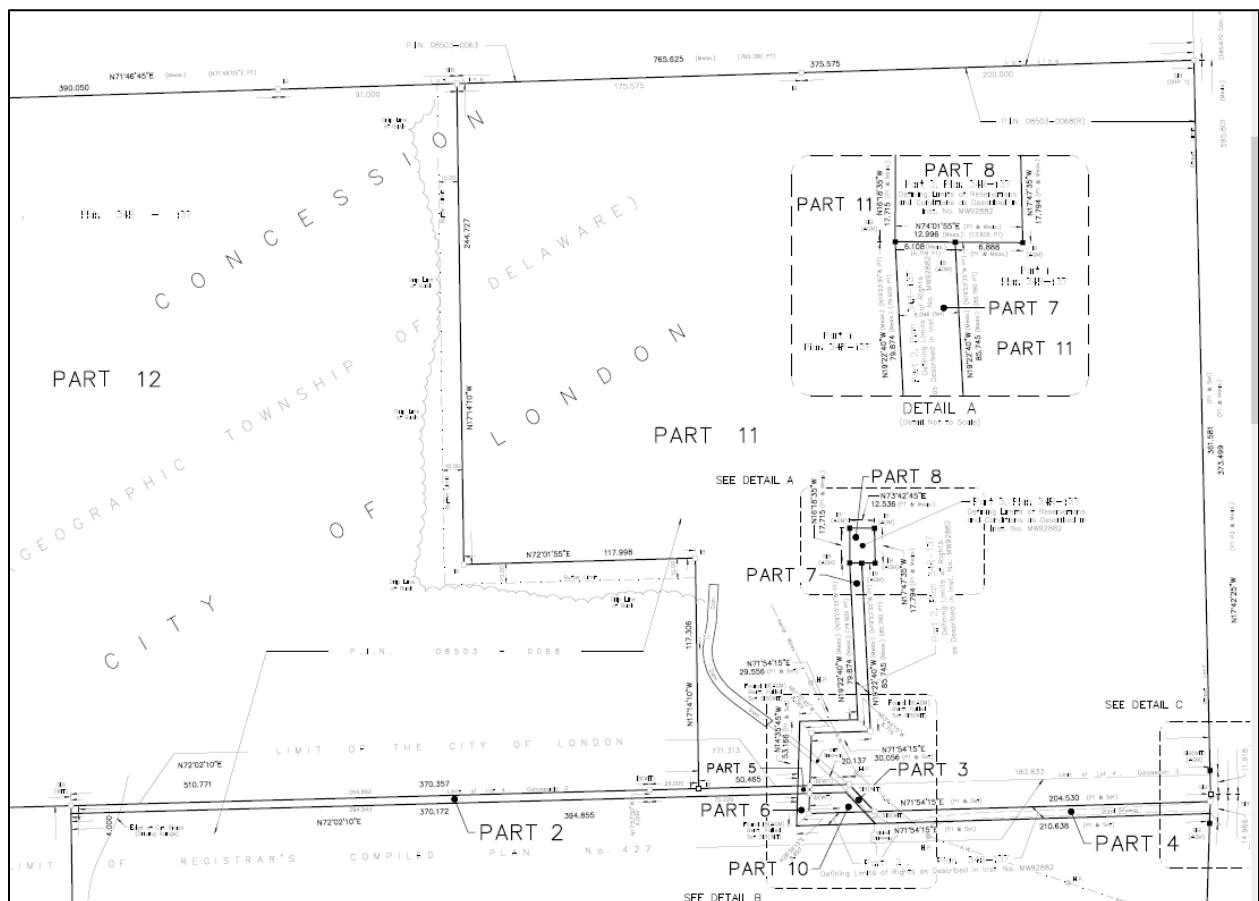


Figure 2: Draft Survey of Proposed Severance (Extract)

2.2 Requested Amendment

The applicant is requesting an Open Space Special Provision (OS5(_)) Zone for the parcel proposed to be severed that would recognize there is no frontage on an open public road, and allow for a reduced Minimum Distance Separation (MDS I) setback. The applicant is requesting that a portion of the lands proposed to be retained be zoned Agricultural Special Provision (AG2(_)) with a special provision to recognize a minimum lot area of less than 40 hectares, and to retain the Environmental Review (ER) Zone as it currently exists. Following discussions with City staff during the review process, the applicants amended the application to include additional considerations consistent with the staff recommendation.

The property is also subject to an application for consent (B.036/21) that at the time of writing of this report, was scheduled for a public meeting and consideration at the January 13, 2022 meeting of the Committee of Adjustment.

2.3 Community Engagement (see more detail in Appendix C)

No replies were received from members of the public.

2.6 Policy Context

Provincial Policy Statement, 2020 and Related Guidelines

The Provincial Policy Statement (PPS), 2020 provides policy direction on matters of provincial interest related to land use planning and development. In accordance with Section 3 of the Planning Act, all planning decisions “shall be consistent with” the PPS.

Section 1.1 of the PPS encourages healthy, livable and safe communities which are sustained by avoiding development and land use patterns which may cause environmental concerns and promoting the conservation of biodiversity (1.1.1 c) and h)), The PPS seeks to protect the future of agricultural uses and requires new land uses, including lot creation, to comply with the minimum distance separation formulae to avoid land use conflicts (1.1.5.8, 1.7.1 i) and 2.3.3). It also supports long-term economic prosperity by minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature (1.7.1 k)). The PPS prohibits development and site alteration in significant wetlands, significant woodlands, significant valleylands and significant wildlife habitat and adjacent lands, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions (2.1.4 and 2.1.5 and 2.1.6).

Further to Provincial Policies regarding the protection of agricultural lands, the Minimum Distance Separation (MDS) Formulae (Publication 853, Ministry of Agriculture, Food and Rural Affairs) are land use planning tools that determine setback distances between livestock barns, manure storages or anaerobic digesters and surrounding land uses. The objective of MDS is to minimize land use conflicts and nuisance complaints related to odour. MDS I provides the minimum distance separation between proposed new development and any existing livestock barns, manure storages and/or anaerobic digesters. The Guideline classifies Open Space uses as sensitive land uses, albeit less sensitive than many other uses because they are characterized by a low density of human occupancy or activity.

Guideline #43 of the MDS Document states that MDS I setbacks should not be reduced except in limited site-specific circumstances that meet the intent of the MDS Document. Examples include circumstances that mitigate environmental or public health and safety impacts or avoid natural or human-made hazards. If deemed appropriate by a municipality, the processes by which a reduction to MDS I may be considered could include a minor variance, a site-specific zoning by-law amendment or an official plan amendment introducing a site specific policy area.

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). All of The London Plan policies and mapping considered with respect to this application are in force and effect and are determinative for the purposes of this planning application.

The London Plan provides Key Directions (54_) that must be considered to help the City effectively achieve its vision. These directions give focus and a clear path that will lead to the transformation of London that has been collectively envisioned for 2035. Under each key direction, a list of planning strategies is presented. These strategies serve as a foundation to the policies of the plan and will guide planning and development over the next 20 years. Relevant Key Directions are outlined below.

The London Plan provides direction to plan strategically for a prosperous city by:

- protecting our valuable agricultural land (Key Direction #1, Direction 14)

The London Plan provides direction to become one of the greenest cities in Canada by:

- protecting and enhancing the health of our Natural Heritage System, and
- strengthening our urban forest by monitoring its condition, planting more, protecting more, and better maintaining trees and woodlands (Key Direction #4, Directions 4 and 9)

The site is in the Farmland, Green Space and Environmental Review Place Types, as identified on Map 1 – Place Types.

Farmland

Most of the front portion of the property is in the Farmland Place Type, generally coincident with the dripline of the existing woodland, the farm pond and a small tributary to the Dingman Creek. Lands in the Farmland Place Type are to be protected and maintained for the long term as the base to support a healthy and productive agricultural industry (1179_). This vision is to be realized by supporting a pattern of agricultural land holdings that increases the viability of farm operations and avoids fragmentation of land ownership.

