

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: Scott Mathers, MPA, P.Eng.,
Deputy City Manager, Planning and Economic Development
Subject: Draft Plan of Vacant Land Condominium on the Submission
by Bluestone Properties Inc. for 7098-7118 Kilbourne Road
Public Participation Meeting on: October 5, 2022

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Bluestone Properties Inc. relating to the property located at 7098-7118 Kilbourne Road:

- (a) The proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on October 17th, 2022 to amend The London Plan to amend the Southwest Area Secondary Plan, Section 20.5.7 (Lambeth Neighbourhood) to add a special policy to permit a minimum density of 6.4 units per hectare on the site (whereas a minimum density of 15 units per hectare is required);
- (b) The proposed by-law attached hereto as Appendix "C" **BE INTRODUCED** at the Municipal Council meeting on October 17th, 2022, to amend Zoning By-law No. Z.-1, in conformity with the Official Plan as amended in part (a) above, to change the zoning of the subject property **FROM** Residential R1 (R1-8), Environmental Review (ER), Open Space (OS4), a Holding Open Space (h-2*OS4), and an Open Space (OS5) Zone, **TO** a Residential Special Provision R6 (R6-1()) Zone and Open Space (OS5) Zone;
- (c) The Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for Draft Plan of Vacant Land Condominium relating to the property located at 7098-7118 Kilbourne Road; and
- (d) The Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the Site Plan Approval application relating to the property located at 7098-7118 Kilbourne Road.

Executive Summary

Summary of Request

The requested amendments are to permit a vacant land condominium which will include ten (10) single detached dwelling units. The development will be serviced by a new private road accessed from Kilbourne Road and will include six (6) visitor parking spaces onsite.

Purpose and the Effect of Recommended Action

The recommended Official Plan and Zoning By-law amendments will permit a range of low-density residential uses which can be implemented through a cluster residential development. This will allow for the development of the proposed vacant land condominium which will include ten (10) single detached cluster dwelling units. The development will be serviced by a new private road accessed from Kilbourne Road and will include five (5) visitor parking spaces onsite.

Rationale of Recommended Action

1. The recommended amendments are consistent with the *PPS 2020*.
2. The proposed amendments conform to the former in-force policies of the *1989 Official Plan*, including but not limited to the Low Density Residential and Open Space policies.
3. The proposed amendment conforms to the in-force policies of *The London Plan*, including but not limited to the Neighbourhood Place Type and Green Space policies.
4. The recommended amendment facilitates the development of an underutilized property and encourages an appropriate form of development.
5. The subject lands are located in close proximity to arterial roads, surrounding services and access to the Dingman Creek which provides pedestrian movements north and south along the Dingman Creek Corridor.

The Draft Plan of Vacant Land Condominium application is considered appropriate and in conformity with *The London Plan* as recommended and is consistent with the *Provincial Policy Statement*. The proposed residential use is also consistent and permitted under the subject recommended Zoning By-law amendment application. Application for Site Plan Approval has been accepted and is being reviewed by staff.

Linkage to the Corporate Strategic Plan

The proposed development contributes to the Strategic Plan by helping to implement the Building a Sustainable City and Strengthening Our Community area of focus. The development is well-located in a strategic location for growth and intensification with good access to local services, amenities, public transit, and active transit. The proposed development and recommended refinements fit within, and enhance, the surrounding community.

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. This includes infill and efficient use of existing urban lands and infrastructure within strategic locations such as the Downtown, Transit Villages and Corridors.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

There is no evidence of previous reports or applications relating to the subject lands

1.2 Planning History

On January 3, 2020, an application for a Vacant Land Condominium Development, proposing fourteen (14) single detached dwelling units, Official Plan and Zoning By-law Amendments were accepted as a complete application. The Official Plan Amendment requested to add a Specific Area Policy to Chapter 10 to permit a minimum density of eight (8) units per hectare on the site; and to amend Section 20.5.7 (Lambeth Neighbourhood) of the Official Plan (*Southwest Area Secondary Plan*), to add a special policy to permit a minimum density of eight (8) units per hectare on the site (whereas a minimum density of 15 units per hectare is required). *The London Plan* Amendment to the *Southwest Area Secondary Plan (SWAP)*, Section 20.5.7 (Lambeth Neighbourhood) requested to add a special policy to permit a minimum density of eight (8) units per hectare on the site (whereas a minimum density of 15 units per hectare is required). This is considered appropriate as the proposed Low Density Residential designation is in keeping with the Neighbourhood Place Type of *The London Plan*, which has been approved by Council and the Province outlining the future planning policies on the site.

On November 11, 2020, Development Planning Staff received a revised Draft Plan, which was recirculated on December 9, 2020. The revisions were in response to comments provided to the Applicant regarding their initial submission and based on discussion with City Staff and the Upper Thames River Conservation Authority (UTRCA) at the post-circulation meeting. The revisions were in the area devoted to residential development, which had been reduced to provide additional separation between the rear lot lines, the Dingman Creek, and associated natural features. The reconfiguration of the Condominium Plan was to accommodate City access to the sanitary servicing easement along the eastern perimeter of the property, which resulted in the reduction of condominium units from 14 to 12.

A third revised submission was received by the City on January 7, 2022 and recirculated on March 2, 2022. The report will detail the proposed changes, as well as address comments and concerns from the public.

1.3 Property Description

The subject site is a large parcel of land which currently vacant. The site is approximately 3.5 hectares (8.7 acres) in size and irregular in shape with 67.7 metres of frontage along Kilbourne Road. These lands are generally bounded by Kilbourne Road to the south; the Dingman Creek corridor to the west, a stormwater management facility to the north, low-density residential development Southwind's Village subdivision) to the east and southeast (Applegate Estates subdivision). Naturalized areas associated with the Dingman Creek corridor are located along the western limit of the property and are situated within the Regulation Limit of the Upper Thames River Conservation Authority (UTRCA). In addition, these lands are comprised of riverine flooding and erosion hazards which form part of the Lower Dingman Creek ESA. Near the project site, the Dingman Creek corridor forms the western limit of the City's Urban Growth Boundary

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

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- *The London Plan* Place Type – Neighbourhood Place Type and Green Space
- Existing Zoning – Residential R1 (R1-8) Zone, Environmental Review (ER), Open Space (OS4), a Holding Open Space (h-2*OS4), and an Open Space (OS5) Zone

1.5 Site Characteristics

- Current Land Use – vacant
- Frontage – 67.7 metres (222.1 feet)
- Depth – 217.3 metres (713 feet)
- Area – 3.5 hectares (8.7 acres)
- Shape – irregular