Within the Farmland Place Type, policies respecting Green Space and Conservation Areas state that green space uses may include conservation areas that support the retention, enhancement, and conservation of natural heritage features and areas and their ecological functions. Such uses are to be supportive of, or neutral to agriculture and free from buildings or structures except those necessary for a permitted activity. In areas that have significant natural features and areas or functions, recreational activities will be limited to those of an educational or instructive nature which involve minimal impact on the natural heritage feature (1206_). The Plan encourages the retention of farm parcels of sufficient size to promote efficient operations and to maintain long-term agricultural viability and flexibility, establishing a minimum farm parcel size of 40 hectares in the Zoning By-law, but also recognizing that existing undersized land holdings may be used for agricultural purposes subject to Minimum Distance Separation (MDS I) setbacks (1215_).

Woodlands are identified as important features in Rural London and are an integral part of the farm unit. To promote the retention, responsible management and expansion of woodlands on lands, the City, in cooperation with the conservation authorities, other agencies or groups and property owners, may encourage property owners to make use of programs and services provided by the Ministry of Natural Resources and Forestry and the conservation authorities for the management of forests and woodlots, and consider the use of other incentives for woodland retention and expansion by private property owners (1220_ and 1221_).

Agricultural land consents are specifically subject to policy 1225_ which requires, among other matters, all parcels to have access to a public street, comply with the Minimum Distance Separation (MDS I) formulae, comply with the Zoning By-law and be appropriate for the use proposed, not detract from or result in the loss of area of any wetland, woodland or other environmental feature identified or delineated on Map 5 – Natural Heritage. The detailed consent policies have been considered in conjunction with the concurrent Consent to Sever application.

Green Space Place Type, Environmental Review Place Type and Natural Heritage Features and Hazards

The Green Space Place Type applies to the majority of the subject lands that are not in the Farmland Place Type. This Place Type is multi-faceted and includes significant natural heritage features and areas and lands containing other natural physical features that are desirable for green space use or preservation in a natural state. 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 (758_ and 1315_). Permitted uses, among others, include agriculture, and woodlot management and conservation (762_).

The Natural Heritage policies of The London Plan provide for the identification and protection of natural heritage features and areas and the ecological functions, processes and linkages that they provide over the long term (1307_). The Components of the Natural Heritage System are identified or delineated on Map 5 – Natural Heritage, including Potential Environmentally Significant Areas (Delaware East Woodland ESA), Provincially Significant Wetlands, Fish Habitat, Significant Valleylands and Valleylands. Map 6 – Hazards and Natural Resources also identifies that these lands are regulated by the Upper Thames River Conservation Authority and, most relevant to the application under consideration, subject to a Riverine Erosion Hazard Limit for Confined Systems.

The Environmental Review Place Type applies to lands surrounding the smaller pond and related small tributary to the Dingman Creek and is not affected by the proposed Official Plan or Zoning By-law amendments.

In accordance with policy 1322_, natural heritage features and areas may be identified and delineated on Map 5 and included in the Green Space Place Type on Map 1 by amendment to The London Plan. Usually such an amendment is based on an environmental study accepted by the City consistent with the relevant criteria of the Natural Heritage Policies of the Plan.

Policy 1408_ of The London Plan states that where natural heritage areas are privately-owned, the City will encourage individual property owners to provide for their protection and conservation. Among the several techniques available to the City to achieve this goal, is the establishment of land trusts and the utilization of existing land trusts, as well as other mechanisms to purchase land and to rehabilitate, create or conserve natural heritage areas.

3.0 Financial Impact/Considerations

There are no direct municipal financial expenditures associated with this application.

4.0 Analysis

The Thames Talbot Land Trust is a not-for-profit corporation and a registered charity whose mission is to protect, conserve and restore nature within Elgin, Middlesex, Oxford and Perth Counties, contributing to a stable climate and healthy habitats. The recommended Official Plan and Zoning By-law amendments will facilitate a concurrent consent application to sever and convey the lands to the Thames Talbot Land Trust for long-term stewardship of environmentally significant features on the site.

Consideration of this application should balance the interests of the long-term protection of both ecological features and functions with the equally important long-term protection of viable farmlands.

Amendments to The London Plan are recommended to include additional lands in the Green Space Place Type and to identify the lands proposed to be conveyed as Environmentally Significant Area. These map changes provide clarity that these lands are to be protected over the long-term. Providing an opportunity for the Environmentally Significant Wetland, the wooded areas, and associated functions to be proactively maintained and protected from potential negative impacts of future development on adjacent lands is consistent with the various policies of the Provincial Policy Statement and The London Plan related to environmental protection and climate change.

With respect to ecological protection, the inclusion of a minimum 10 metre buffer from the drip line within the recommended Open Space Special Provision (OS5(*)) Zone was viewed by the City's Ecologist and the Upper Thames River Conservation Authority as appropriate given that no land use change or development on lands adjacent to the environmental features is proposed. In many areas along the east and north edges of the woodlot, more than a 10 metre buffer is provided. The buffer is paired with two additional mechanisms to further protect the feature and slope hazard from development impacts. The first is a minimum 20 metre yard depth along this edge within the agricultural lands to protect the feature and slope hazard from the encroachment of

new built form associated with farming operations. The second is a 20 metre wide holding zone within the agricultural lands along this edge. The recommended Holding provision requires a number of studies including a Subject Lands Status Report/Environmental Impact Assessment, a Hydrogeological Report/Water Balance, and a Geotechnical Report be completed to determine the extent to which development will be permitted and ensure that development will not have a negative impact on relevant components of the Natural Heritage System. The primary focus of this holding provision is to ensure the long-term protection of these features from future applications for urban development should the lands ever be included in the Urban Growth Boundary. The recommended Holding provision could also apply to any application that would change the permitted agricultural uses on the property. In the interim, uses permitted in the existing Agricultural (AG2) zone variation will be permitted.

Near the south property line, the determination of an appropriate zone line accounted for the co-existence of existing farm-related infrastructure and the McKay Pioneer Cemetery with potentially ecologically significant features and their related functions. These lands are primarily zoned Environmental Review (ER), providing protection from development impacts pending the completion of technical studies to determine the limits of the features and functions and their related buffers or other mitigation measures. In this instance, a setback to the west of the dam of 3 metres was considered appropriate, leaving ecological features and functions within the farm parcel as they have been for many years.

With respect to the protection of farmland, the land area to be included in the recommended Agricultural Special Provision (AG2(_)) Zone represents a slight reduction from the area currently zoned for agricultural production. Functionally, it is anticipated there will be little to no actual change in the area of land currently being cash-cropped by a tenant in conjunction with adjacent lands to the north owned by others, maintaining its current level of viability.

Consideration was also given to compliance with the required Minimum Separation Distance (MDS I) calculations which required a minimum setback of 164.8 metres from the barn owned by the applicants within Middlesex Centre to the sensitive Open Space use on the lands proposed to be conveyed to the Thames Talbot Land Trust. Based on the MDS I report submitted with the application, the barn in Middlesex Centre is located approximately 60 metres from the open space lot to be created. It has not been used to house livestock since the 1980's and would require interior retrofitting to make it suitable for that use. Furthermore, the staff recommendation includes the removal of passive recreation uses, including hiking trails and multi-use pathways from the list of permitted uses in the recommended Open Space Special Provision (OS5(*)) Zone. The intent/effect of removal of pathways is two-fold – to mitigate the potential for land use conflicts between livestock facilities and a sensitive land use, and to minimize human impacts on the ecological features and functions by prohibiting public access to the area, except for activities related to the conservation and management of the conveyed lands.

The recommended special provision to reduce the MDS I setback appears appropriate in this instance and consistent with the MDS Guideline which allows Council to consider reductions where site specific circumstances that meet the intent of the MDS Document exist.

The overall intent of the recommended Official Plan and Zoning By-law amendments is to facilitate the severance and protection of the Natural Heritage Features while protecting the existing agricultural use of the lands.

Conclusion

The recommended amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the in-force policies of The London Plan, including but not limited to the Key Directions, Farmland and Green Space Place Types, and Natural Heritage

Features and Hazards providing for the protection of both significant environmental features and functions and viable farmland. The recommended changes to Maps 1 and 5 of The London Plan support the conservation and protection of environmentally significant features and functions over the long-term. The recommended amendment conforms to the in-force policies of the 1989 Official Plan.

Prepared by: **Barb Debbert**
Senior Planner, Development Services

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

Recommended by: **Gregg Barrett, AICP**
Director, Planning and Development

Submitted by: **George Kotsifas, P. Eng**
**Deputy City Manager, Planning and Economic
Development**

Bill No.
2022

By-law No. C.P.-1512

A by-law to amend The London Plan for the
City of London, 2016 relating to 3207 Woodhull
Road.

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

1. Amendment No.____ to The London Plan for the City of London Planning
Area - 2016, as contained in the text attached hereto and forming part of this by-law, is
adopted.
2. This by-law shall come into effect in accordance with subsection 17(27) of
the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on February 15, 2022.

Ed Holder
Mayor

Michael Schulthess
City Clerk

First Reading – February 15, 2022
Second Reading – February 15, 2022
Third Reading – February 15, 2022

AMENDMENT NO.
to the
OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment to The London Plan for the City of London is to change the designation of a portion of the subject lands from a Farmland Place Type to a Green Space Place Type on Map 1 – Place Types, and to change the identification and delineation of natural heritage features on a portion of the subject lands from a Potential Environmentally Significant Area to an Environmentally Significant Area on Map 5 – Natural Heritage.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 3207 Woodhull Road in the City of London.

C. BASIS OF THE AMENDMENT

The recommended amendment is consistent with the PPS and the in force policies of The London Plan, and supports the long-term protection of environmentally significant features.

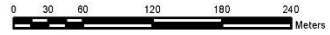
D. THE AMENDMENT

The London Plan for the City of London is hereby amended as follows:

1. Map 1 – Place Types, of The London Plan for the City of London is amended by redesignating a portion of the subject lands, as indicated on “Schedule 1” attached hereto from a Farmland Place Type to a Green Space Place Type.
2. Map 5 – Natural Heritage, of The London Plan for the City of London is amended by changing the identification and delineation of natural heritage features on a portion of the subject lands, as indicated on “Schedule 2” attached hereto from a Potential Environmentally Significant Area to an Environmentally Significant Area.

**LONDON PLAN AMENDMENT
No. ____**

LOCATION MAP



Prepared on Dec 28, 2021 by:
GIS Planning & Development
Corporation of the City of London
based on April 2014 Right of Way
File: planne@project09_C010_custom.mxd



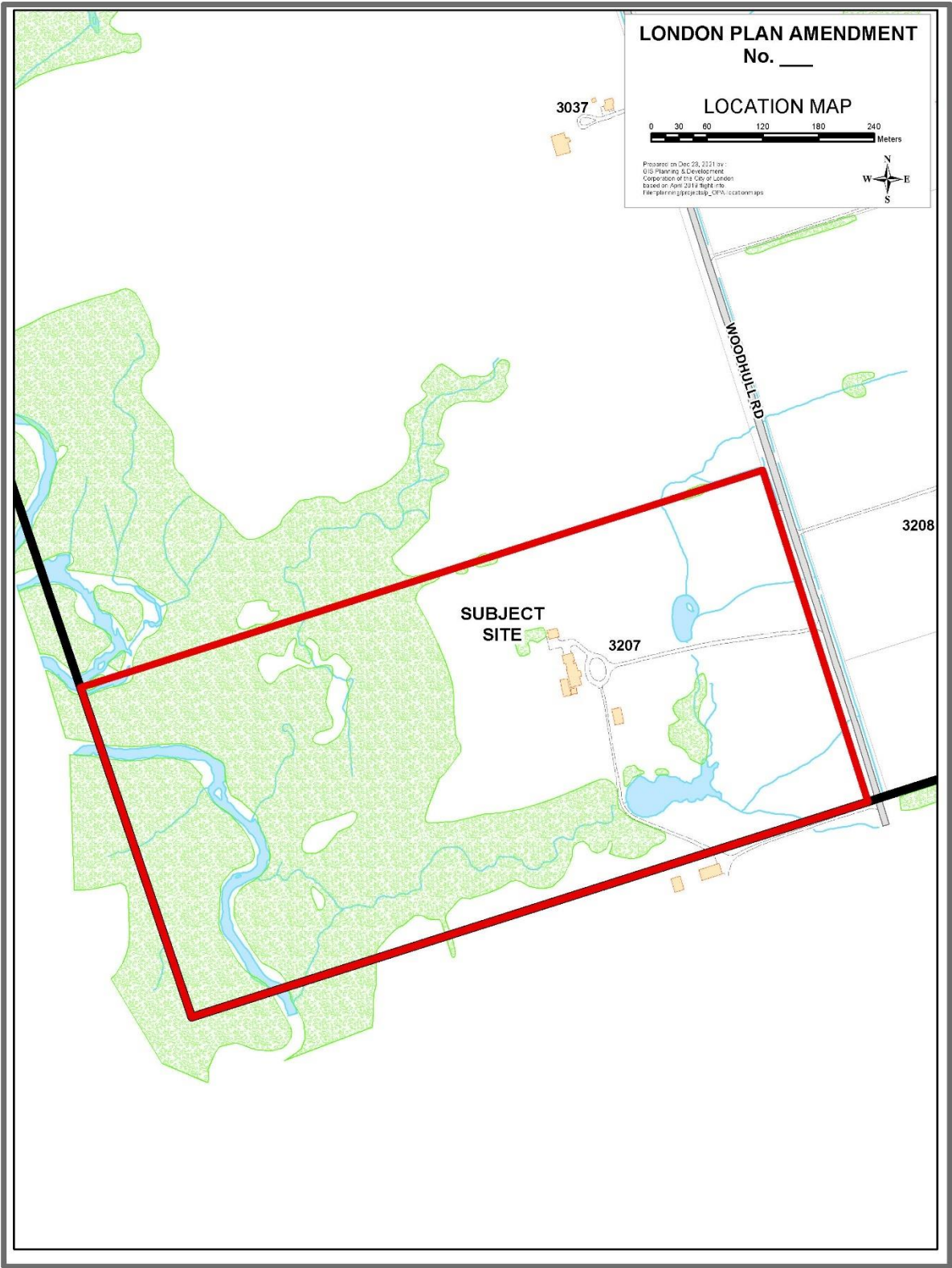
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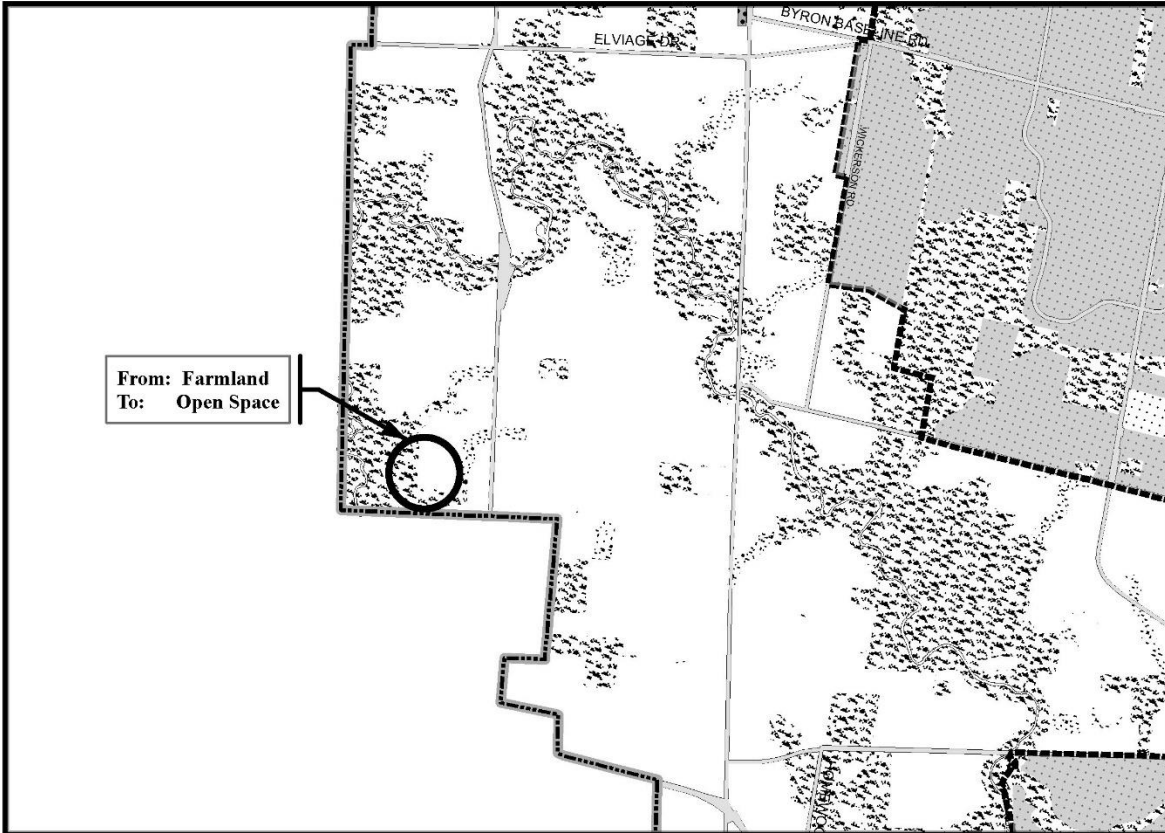
WODHURST RD