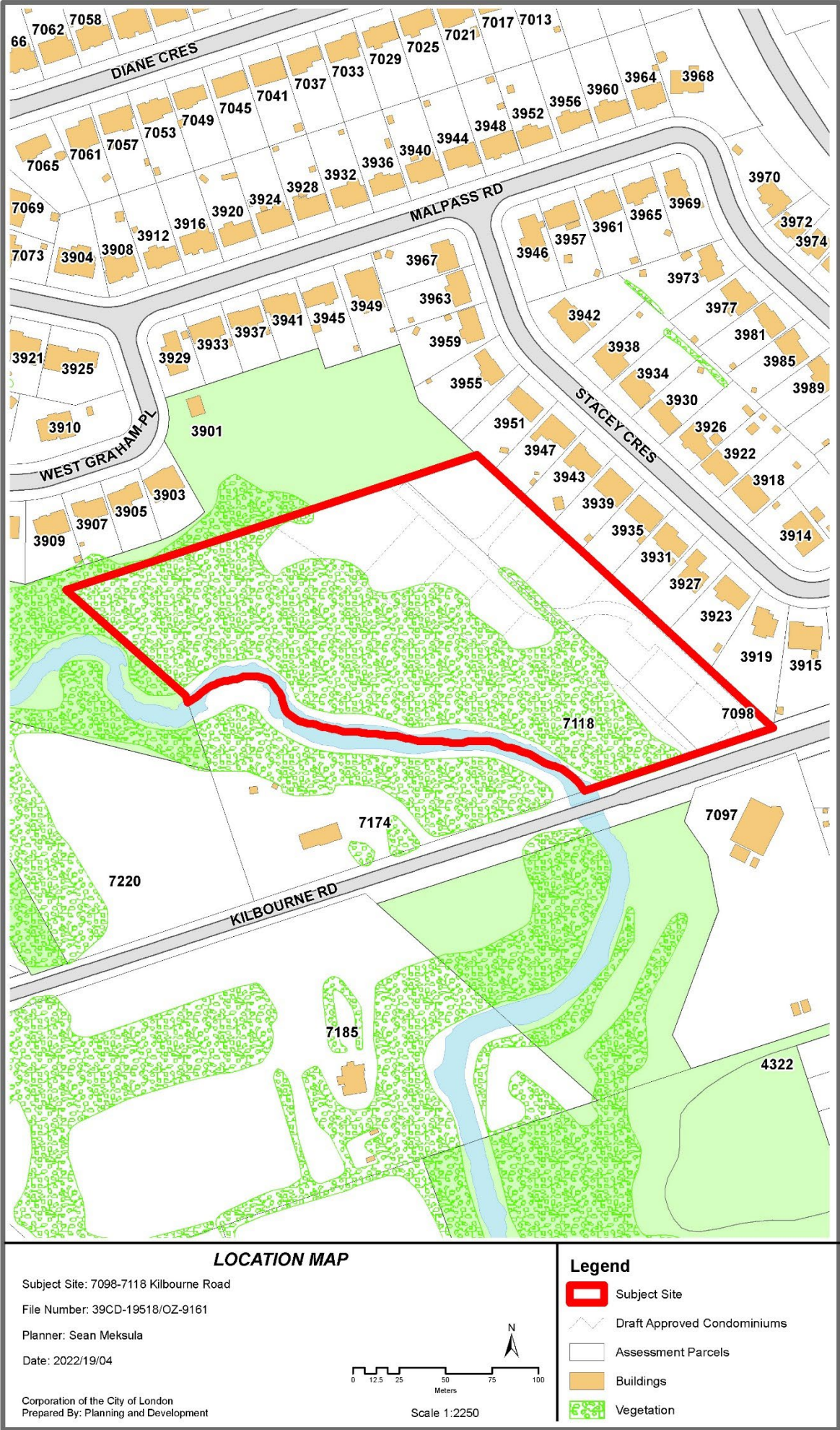
1.6 Surrounding Land Uses

- North – Residential/SWM
- East – Residential
- South – Residential
- West – Woodlot

1.5 Intensification (10 residential units)

- The proposed residential units represent intensification inside of the Built-area Boundary
- The proposed residential units are outside of the Primary Transit Area.

1.6 Location Map



2.0 Discussion and Considerations

2.1 Development Proposal

The Applicant has proposed a Vacant Land Condominium comprised of ten (10) single-detached cluster dwelling units that will be serviced by a new private road accessed from Kilbourne Road. Five (5) visitor parking spaces are to be included onsite.