3208

**SUBJECT
SITE**

3207





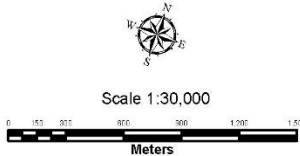
Legend

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	Areas Withheld from LPAT Approval
Neighbourhood	Green Space	

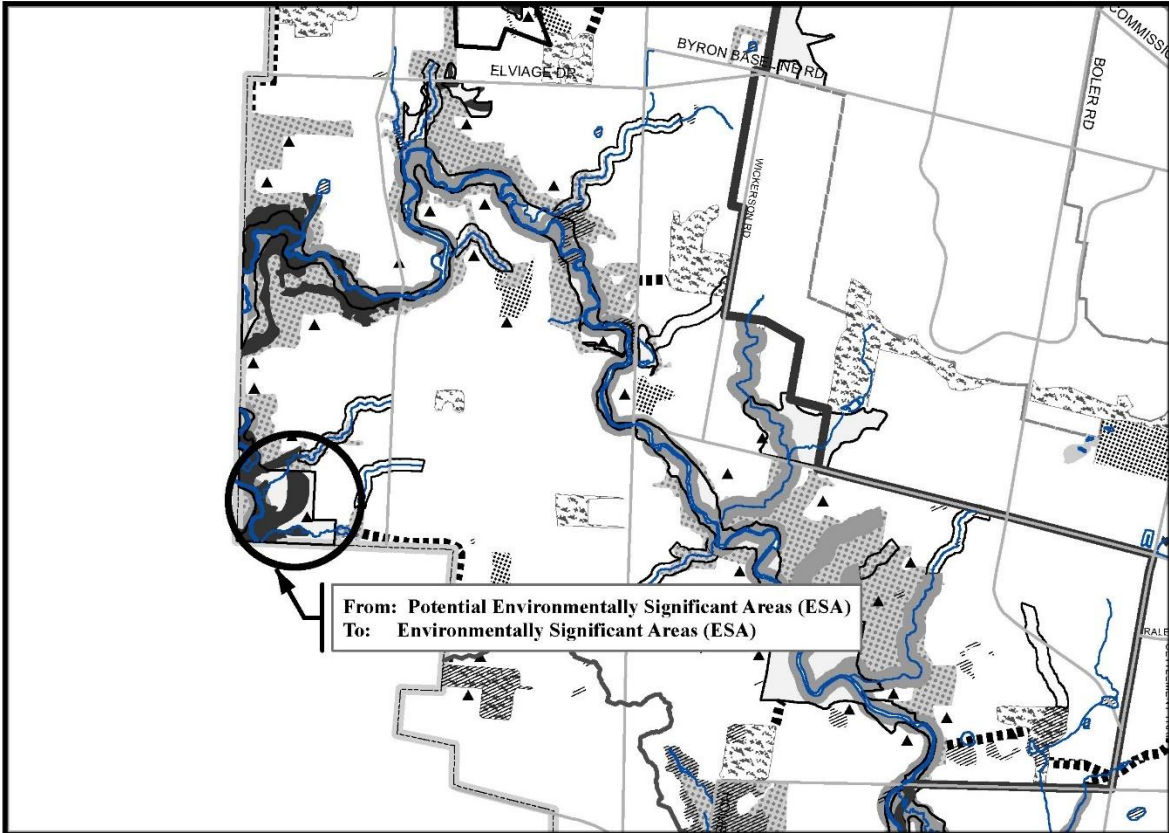
*This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.*

**SCHEDULE 1
TO
THE LONDON PLAN**
AMENDMENT NO. _____

PREPARED BY: Planning Services



FILE NUMBER: O-9429/Z-9430
PLANNER: BD
TECHNICIAN: RC
DATE: 12/23/2021



From: Potential Environmental Significant Areas (ESA)
To: Environmental Significant Areas (ESA)

NATURAL HERITAGE SYSTEM

- Provincially Significant Wetlands
- Wetlands
- Unevaluated Wetlands
- Significant Woodlands
- Woodlands
- Significant Valley Lands
- Valley Lands

- Areas of Natural and Scientific Interest
- Environmentally Significant Areas (ESA)
- Potential ESAs
- Upland Corridors
- Potential Naturalization Areas
- Unevaluated Vegetation Patches

Base Map Features

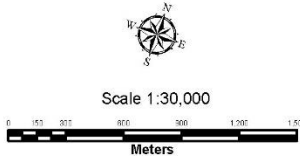
- Railways
- Water Courses/Ponds
- Streets (see Map 3)
- Conservation Authority Boundary
- Subwatershed Boundary
- Subject to Site Specific Appeals (LPAT Appeal PL170100)

This is an excerpt from the Planning Division's working consolidation of Map 5 - Natural Heritage of the London Plan, with added notations.

**SCHEDULE 2
TO
THE LONDON PLAN**

AMENDMENT NO. _____

PREPARED BY: Planning Services



FILE NUMBER: O-9429/Z-9430
PLANNER: BD
TECHNICIAN: RC
DATE: 1/4/2022

Appendix B

Bill No. (number to be inserted by Clerk's Office)
2022

By-law No. Z.-1-22_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 3207 Woodhull Road.

WHEREAS Karen and Eric Auzins have applied to rezone an area of land located at 3207 Woodhull Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of London Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to The London 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 3207 Woodhull Road from a Holding Open Space (h-2*OS4) Zone, an Agricultural (AG2) Zone and an Environmental Review (ER) Zone to an Open Space Special Provision (OS5(*)) Zone, and from an Agricultural (AG2) Zone, a Holding Open Space (h-2*OS4) Zone and an Environmental Review (ER) Zone to an Agricultural Special Provision (AG2(_)) Zone, a Holding Agricultural Special Provision (h-_*AG2(_)) Zone, an Open Space Special Provision (OS5(**)) Zone and an Environmental Review (ER) Zone.
- 2) Section Number 36.4 of the Open Space (OS5) Zone is amended by adding the following Special Provision:
 -) OS5(*) 3207 Woodhull Road
 - a) Permitted Uses
 - i) Conservation lands;
 - ii) Conservation works;
 - iii) Managed woodlots
 - b) Regulations
 - i) No minimum lot frontage requirement
 - ii) Notwithstanding the regulations of Section 4.32 Minimum Distance Separation (MDS) and Section 45.3 8) Minimum Distance Separation (MDS), the Minimum Distance Separation setback to lands zoned Open Space Special Provision (OS5(*)) shall be 60.0 metres (196.85 feet)
- 3) Section Number 36.4 of the Open Space (OS5) Zone is amended by adding the following Special Provision:
 -) OS5(**) 3207 Woodhull Road
 - a) Regulations
 - i) No minimum lot area requirements
 - ii) No minimum lot frontage requirements

4) Section Number 45.4 of the Agricultural (AG2) Zone is amended by adding the following Special Provision:

) AG2() 3207 Woodhull Road

b) Regulations

- i) Lot Area 10.0 ha. (24.71 acres)
(Minimum)
- ii) Yard Depth for all buildings 20.0 metres (65.62 feet)
and structures adjacent to any
Open Space Zone located within
the City of London
(Minimum)

5) Section Number 3.8 2) of the Holding “h” Zones section is amended by adding the following Holding Zone:

h-__ 3207 Woodhull Road

Purpose: to determine the extent to which development will be permitted and ensure that development will not have a negative impact on relevant components of the Natural Heritage System, an agreement shall be entered into specifying appropriate development conditions and boundaries, based on a Subject Lands Status Report and/or Environmental Impact Study, Hydrogeological Report/Water Balance, and Geotechnical Report that have been prepared to the satisfaction of the City of London and/or the Upper Thames River Conservation Authority, as applicable, prior to the removal of the “h-__” symbol.