Figure 1: Proposed Vacant Land Condominium

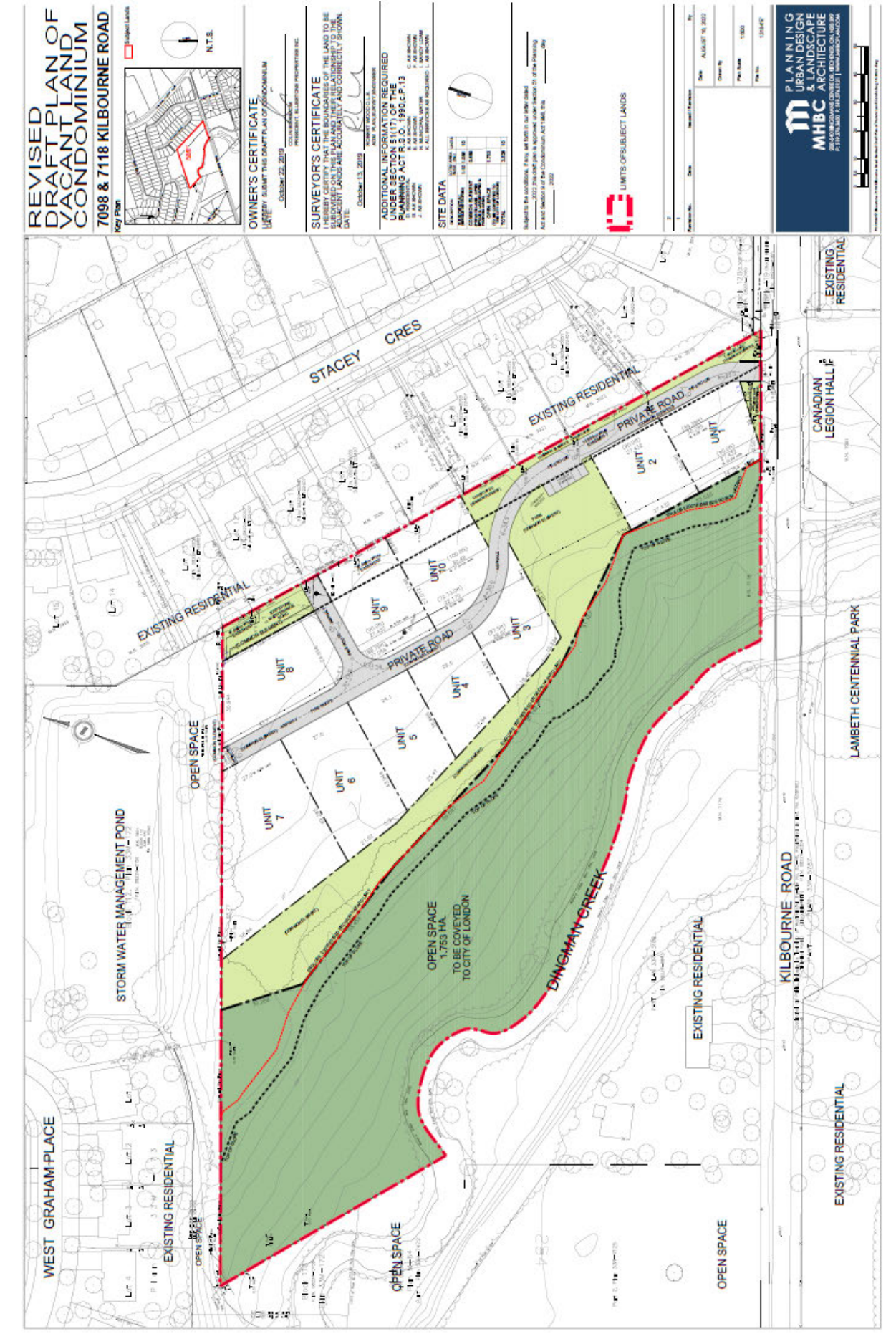
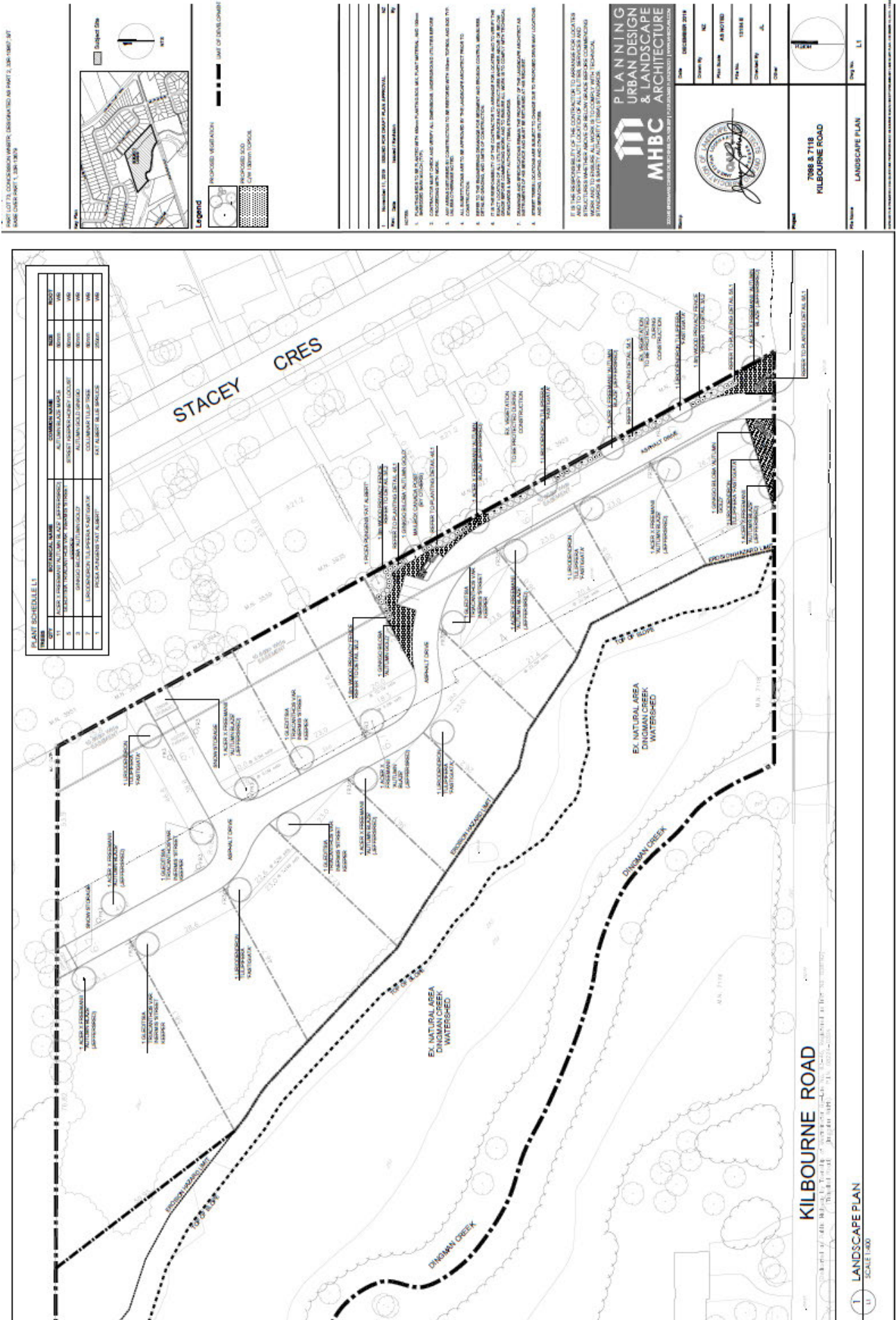


Figure 2: Proposed Site Plan



Figure 3: Proposed Landscape Plan



2.2 Requested Amendments

The London Plan and Southwest Area Plan (SWAP)

The Applicant has requested to amend *SWAP*, which constitutes a part of *The London Plan*, Section 20.5.7 (Lambeth Neighbourhoods) to add a Special Policy to permit a minimum density of 6.4 units per hectare on the site, whereas a minimum density of fifteen (15) units per hectare is required.

1989 Official Plan

On May 25, 2022, the Ontario Land Tribunal ordered that the *1989 Official Plan* be repealed in its entirety and *The London Plan* came into full force and effect. At the time the application was made, the Applicant has requested to add a Specific Area Policy to Chapter 10 to permit a minimum density of 6.4 units per hectare on the site; and to amend Section 20.5.7 (Lambeth Neighbourhood) of the 1989 Official Plan (Southwest Area Secondary Plan), to add a special policy to permit a minimum density of 6.4 units per hectare on the site (whereas a minimum density of 15 units per hectare is required). The requested amendment to the *1989 Official Plan* is no longer required to support the proposed development, and any Official Plan amendments required will be exclusively to *The London Plan* or applicable Secondary Plan.

Z.-1 Zoning By-law

The Applicant has requested to change the zoning from a Residential R1 (R1-8) Zone, an Environmental Review (ER) Zone, a Holding Open Space (h-2*OS4) Zone and an Open Space (OS5) Zone to a Residential R6 Special Provision (R6-1()) Zone and an Open Space (OS5) Zone. Changes to the currently permitted land uses and development regulations are summarized below.

2.3 Community Engagement (See more detail in Appendix C)

Information regarding the requested Zoning By-law Amendment Application and opportunities to provide comments were provided to the public as follows:

- Notice of Application was sent to property owners within 120 meters of the subject property on January 9th, 2020.
- Notice of Revised Application was sent to property owners within 120 meters of the subject property on December 9th, 2020.
- Notice of Revised Application was sent to property owners within 120 meters of the subject property and published in the Public Notices and Bidding Opportunities section of *The Londoner* on March 2nd, 2022.
- Notice of Public Participation Meeting was sent to property owners within 120 meters of the subject property and interested parties on September 15th, 2022.
- Notice of Public Participation Meeting was published in Public Notices and Bidding Opportunities section of *The Londoner* on September 15th, 2022.