Permitted Interim Uses: Uses permitted in the AG2 Zone

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.

This By-law shall come into force and be deemed to come into force 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.

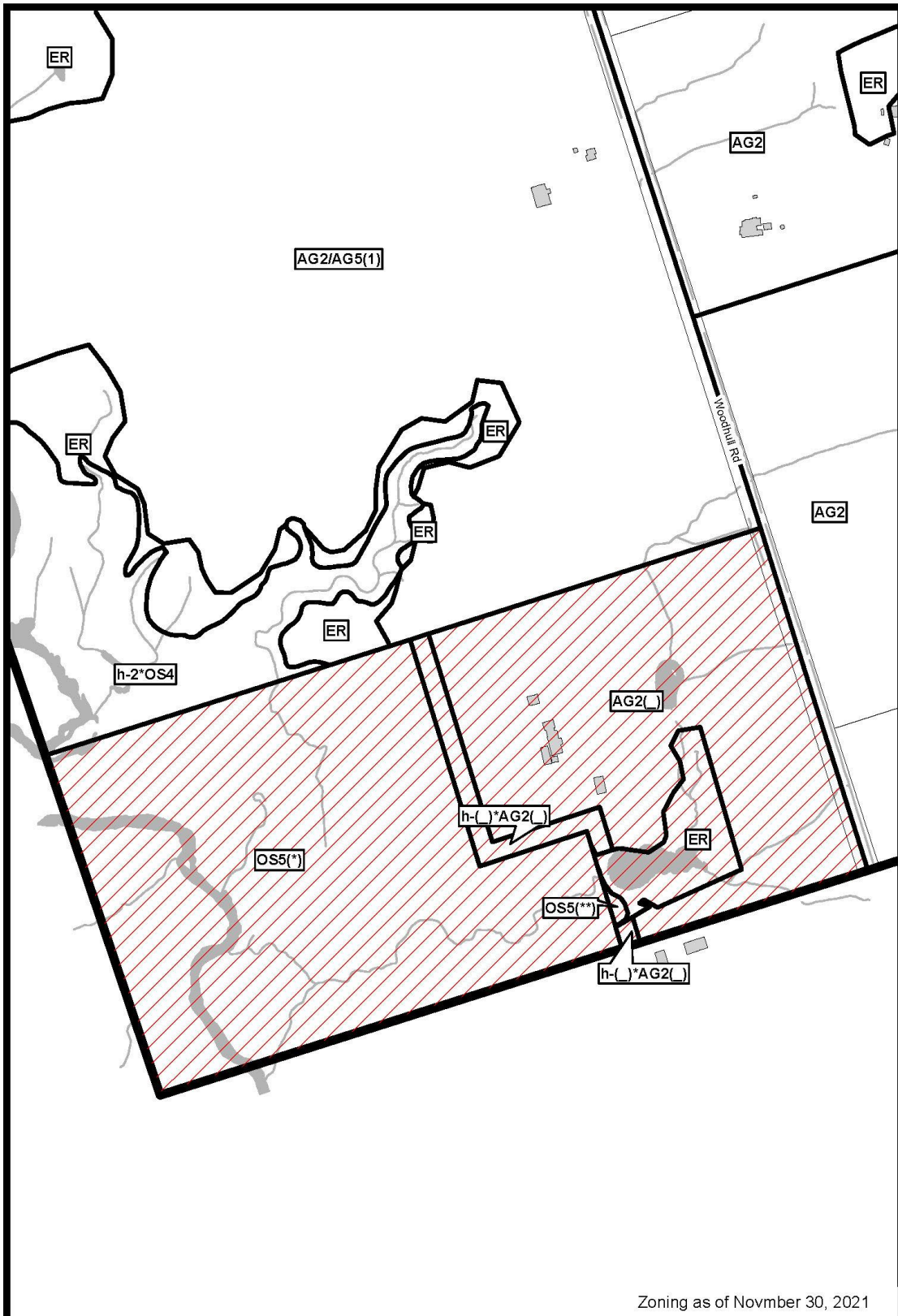
PASSED in Open Council on February 15, 2022.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – February 15, 2022
Second Reading – February 15, 2022
Third Reading – February 15, 2022

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



Zoning as of November 30, 2021

File Number: O-9429/Z-9430

Planner: BD

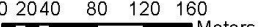
Date Prepared: 2022/01/4

Technician: rc

By-Law No: Z.-1-

SUBJECT SITE 

1:4,896

0 20 40 80 120 160 Meters 



Appendix C – Public Engagement

Community Engagement

Notice of Application:

On November 10, 2021, Notice of Application was sent to eight (8) property owners in the surrounding area including lands in the Township of Middlesex Centre. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on November 11, 2021. A “Planning Application” sign was also posted on the site.

No public replies were received.

Nature of Liaison: The purpose and effect of this Official Plan and zoning change is to facilitate the severance of the woodlot from the farm holdings and conveyance of the severed land to the Thames Talbot Land Trust for conservation purposes. Possible amendment to The London Plan **TO ALIGN** the boundary of the Green Space Place Type on Map 1 – Place Types with the proposed lands to be severed, and to change the Potential Environmentally Significant Area on Map 5 – Natural Heritage **TO** Environmentally Significant Area and align it with the proposed lands to be severed. Possible change to Zoning By-law Z.-1 on the proposed lands to be severed, **FROM** a Holding Open Space (h-2*OS4) Zone, an Agricultural (AG2) Zone, and an Environmental Review (ER) Zone **TO** an Open Space Special Provision (OS5(_)) Zone. The requested special provision is to permit a zero (0.0m) lot frontage in place of 15.0m and a reduced Minimum Distance of Separation of 62.3m in place of 164.8m. Possible change to Zoning By-law Z.-1 on the proposed lands to be retained, **FROM** an Agricultural (AG2) Zone and an Environmental Review (ER) Zone **TO** an Agricultural Special Provision (AG2(_)) Zone, and an Environmental Review (ER) Zone. The requested special provision for the AG2(_) Zone is to permit a lot area of less than the required minimum of 40ha. The City may also consider an additional special provision to the requested Open Space Special Provision (OS5(_)) Zone to remove passive recreation uses which include hiking trails and multi-use pathways from the list of permitted uses. The City may also consider a Holding provision for the AG2(_) Zone to require a Subject Lands Status Report and/or an Environmental Impact Assessment prior to any non-farm development on the retained farm parcel.