Two (2) responses to the original Notice of Application circulation process were received, and one (1) was received following the first Notice of Revised Application. Three (3) comments were received following the second Notice of Revised Application, and they are included within this report below.

In general, the concerns were in keeping with those received through the first two circulations. These included: quality/style of privacy fencing between new and existing lots; a preference for one storey condos; privacy and light pollution; garbage pickup; location of common element (park); overland flow mitigation; drainage issues in the area; construction noise and truck traffic; and, the continuation of the Dingman Creek Trail crossing Kilbourne Road from the south to the north. Concerns were also raised about the potential loss of natural heritage features and impacts on the neighbouring Environmentally Significant Area (ESA) and woodlots, as well as potential impact on wildlife in the area. The full spectrum of comments received through the original and revised notice of applications received by Staff are attached to Appendix "C".

3.0 Financial Impact/Considerations

Through the completion of the works associated with this Application, fees, development charges, and taxes will be collected. There are no direct financial expenditures associated with this Application.

4.0 Key Issues and Considerations

4.1. Policy Review

Provincial Policy Statement (PPS), 2020

The *Provincial Policy Statement (PPS)* provides policy direction on matters of provincial interest as identified in Section 2 of the *Planning Act*. In accordance with Section 3 of the *Planning Act*, all planning decision shall be consistent with the *PPS* and the land use planning policies: Building Strong Healthy Communities; Wise Use and Management of Resources; and, Protecting Public Health and Safety. The *PPS* is to be read in its entirety.

Building Strong Healthy Communities

The *PPS* provides direction for land use planning that focuses growth within settlement areas, and encourages an efficient use of land, resources, and public investment in infrastructure. To support this, the *PPS* defines a number of policies to promote strong, liveable, healthy and resilient communities which are sustained by accommodating an appropriate affordable and market-based range and mix of residential types, employment and institutional uses to meet long-term needs. These policies are set out in Section 1.0, and seek to promote 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 focus of growth and development. Settlement areas should also have appropriate land use patterns that are established by providing appropriate densities and a mix of land uses that efficiently use land and resources along with the surrounding infrastructure, public service facilities and is transit-supportive, where transit is planned, exists, or may be developed (1.1.3.2). New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure, and public service facilities (1.1.3.6).

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. Development of new housing is directed 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 recommended amendments are consistent with the *PPS* as it is proposed within the settlement area while helping establish an appropriate land use pattern that contributes to a mix of densities and land uses in the area. An appropriate range and mix of residential uses are provided, and the alternative cluster-form of development is also cost-effective, helping reduce servicing cost and land consumption [1.1.1]. The Vacant Land Condominium will both benefit and support the existing resources, surrounding infrastructure and public service facilities in the area (1.1.3 Settlement Areas).

The subject site is located in proximity to The Wonderland Road Community Enterprise Corridor and the community commercial node at Southdale Road West and Colonel Talbot Road (Shopping Areas), which can provide convenient amenities, employment and shopping destinations. In addition, the development would be considered transit supportive as it is in close proximity to: an arterial road and highway; a passive recreation trail along the Dingman Creek Corridor for cyclists and pedestrians; and, one (1) bus route

located near the intersection of Main Street and Colonel Talbot Road South (1.1.3.2). This contributes to a healthy, livable, and safe community. The proposed development has a compact form that allows for the efficient use of land, infrastructure and public service facilities (1.1.3.6).

The proposed development is also in keeping with the PPS as it contributes to the mix of housing type in the area, which is made up of single detached dwellings on relatively large lots. The proposal provides a density that will help to meet the projected requirements of current and future residents, but will remain compatible with the existing land uses in the area while still being significant enough to efficiently use the land, resources and 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 [1.4.3(d)].

Wise Use and Management of Resources

The vision defined in the PPS acknowledges that the long-term prosperity, environmental health, and social well-being of Ontario depends upon the conservation and protection of our natural heritage and agricultural resources. Section 2.0 of the PPS establishes a number of policies that serve to protect sensitive natural features and water resources.

Section 2.1 Natural Heritage 2.1.1.: “Natural features and areas shall be protected for the long term”; Section 2.1.8: “Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.”

The natural heritage lands adjacent to the Dingman Creek corridor are to be dedicated to the City as the required parkland dedication. In addition, a portion of the common elements block between Units 2 and 3 will be naturalized with plantings and seeding consistent with the species appropriate for the Dingman Creek Corridor.

Protecting Public Health and Safety

The vision defined in the PPS acknowledges that the long-term prosperity, environmental health, and social well-being of Ontario depends, in part, on reducing the potential public cost and risk associated with natural or human-made hazards. Accordingly, Section 3.0 of the PPS states a number of policies designed to direct development away from natural and human-made hazards where there is an unacceptable risk (1) to public health or safety or (2) of property damage. The recommended vacant land condominium does not pose any public health and safety concerns, and there are no known human-made hazards.

The London Plan

At the time this Application was submitted, *The London Plan* was subject to an appeal to the *Local Planning Appeals Tribunal* (LPAT) (PL170700). The *Plan* was Council adopted and approved by the ministry with modifications, and the majority was in force and effect. Policies that were under appeal were indicated with an asterisk (*) throughout reports. Since that time, *The London Plan* has come into full force and effect as of May 25, 2022, following a written decision from the *Ontario Land Tribunal* (OLT). Policies under appeal at the time of submission, but now in full force and effect are indicated with an asterisk (*) throughout this report.

The London Plan includes criteria for evaluating Plans of Subdivision through policy *1688 that requires consideration of:

1. Our Strategy
2. Our City
3. City Building policies
4. The policies of the place type in which the proposed subdivision is located
5. Our Tools

6. Relevant Secondary Plans and Specific Policies

This is relevant as *The London Plan* also requires Vacant Land Condominiums to have the same considerations and requirements for the evaluation of Draft Plans of Subdivision.

Our Strategy

This section of *The London Plan* outlines the values and vision that will guide our planning process to create an exciting, exceptional, and connected City. The Key Directions contained in this section outline the planning strategies that will help to achieve the vision. Applicable Key Directions include:

Direction #1 is to *Plan strategically for a prosperous city* (55). The requested Zoning By-law Amendment helps to achieve this key direction by providing new residential growth within the Urban Growth Boundary that will be able to support adjacent commercial land uses and business.

Direction #4 is to *Become one of the greenest cities in Canada* (58). This key direction is achieved through the planned public pathway that will help to create a pedestrian link that could encourage active transportation options.

Direction #5 is to *Build a mixed-use compact city* (59). The subject lands are within the Urban Growth Boundary and within an area that is designated for growth. The proposal contributes to a mix of housing choices and densities within the surrounding context and provides for opportunities to access green space for recreational opportunities and transit services.

Direction #7 is to *Build strong, healthy and attractive neighbourhoods for everyone* (61). This key direction is achieved as the requested Zoning By-law Amendment would facilitate a development that provides a mix of housing choices that meet the needs of people of all age, incomes and abilities, and allowing for affordability and ageing in place within the community. It also helps to implement “placemaking” by promoting a neighbourhood design that promotes active living, walkability, and connectedness within and around the community.

Direction #8 is to *Make wise planning decision* (62). The proposed development and requested amendments have been assessed for conformity with Provincial and Municipal planning policies, and balances economic, environmental, and societal considerations.

Our City

The policies contained in this section of *The London Plan* are designed to plan for the population and economic growth the City will experience over the next twenty (20) years. Growth and development will be in a compact form and directed to strategic locations. The required infrastructure and services to support growth will be planned in a way that is sustainable from a financial, environmental, and social perspective.

The London Plan emphasizes growth that is “inwards and upwards” to achieve compact development (79), and residential intensification plays a large role in achieving this goal (80). Intensification within existing neighbourhoods will be encouraged to help realize our vision for aging in place, diversity of built form, affordability, vibrancy, and the effective use of land in neighbourhoods. Residential intensification can occur in the following forms: addition of a secondary dwelling unit; expansion of existing buildings to accommodate greater residential density; adaptive re-use of existing, non-residential buildings, for resident use; infill development of vacant or underutilised lots; severance of existing lots; and, redevelopment, at higher than existing density, on developed lands (80). However, such intensification must be undertaken well in order to add value to neighbourhoods rather than undermine their character, quality, and sustainability. The requests made by the Application would facilitate development that provides a greater density on lands that were underutilized.

City Building Policies

This section of *The London Plan* provides a platform for growth that supports the *Plan's* vision and priorities, and sets out policies for the shape, character, and form of the City over the next twenty (20) years.

The layout of the proposed development facilitated by the amendment contributes to neighbourhood character and identity by orienting buildings to the street and not creating blank walls along the street edge, which contributes to an active street front (202, 229, 259, 291). This layout also helps to create a safe pedestrian environment and promotes connectivity, within the development and the surrounding neighbourhoods, which offers opportunities for active mobility (213, 255, 259, 285, 291).

As part of the natural heritage lands dedicated to the City, a future multi-use trail will be constructed from Kilborne Road to West Graham Place through the SWM block as delineated in the Bicycle Master Plan Environmental Assessment.

Neighbourhood Place Type

The subject site is located in the Neighbourhood Place Type, which permits a range of primary and secondary uses that may be allowed based on the street classification onto which the property fronts (*921_ Permitted Uses). The subject site is located on a Neighbourhood Connector which would permit single detached, semi-detached, duplex, converted dwellings, townhouses, secondary suites, home occupations and group homes (*Table 10). Permitted uses can achieve a height of up to 2.5 storeys when fronting a local street (*Table 11). Zoning will be applied to ensure an intensity of development that 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 to the City Design policies of this Plan (Form, *936_).

The proposed cluster residential development is in keeping with the permitted uses of *The London Plan* as the site is located along a Neighbourhood Connector which permits cluster residential developments along with the proposed single detached and townhouse dwelling uses (*921_ Permitted Uses, *Table 10). Within the Neighbourhood Place Type, intensity of development is controlled by regulating the range of permitted uses and heights based on the street classification fronting the subject site. The proposed development is in keeping with the intensity policies of the Plan as the recommended single detached dwellings and townhouse buildings will be 2.5-storeys or less in height and the proposed uses can be accommodated on the site with no need for special provisions. The proposed R6-1 Zone does permit heights of up to 10.5 metres which could accommodate greater heights, however, Staff are recommending a special provision to mirror *The London Plan*, which will restrict heights to 2.5 storeys.

The proposed draft plan of vacant land condominium has been evaluated with regards to the review criteria for plans of subdivision. The proposed cluster single detached dwelling units conform to The London Plan policies and have access to municipal services. The access and residential uses proposed are appropriate for the site, and the abutting natural features associated with the site. There is open space directly abutting the site to the north and west. The size and style of dwellings are anticipated to contribute to housing choice and meet the community demand for housing type, tenure and affordability. All grading and drainage issues will be addressed by the applicant's consulting engineer to the satisfaction of the City through the accepted engineering and servicing drawings, future Development Agreement and Site Plan Approval process.

The London Plan requires that all planning and development applications conform to the City Design policies. The proposed development is in keeping with these policies as the site layout is designed in a manner that is in keeping with the planned character of the surrounding lands designated as Neighbourhood (252_). The planned character is identified through policies in the Neighbourhood Place Type which permits low-rise, low-density forms of development such as the proposed cluster housing. The site layout has

also been designed in a manner which will mitigate impacts on adjacent lands (253_). A large buffer on the west portion of the site protects the abutting create appropriate separation between the development and ESA/heritage features to the west. The proposed development has identified outdoor amenity space within the cluster development and a passive recreational trail which will be developed along the westerly portion of the site (295_). A cluster form of housing provides a more efficient use of land than conventional single detached dwellings on a public street, and provides better integration and mitigation of impacts on the adjacent natural area.

Green Space Place Type

The Green Space Place Type is intended to be made up of a system of public parks and recreational areas, private open spaces, and our most cherished natural areas. It encompasses a linear corridor along the Thames River, which represents the natural heritage and recreational spine of our city (757_). The Green Space Place Type is comprised of public and private lands; flood plain lands; lands susceptible to erosion and unstable slopes; natural heritage features and areas recognized by City Council as having City-wide, regional, or provincial significance; lands that contribute to important ecological functions; and lands containing other natural physical features which are desirable for green space use or preservation in a natural state. Within the Place Type agriculture, woodlot management, horticulture and urban gardens, conservation, essential public utilities and municipal services, storm water management, and recreational and community facilities are permitted uses (762_5). *The London Plan* permits Council to acquire lands to 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

On May 25, 2022, the Ontario Land Tribunal ordered that the *1989 Official Plan* be repealed in its entirety and *The London Plan* came into full force and effect. At the time the Application was submitted, the *1989 Official Plan* was still in force and effect and the Application has been reviewed to ensure it is in keeping and in conformity with the applicable policies.

Low Density Residential (LDR)

The subject lands are designated LDR under the *1989 Official Plan*. Objectives of this designation are to enhance the character and amenities of residential areas by directing higher intensity to locations where existing land uses are not adversely affected, and encourage development that provides for energy conservation, public transit, and the retention of desirable natural features (Section 3.1.2). Permitted uses in the Low-Density Residential designation include single-detached, semi-detached, and duplex dwellings (Section 3.2.1). Multiple-attached buildings, such as row houses or cluster houses may also be considered if they do not exceed the permitted upper limit of 30 units per hectare (Section 3.2.2). Low Density Residential uses shall be subject to appropriate site area and frontage requirements in the Zoning By-law, which may vary in areas of new development according to the characteristics of existing or proposed residential uses and shall result in net densities that range to an approximate upper limit of 30 units per hectare (12 units per acre) (3.2.2. Scale of Development).