Public Meeting Notice:

In anticipation of the applicants revision to the application to reflect a greater level of detail, include additional technical matters and address the comments and concerns of the City Ecologist and the Upper Thames River Conservation Authority, the Public Meeting Notice included application revisions specifying a Minimum Distance Separation of 60.0 metres, a minimum lot area of 10.0 hectares for the retained Agricultural Special Provision (AG2(_)) Zone, and additional matters that may be considered by the City, as follows:

Within the parcel to be severed, the City may also consider an additional special provision to the requested Open Space Special Provision (OS5(_)) Zone to remove passive recreation uses which include hiking trails and multi-use pathways from the list of permitted uses. Within the parcel to be retained, the City may also consider; a Holding provision for a portion of the AG2(_) Zone to require a Subject Lands Status Report and/or an Environmental Impact Assessment, Hydrogeological Report/Water Balance, and Geotechnical Report prior to any non-farm development on the retained farm parcel; an additional special provision to the AG2(_) Zone to prohibit buildings and structures within 20 metres of the conservation lands; and to rezone a small area from a Holding Open Space (h-2*OS4) Zone to an Open Space Special Provision (OS5(_)) Zone with permission for a zero (0.0m) lot frontage and a reduced minimum lot area, or other modifications to achieve the same effect

Departmental and Agency Comments

Urban Design (November 22, 2021)

- No comments.

Parks Planning & Design (November 15, 2021)

- No comment.

City Ecologist (December 9, 2021)

This e-mail is to confirm that all ecological planning related issues have been resolved through the ZBA process.

Major issues identified

- Natural Heritage Features on, or adjacent to the site have been identified on Map 5 of the London Plan or based on current aerial photo interpretation, including, Potential ESAs (Delaware East Woodland ESA), Provincially Significant Wetlands, Fish Habitat, Significant Valleylands and Valleylands.

Ecology Comments Associated with the Rezoning Application

- All requests have been satisfied through the rezoning process.
- It is acknowledged that typical severance practice consolidates Natural Heritage Features, however, given that the severed parcel to be rezoned Open Space (OS5) in this case will be transferred to Thames Valley Land Trust for conservation purposes the City is supportive of an incomplete consolidation.
- Buffer lands have not been included separating the new property boundary and the edge of feature. Buffers will need to be implemented through any subsequent development applications. In the absence of an SLSR/EIS no development or partial development is permitted within 30 m of the feature.
- The features and functions associated with these lands are being retained in the Environmental Review zone such that if these lands were ever to come into the Urban Growth Boundary and the severed parcel (house lot) was proposed for development, additional studies (SLSR/EIS) would be required.

Notes

- Although not typical, the 3 m setback from the dam is sufficient in this case, given the overall conservation objectives that will be achieved as a result of this rezoning.

Upper Thames River Conservation Authority

The Upper Thames River Conservation Authority (UTRCA) has reviewed these applications with regard for the policies in the *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority* (June 2006). These policies include regulations made pursuant to Section 28 of the *Conservation Authorities Act*, and are consistent with the natural hazard and natural heritage policies contained in the *Provincial Policy Statement (2020, PPS)*.

PROPOSAL

The proposed amendments pertain to the severance of the westerly portion of the site which includes a Provincially Significant Wetland, a significant woodland and other components of the natural heritage system which contribute to this Environmentally Significant Area. The lands to be severed are to be dedicated to the Thames Talbot Land Trust. The purpose of the amendments is to redesignate and rezone the severed and retained lands such that the significant environmental features will be protected over the long term. No new development is being proposed for any of these lands.

Conservation Authority staff have participated in pre-consultation/discussions for these lands for a number of years.

DELEGATED RESPONSIBILITY & STATUTORY ROLE

Provincial Policy Statement 2020

The UTRCA represents the provincial interest in commenting on development applications with respect to natural hazards ensuring that applications are consistent with the PPS. This responsibility has been established in a Memorandum of Understanding between Conservation Ontario, the Ministry of Natural Resources and Forestry (MNR) and the Ministry of Municipal Affairs and Housing.

The UTRCA's role in the development process is comprehensive and coordinates our planning and permitting interests. Through the plan review process, we make sure that development applications meet the tests of the *Planning Act*, are consistent with the PPS, conform to municipal planning documents, and with the policies in the UTRCA's Environmental Planning Policy Manual (UEPPM, 2006). Permit applications must meet the requirements of Section 28 of the *Conservation Authorities Act* and the UTRCA's policies (UEPPM, 2006). This approach ensures that the principle of development is established through the *Planning Act* approval process and that a permit application can be issued under Section 28 of the *Conservation Authorities Act* once all of the planning matters have been addressed.

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 riverine flooding and erosion hazards as well as wetlands including Provincially significant features and the surrounding areas 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.

Please be advised that 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.

Dingman Creek Stormwater Servicing Municipal Class Environmental Assessment

The subject lands are situated in the Dingman Creek Subwatershed which is the focus of an ongoing Environmental Assessment (EA) to evaluate Stormwater Servicing and includes an update to existing flood plain modeling by the Conservation Authority. In order to capture those areas within the watershed which may be impacted by revised floodline information (which is still being refined by the UTRCA through the peer review process), a Dingman Subwatershed Screening Area Map has been developed to help guide planning decisions as an interim measure.

UTRCA ENVIRONMENTAL PLANNING POLICY MANUAL (2006)

The UTRCA's Environmental Planning Policy Manual is available online at:

<http://thamesriver.on.ca/wp-content/uploads/PlanningRegulations/EnvPlanningPolicyManual-update2017.pdf>

NATURAL HAZARDS

In Ontario, prevention is the preferred approach for managing hazards in order to minimize the risk to life and property. The UTRCA's natural hazard policies are consistent with the PPS and the applicable policies include:

3.2.2 General Natural Hazard Policies

These policies direct new development and site alteration away from hazard lands. No new hazards are to be created and existing hazards should not be aggravated. The Authority also does not support the fragmentation of hazard lands through lot creation which is consistent with the PPS.

3.2.3 Riverine Flooding Hazard Policies

These policies address matters such as the provision of detailed flood plain mapping, floodplain planning approach, and uses that may be allowed in the flood plain subject to satisfying UTRCA permit requirements.

3.2.4 Riverine Erosion Hazard Policies

The Authority generally does not permit development and site alteration in the meander belt or on the face of steep slopes, ravines and distinct valley walls. The establishment of the hazard limit must be based upon the natural state of the slope, and not through re-grading or the use of structures or devices to stabilize the slope.

3.2.6 & Wetland Policies

New development and site alteration may only be permitted in the area of interference and /or adjacent lands of a wetland if it can be demonstrated through the preparation of an Environmental Impact Study (EIS) that there will be no negative impact on the hydrological function of the wetland feature and no potential hazard impact on the development.

NATURAL HERITAGE

The UTRCA provides technical advice on natural heritage to ensure an integrated approach for protecting the natural environment consistent with the PPS. The linkages and functions of water resource systems consisting of groundwater and surface water features, hydrologic functions and the natural heritage system are necessary to maintain the ecological and hydrological integrity of the watershed. The PPS also recognizes the watershed as the ecologically meaningful scale for integrated and long-term planning which provides the foundation for considering the cumulative impacts of development.

The UTRCA's natural heritage policies that are applicable to the subject lands include:

3.3.2 Wetland Policies –

New development and site alteration may only be permitted in the area of interference and /or adjacent lands of a wetland if it can be demonstrated through the preparation of an Environmental Impact Study (EIS) that there will be no negative impact on the hydrological and ecological function of the wetland feature.

3.3.3.1 Significant Woodlands Policies

The UTRCA does not permit new development and site alteration in woodlands considered to be significant. Furthermore, new development and site alteration is not permitted on adjacent lands to significant woodlands unless an EIS has been completed to the satisfaction of the UTRCA. The woodland which is located on the subject lands as well as on the adjacent lands has been identified as being significant in the Middlesex Natural Heritage System Study (2014).

COMMENTS & RECOMMENDATIONS

Generally, the UTRCA has no objections to these applications. We are supportive of the goal to protect the significant natural heritage system both its features and functions that are located on the westerly portion of the property. While no new development is contemplated at the present time, our comments pertain to the long term protection of the natural heritage lands and implementing the zoning provisions which will guide the possible future redevelopment of the retained agricultural lands.

With respect to the severed lands, we understand that the lands are to be designated Green Space Place Type and Environmentally Significant Area. Furthermore, these lands will be zoned Open Space [OS5] and will include a special provision whereby passive recreation uses including multi-use pathways will not be permitted. The UTRCA is in agreement with that approach.