The proposed Draft Plan of Condominium is in keeping with the permitted uses for the LDR designation as it proposes single-detached, cluster dwellings. However, it is not in keeping with the density requirements. A minimum of fifteen (15) units per hectare is required under this designation, and the Applicant has submitted a request to add a Specific Area Policy to Chapter 10 to permit a minimum density of (6.4) units per hectare on the site; and to amend Section 20.5.7 (Lambeth Neighbourhood) of the 1989 Official Plan (Southwest Area Secondary Plan), to add a special policy to permit a minimum density of eight (6.4) units per hectare on the site. As the *1989 Official Plan* was repealed

in its entirety on May 25, 2022, it cannot be amended, and the requested amendment is not longer required to support the development.

Residential intensification is permitted in the LDR designation, and is defined as the development (i.e., the creation of new units) of a vacant or underutilized property, site or area at a higher density that currently exists through:

- i) redevelopment, including the redevelopment of brownfield sites;
- ii) the development of vacant and/or underutilized lots within previously developed areas;
- iii) infill development, including lot creation;
- iv) the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and,
- v) the conversion or expansion of existing residential buildings to create new residential units or accommodation (Section 3.2.3.1).

The density of Residential Intensification in the LDR designation will be considered up to 75 units per hectare, and may take the form of single-detached dwellings, semi-detached dwellings, attached dwellings, cluster housing and low-rise apartments (Section 3.2.3.2). Accessory dwelling units may also be permitted. Infill applications are to demonstrate the appropriateness of the proposed change and its implications on the neighbourhood character by providing a statement of compatibility and an inventory of the urban design and natural environment characteristics of the neighbourhood (Sections 3.2.3.3 and 3.2.3.4). In addition, residential intensification will only be permitted where there is adequate infrastructure to support the proposed development: off-street parking supply and buffering; community facilities, with an emphasis on outdoor recreational space; traffic impacts and transportation infrastructure, including transit service; and, municipal services. The proposed development is consistent with the character of the neighbourhoods located to the north and east of the lands. There are also adequate municipal services to support the development, including: community services; municipal services; park and open space; and transit services

Open Space

The Open Space designation is used to protect and establish a continuous linear open space network which generally follows the Thames River and its tributaries. It will provide for linkages among open space areas throughout the City and allow for a balanced distribution of locations for both active and passive recreational pursuits. The Open Space Designation is used to protect natural heritage areas which have been identified, studied and recognized by Council as being of citywide, regional, or provincial significance. Within this designation district, city-wide, and regional parks; and private open space uses such as cemeteries and private golf courses are permitted in the Open Space designation. Agriculture; woodlot management; horticulture; conservation; essential public utilities and municipal services; and recreational and community facilities; may also be permitted (8A.2.2)

Southwest Area Secondary Plan

The site forms part of the *SWAP* and is subject to the development vision and detailed policies of the *SWAP*. Additionally, the site forms part of the 'North Lambeth Residential Neighbourhood' within the greater Area Plan.

New development in North Lambeth is to be a mix of low to mid-rise housing forms, ranging from single detached dwellings to low rise apartment buildings within individual subdivisions and throughout the neighbourhood. The residential areas are intended to develop as traditional suburban neighbourhoods, with characteristics similar to those found in the older areas of the City of London, reflecting a compact development, a diversity of building types, and walkable amenities to enhance the day-to-day living experience.

The primary permitted uses in the Low-Density residential designation include single-detached, semi-detached, and duplex dwellings. Residential development shall have a

minimum density of 15 units per hectare and maximum of 30 units per hectare. The proposed density is 6.4 units per hectare, or 10 units, is less than the required minimum set out in *SWAP*. However, minor reductions to the minimum density are permitted where they can be demonstrated as appropriate. The proposal identifies a recommended rear lot line to protect the natural features identified, including the natural forested slopes of the Lower Dingman Creek ESA and significant wildlife habitat that was identified within this area. Further, the EIS has set out additional recommendations to protect the adjacent significant natural heritage features. These measures will ensure that the proposed development will not have an adverse impact upon the features and functions of the existing natural heritage system.

The Dingman Creek is 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 corridor remains in a largely natural state, except as affected by existing agricultural practices, industrial development and the urban area of Lambeth. There are areas of distinctive and unique natural communities and species along this system, which include physical characteristics that are susceptible to erosion. The corridor is a visual amenity for the surrounding areas and provides a physical, ecological and cultural land use feature. The proposed Vacant Land Condominium design responds to certain constraints associated with the size and shape of the parcel and is appropriate for the site and meets the intent of providing a mix of housing forms and choice in the neighbourhood.

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 *SWAP*. 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 was established based upon the recommendations of an approved Environmental Impact Study (EIS) in accordance with Section 15 of the 1989 Official Plan. Lands delineated as ecological buffers, pursuant to Subsection 20.5.3.6.i) b) and c) will be acquired by the City pursuant to Section 16 of the 1989 Official Plan as parkland dedication.

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. (20.5.3.6).

To ensure that the proposed development is not impacted by any flooding, the development limit was identified at the western portion of the site, and the lands abutting are zoned Open Space Special Provision (OS5). This Zone permits conservation lands, conservation works, passive recreation uses which includes hiking trails and multi-use pathways and managed woodlots and will be dedicated to the City for Parkland Dedication and the creation/extension of a pathway on the western portion of the site.

Z.-1 Zoning By-law

The subject lands are currently zoned Residential R1 (R1-8), Environmental (ER), Holding Open Space (h-2*OS4) and Open Space (OS5). Residential R1 Zones are the most restrictive residential zones and regulate single detached dwellings, and the Residential R1-8 Zone Variation is applied to the most suburban single dwelling developments. The Environmental Review zone is applied to lands that are intended to remain in a natural condition until their significance is determined through detailed environmental studies. Low impact uses, similar to those permitted under the Open Space (OS5) Zone, are permitted. The Open Space OS5 Zone is the most restrictive Open Space Zone and is applied to lands which have physical and/or environmental constraints to development. This Zone is also applied to lands with important natural features and functions that have been recognised by Council as being of City-wide,

regional, or provincial significance and identified as components of the Natural Heritage System.

The Applicant has requested to change the zoning to a Residential R6 Special Provision (R6-1()) Zone and an Open Space (OS5) Zone. Residential R6 Zones regulate medium density development in various forms, including single-detached dwellings, townhouses, and apartments. The Residential R6-1 Zone Variation specifically permits single-detached dwellings. The Residential R6 Special Provision (R6-1 ()) Zone is commonly used within Low Density Residential neighbourhoods throughout the City to implement vacant land condominiums. The proposed form of cluster single detached dwellings is a more appropriate form of development than the standard large lot singles, which is compatible with existing abutting uses in the area. The recommended zoning will ensure that the intensity of development is appropriate within the surrounding context as it provides appropriate height and density regulations which will reduce impacts on the surrounding lands and provide a compatible form of development. The OS5 Zone will be used to ensure appropriate buffers are established between land uses and the continued protection of the abutting significant valleylands is achieved. The OS5 Zone does permit multi-use pathways.

As part of the application the Applicant was seeking to remove the existing holding provision (h-2). Through the development review process and review of the EIS, an appropriate development boundary has been established ensuring that no negative impacts will occur on the abutting Natural Heritage Systems. The recommended zoning will ensure that this development limit is maintained, and abutting lands are protected. Through the ongoing site plan review process Staff will ensure that an agreement shall be entered into specifying appropriate development conditions. For these reasons Staff feel it is appropriate to remove the existing holding provision.

h-2 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 (identified on Schedule "B" of the Official Plan), an agreement shall be entered into specifying appropriate development conditions and boundaries, based on an Environmental Impact Study or Subject Lands Status Report 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-2" symbol.

4.2 Use

The Draft Plan of Condominium consists of open space and ten (10) residential lots to accommodate single-detached, cluster dwellings. Residential land uses surround the subject lands to the north, west and south, and further to the west beyond the Dingman Creek, although these lands are outside of the Urban Growth Boundary. The proposed development is reasonably compatible with the surrounding land uses and consistent with the permissions of *The London Plan* and *SWAP*, which both permit single-detached, residential dwellings. Lands to the west, adjacent to the Dingman Creek, are already designated and zoned to permit open space land uses to protect the Significant Valleyland. The proposed addition of open space adjacent the Dingman Creek and within the Condominium as common elements will further aid in the protection of the Significant Valleyland, as well as additional connections to City-owned open space and parks. A portion of the common elements will be naturalized with site appropriate native plantings.

In addition to access to park and open space, there are lands to the north, east and south designated Main Street and Shopping Area, providing for amenities and employment opportunities within a distance appropriate for active or public transportation. This helps to achieve the objectives of the Neighbourhoods Place Type to ensure neighbourhoods have access to amenities and facilities.

4.3 Intensity

Intensity of development is controlled by regulating the range of permitted uses and heights based on the street classification fronting the subject site within *The London Plan*.

The proposed development is in keeping with the intensity policies of the Plan as the recommended single detached dwellings will be 2.5-storeys or less in height and the proposed uses can be accommodated on the site. This is in keeping with the low-density, single-detached character of the surrounding lands. Both the *1898 Official Plan* and *SWAP* require a minimum density of fifteen (15) units per hectare, and *SWAP* also requires a maximum density of thirty (30) units per hectare. Minor reductions to the minimum density are permitted where they can be demonstrated as appropriate for the site and meeting the intent of providing a mix of housing forms and choice in the neighbourhood. Requests were made by the Applicant to amend *SWAP* through *The London Plan* and the *1989 Official Plan* to permit a density of 6.4 units per hectare. The proximity of the lands to the Dingman Creek and Significant Valleyland results in a limited amount of land viable for development, and as such, the reduction in minimum density could be considered appropriate. The proposed R6-1 Zone does permit heights of up to 10.5 metres and a maximum density of 15 units per hectare, which would contemplate greater heights. Staff are recommending a special provision to mirror *The London Plan*, which will restrict heights to 2.5 storeys.

The London Plan also provides policies on how residential intensification within neighbourhoods should develop, and is identified as fundamentally important in achieving the vision and key directions of *The London Plan*. The proposed development is considered in keeping with the intensification policies as it helps implement the vision of *The London Plan* by providing opportunities to age in place, a diversity of built form, affordability, vibrancy, and the effective use of land in the area (Residential Intensification in Neighbourhoods, *937_). Similar to *The London Plan*, the *1989 Official Plan* looks at residential intensification as an important means of providing opportunities for the efficient use of land and encouraging compact urban form. The policies identify that innovative and creative urban design techniques should be used to ensure that character and compatibility with the surrounding neighbourhood are maintained. The proposed site layout and elevations have been reviewed and determined that the proposed use, intensity and form of development are appropriate within its surrounding context (3.2.3. Residential Intensification). The previous analysis of *The London Plan* policies relating to the form of development outline how the proposed form of development is appropriate within its surrounding context.

4.4 Form

As previously noted, single-detached residential dwellings are a permitted form of development under the LDR Designation, the Neighbourhoods Place Type, and the requested Residential R6-1 Zone. It is required that all planning and development applications conform to the City Design policies of *The London Plan*. The proposed development is in keeping with these policies as the site layout is designed in a manner consistent with the planned character of the surrounding lands, which are also designated within the Neighbourhoods Place Type. Policies within the Neighbourhoods Place Type identify the planned character, which is low rise and low-density forms of development, including the cluster dwellings proposed. The site layout has also been designed in a manner which will mitigate impacts on adjacent lands (253_). A large buffer is provided between the proposed development and the Dingman Creek Significant Valleylands, and outdoor amenity space is included within the Condominium as common element. This will provide for recreational opportunities and access to the passive recreation trail to be developed in the City-owned Open Space. The LDR designation of the *1989 Official Plan* is intended to accommodate low-rise, low density housing forms of development. The proposed vacant land condominium is in keeping with this goal as the proposed uses will not exceed 2.5-storeys in height ensuring that a low-rise, low coverage form of development is achieved minimizing any problems of shadowing, view obstruction and loss of privacy as well as providing compatibility with the surrounding land uses.

4.5 Public Comments

Through the proposal circulation several concerns were raised by the community. The main concerns related to flooding in the area, traffic, park pathway, greenspace, lighting impacts, safety, contamination of Dingman Creek Trail, fencing, garbage, and impacts on

abutting land uses/natural heritage areas. These concerns have remained constant through the recirculation of the revised condominium applications.

Traffic/Parking/Safety:

Through the development review process Transportation Engineering reviews all development proposals with respect to potential impacts on traffic volumes and pedestrian safety. Through the review of the proposed application the impacts of 10 additional units are considered minimal and Kilbourne Road is able to accommodate the proposed increase in traffic. Due to the small increase in traffic that will be generated no additional studies or reports are required to justify the proposed density of the development regarding its impacts on traffic. The development provides sufficient significant parking. Each unit is proposed to have its own garage along with a driveway, and 6 visitor parking spaces have been provided.

It should be noted that many of the concerns related to traffic, parking and safety are a result of current conditions and not directly tied to the proposal. It should be noted that Council has approved an initiative to reduce speeds on local roads throughout London. Community zones are currently in the test phase, and Kilbourne Road could see a reduction in speed to 40km/hr through this process.