With respect to the retained lands, it is our understanding that the Agricultural Zoning will continue to apply but that there will be provisions in place that will protect the adjacent OS5 lands from possible future development impacts. A holding provision will require that if development is proposed on the agricultural lands within 30 metres of the

south and/or interior yards that the necessary technical studies including an Environmental Impact Study, a Hydrogeological and Water Balance Assessment and a Geotechnical – Slope Stability Assessment will be required, prepared to the satisfaction of the City of London and the UTRCA. We are in agreement with this requirement.

We recommend that that the 30 metre holding provision apply to non-farm and agricultural uses and structures which could potentially impact the significant natural heritage system such as the construction of a kennel or a manure storage facility. In effect, the 30 metre setback applied to the south and/or interior yards would serve as “no build” area subject to the necessary studies being completed.

It is our understanding that the City may have further discussions with the applicant to review the proposed special zoning provisions. If there are any substantive changes from those that were discussed at our meeting on December 16, 2021, the TRCA would appreciate the opportunity to provide input thereon.

Engineering (December 2, 2021)

The following items are to be considered during a future site plan application stage:

Wastewater:

- The proposed lands are outside of the Urban Growth Boundary of the City of London. The subject site is not serviced by municipal water or wastewater systems.
- The submitted Zoning By-law amendment to facilitate the severance and conveyance of environmentally significant lands to Thames Talbot Land Trust for their long-term protection and conservation.
- As per the provided summary, the existing residence located at 3207 Woodhull Road is served by on-site water well and septic services wholly contained on the lands that are proposed to be retained. Also, the owner indicated that no buildings or active land uses are proposed.

Water:

- No Comments. No Municipal watermain are in the vicinity of the subject site.

Stormwater:

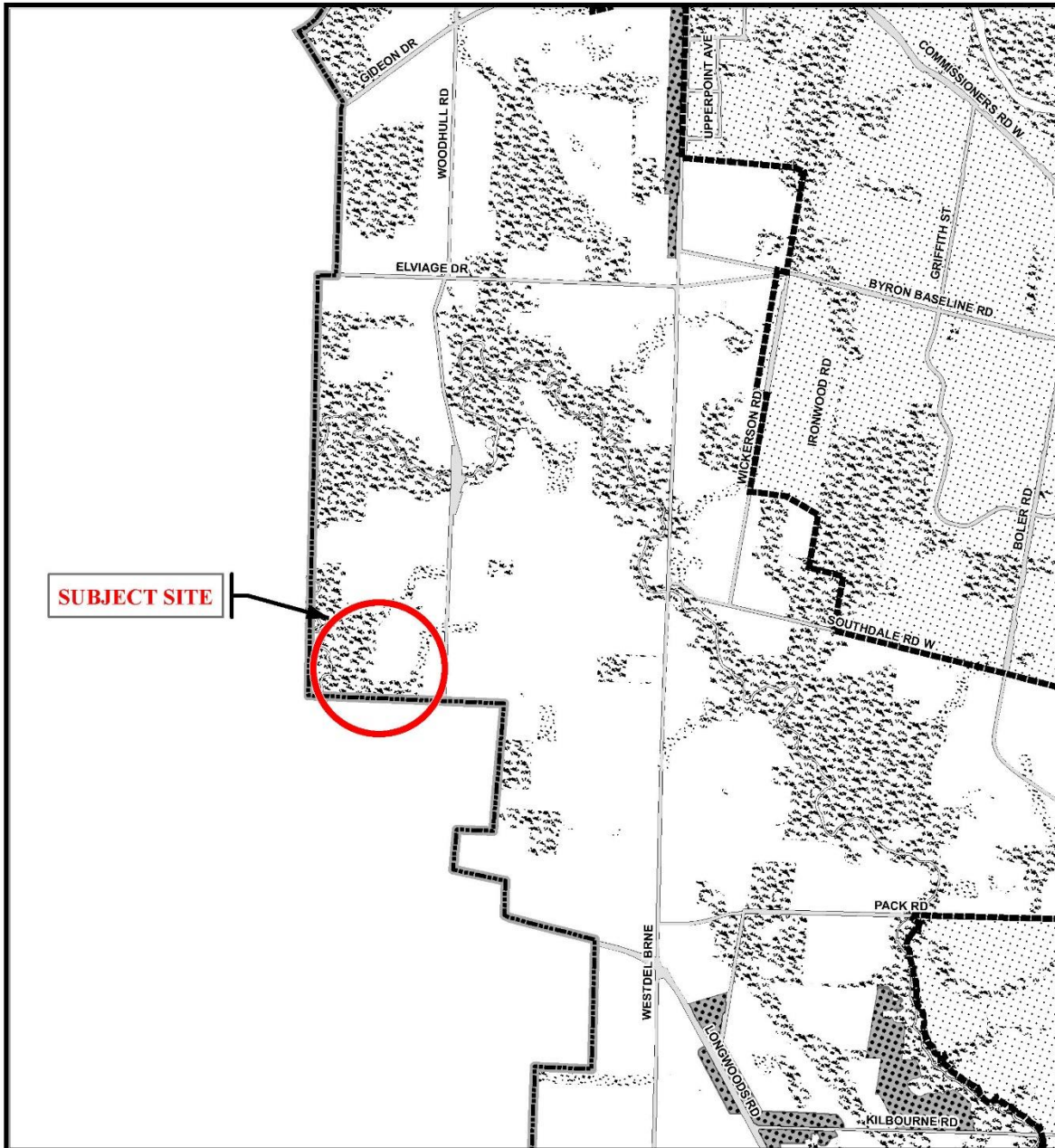
- The Stormwater Engineering Division staff have reviewed the site plan consultation and have no comment, other than that the site is located within the UTRCA regulated area and therefore the applicant is to engage as early as possible with UTRCA to confirm any requirements/approvals for this site. The application does not indicate any alteration to the existing land use or an increase in built area. The applicant should however be notified, should the site come in for future re-development then new or additional SWM comments are to be expected.

Transportation:

- Right of way dedication of 18.0m from centre line required along Woodhull Road.

Appendix D – 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 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

Planning Services /
Development Services

LONDON PLAN MAP 1 - PLACE TYPES -

PREPARED BY: Planning Services



Scale 1:30,000



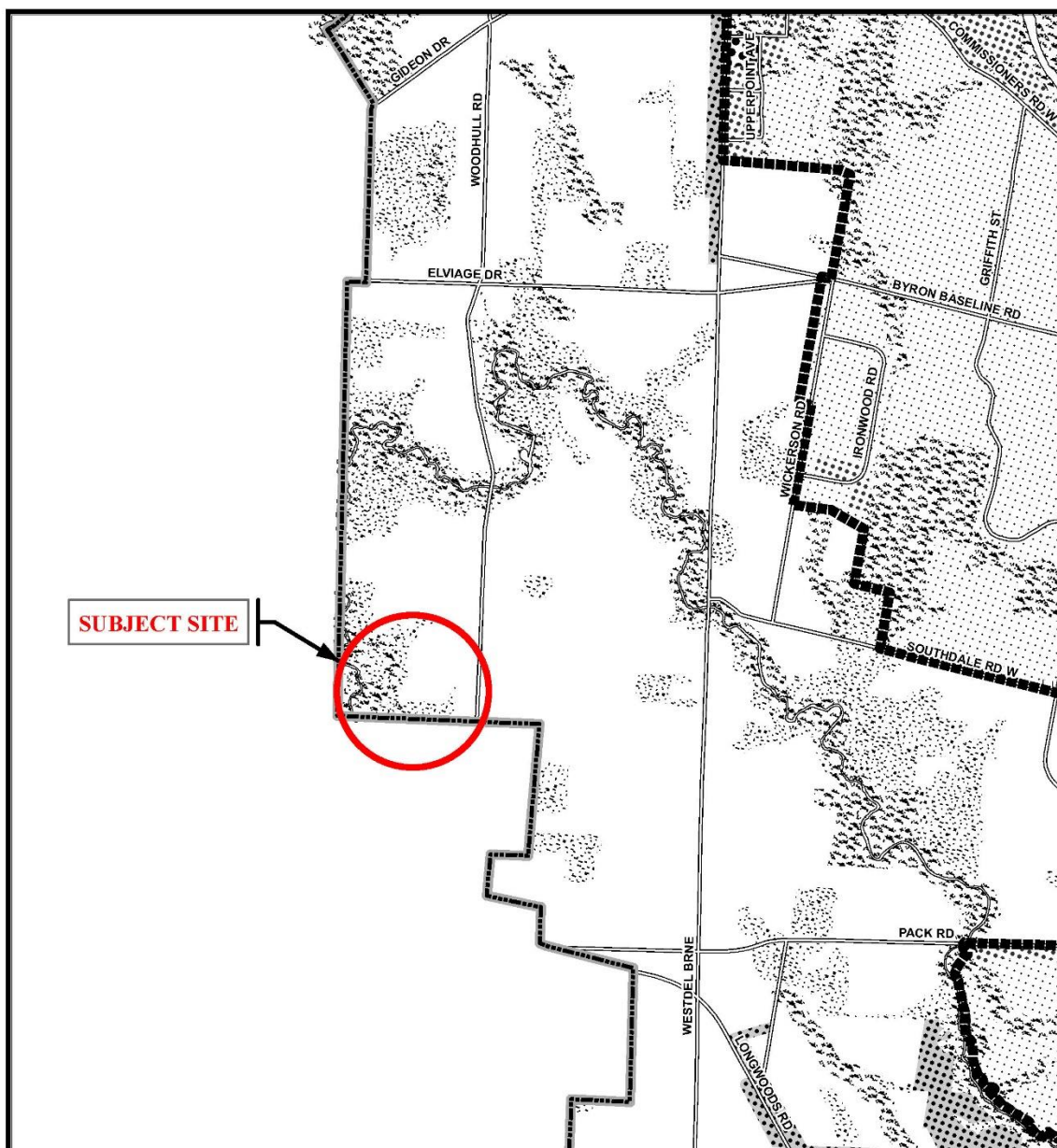
File Number: O-9429/Z-9430

Planner: BD

Technician: RC

Date: December 23, 2021

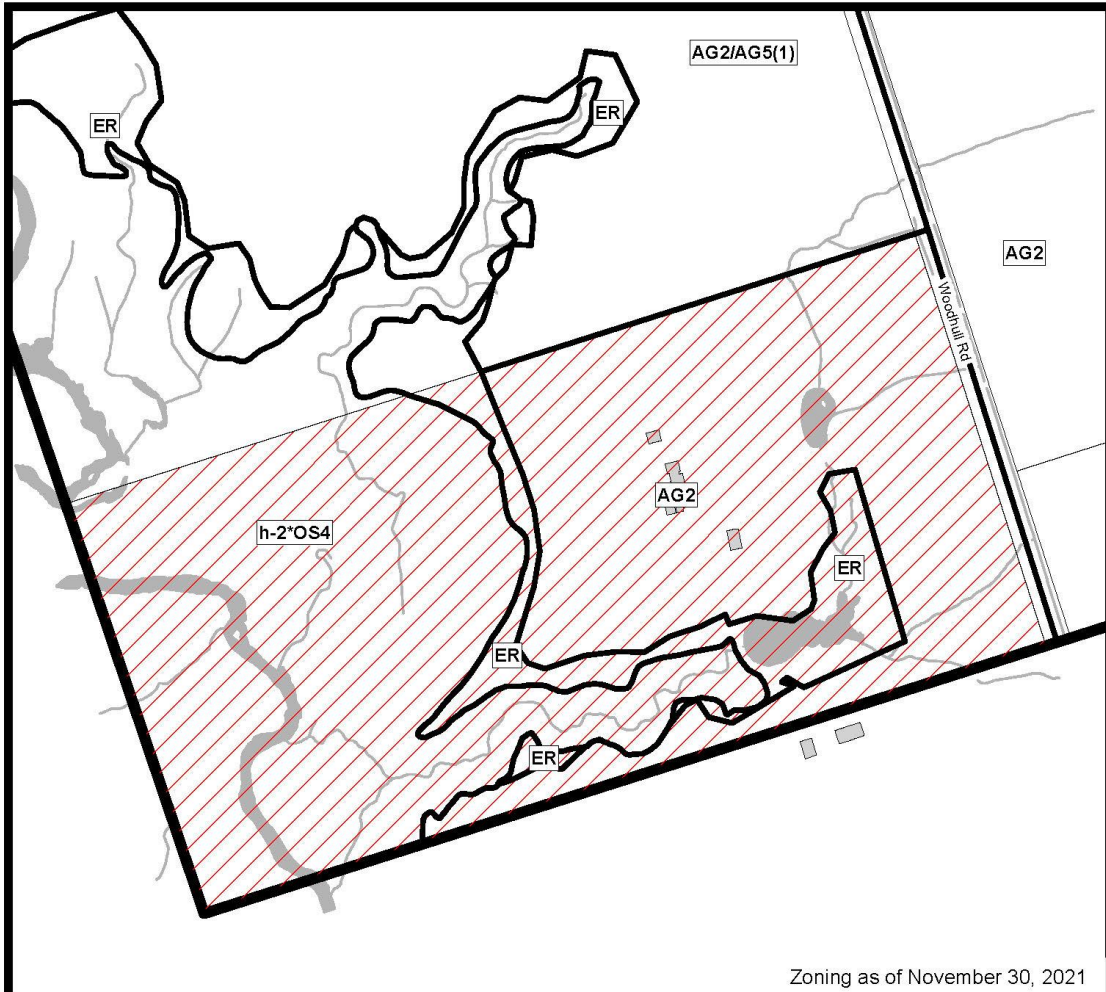
1989 Official Plan – Schedule A – Land Use



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

<p>CITY OF LONDON Planning Services / Development Services OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p>	<p>Scale 1:30,000</p> <p>0 150 310 620 930 1,240 1,550</p> <p>Meters</p>	<p>FILE NUMBER: O-9429/Z-9430</p> <p>PLANNER: BD</p> <p>TECHNICIAN: RC</p> <p>DATE: 2021/12/23</p>
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Zoning By-law Z.-1 – Zoning Excerpt



Zoning as of November 30, 2021



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 | |
| R7 - SENIOR'S HOUSING | OS - OPEN SPACE |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | CR - COMMERCIAL RECREATION |
| R9 - MEDIUM TO HIGH DENSITY APTS. | ER - ENVIRONMENTAL REVIEW |
| R10 - HIGH DENSITY APARTMENTS | |
| R11 - LODGING HOUSE | OB - OFFICE BUSINESS PARK |
| | LI - LIGHT INDUSTRIAL |
| DA - DOWNTOWN AREA | GI - GENERAL INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | HI - HEAVY INDUSTRIAL |
| CSA - COMMUNITY SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| NSA - NEIGHBOURHOOD SHOPPING AREA | UR - URBAN RESERVE |
| BDC - BUSINESS DISTRICT COMMERCIAL | |
| AC - ARTERIAL COMMERCIAL | AG - AGRICULTURAL |
| HS - HIGHWAY SERVICE COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| RSC - RESTRICTED SERVICE COMMERCIAL | RRC - RURAL SETTLEMENT COMMERCIAL |
| CC - CONVENIENCE COMMERCIAL | TGS - TEMPORARY GARDEN SUITE |
| SS - AUTOMOBILE SERVICE STATION | RT - RAIL TRANSPORTATION |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | |
| OR - OFFICE/RESIDENTIAL | "h" - HOLDING SYMBOL |
| OC - OFFICE CONVERSION | "D" - DENSITY SYMBOL |
| RO - RESTRICTED OFFICE | "H" - HEIGHT SYMBOL |
| OF - OFFICE | "B" - BONUS SYMBOL |
| | "T" - TEMPORARY USE SYMBOL |

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



FILE NO:

O-9429/Z-9430 BD

MAP PREPARED:

2021/12/23 rc

1:5,000

0 25 50 100 150 200 Meters

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