Impacts on Surrounding Features:

As identified, the subject site abuts the Dingman Creek ESA. Concerns were raised about the loss of trees and woodlands due to the development and impacts on sensitive features. The proposed development is providing a 10m buffer from an agreed upon drip line of the abutting trees. The majority of the lands within the buffer area will be zoned and designated as open space and dedicated to the City, ensuring the continued protection of the abutting feature. A small portion of the buffer will be located in several of the units. The boundary of the common element block between units 2 and 3 was increased in size to provide compensation for this encroachment. The block will be further naturalized with native plantings. This, combined with the proposed setbacks create an appropriate buffer and separation between land uses resulting in minimal impacts from the proposed development on the abutting ESA.

Heritage Character:

Concerns were raised about the proposed buildings and their interface with the park like setting of the area. As previously mentioned, Staff feel that with the proposed height, lot coverage, proposed setbacks and reduced lots for the development provides an appropriate response to the abutting lands and park-like setting of the area. The large more functional greenspace to the west of the development provides greater opportunity to continue the Dingman Creek Trail from Kilbourne Road to Graham Place Park at the north of this development.

Privacy, light pollution, and property values:

Building front entrances, driveways, and garages are oriented internally to the site so that impact on privacy of adjacent properties is minimized. Perimeter fencing (1.8-metre-high board-on-board fence) and landscape planting buffers will also be incorporated into the approved site plan and landscape plans to provide screening and privacy of adjacent rear yard amenity areas. The proposed 2.5-storey dwellings are not expected to cast shadowing on adjacent properties or result in any significant loss of sunlight as the topography is relatively flat so there will be no loss of natural view corridors or vistas. The proposed residential infill development is not expected to adversely affect the residential stability of this area. A light impact study will be reviewed as part of the Site Plan approval process so that on-site exterior lighting can be managed and mitigated so as not to overcast on adjacent properties.

Stormwater/Flooding:

As part of the Site Plan approval process the applicant is required to demonstrate that stormwater will not impact the surrounding lands. The stormwater management objective for this site is to limit the stormwater impacts from the proposed development to the municipal storm sewer network and the adjacent properties. A new private on-site storm sewer system will be required to collect minor storm drainage for the proposed 1.75 ha northern portion of the site to be developed, excluding the rear yards of Lots 1-7. The sewer system will direct storm runoff into a low impact development (LID) infiltration system with an overflow pipe into the Kilbourne Road right-of-way. Overland flow routes will be provided such that major storm flows are not conveyed onto adjacent property but rather to Dingman Creek to the southwest, via the Kilbourne Road right-of-way to the south.

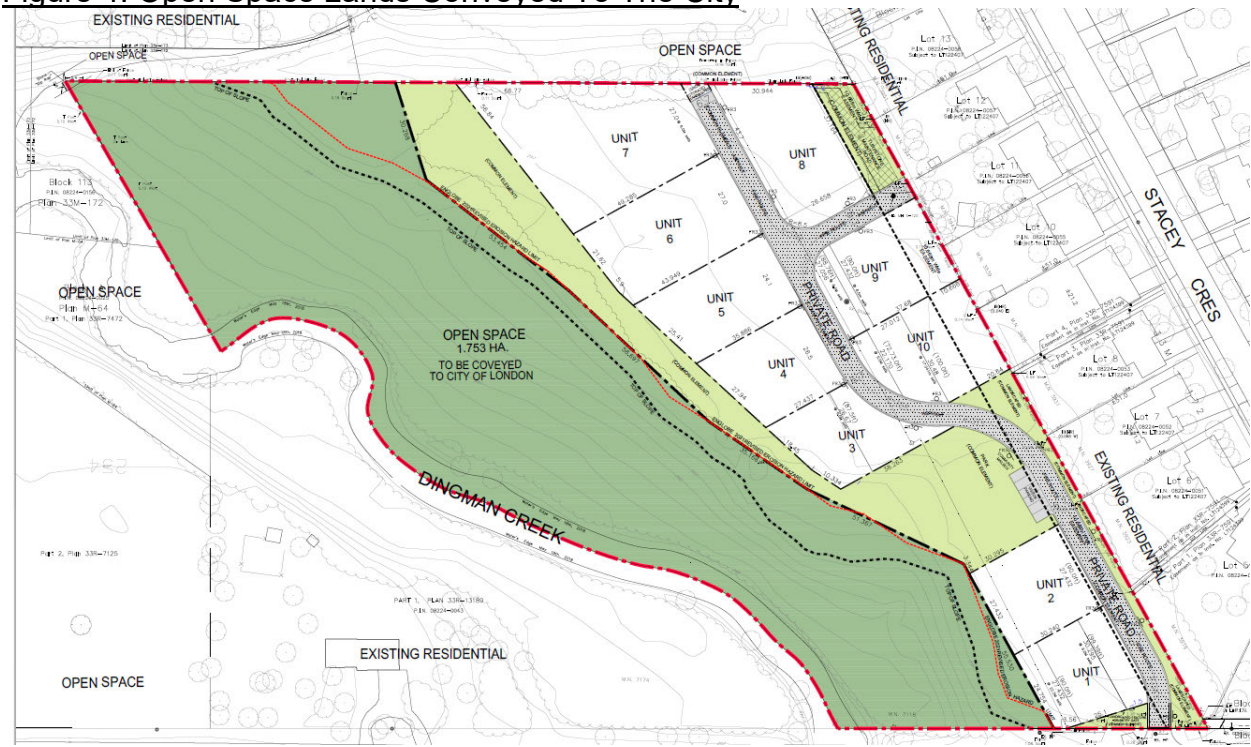
Stormwater management (SWM) controls will be required to reduce the rate of runoff in the post-development condition. Major overland flow routes have been incorporated into the site grading design to convey runoff from major storm events to Kilbourne Road to the south, which in turn directs drainage to the Dingman Creek.

4.6 Additional Amendments

The above analysis relates to the developable portion of the property however, additional Official Plan amendments and zoning regulations are required to ensure the continued protection of the abutting natural heritage features. As part of this application an EIS was submitted, and the applicant worked with City Staff on achieving appropriate buffers to the abutting lands. As part of this process, the applicant has provided a 10-metre buffer from the established dripline of the existing woodland abutting the proposed units. Most of the lots are located along the edge of the feature (seven of ten), all seven of those lots are located within the identified dripline. The applicant has provided additional open space lands to the City of London to compensate for this minor encroachment of the proposed lots.

Within the open space to be conveyed to the City, portions of land have been identified to accommodate a multi-use pathway (See image below). Additional setbacks also exist along the northern property line where additional open space lands exist. As a result of the proposed open space lands staff are recommending that these lands be designated as a Green Space Place Type in The London Plan. and zoned Open Space (OS5) Zone in the Zoning By-law.

Figure 4: Open Space Lands Conveyed To The City



Lands west of the Development Limit (common element) shall be dedicated to the City

Conclusion

The recommended amendments are consistent with the Provincial Policy Statement, 2020 and conform to the relevant policies of The London Plan. The proposal facilitates the development of an underutilized property and encourages an appropriate form of development. The subject lands are also located in close proximity to arterial roads ensuring easy access to Colonel Talbot and other areas and services within the City. The proposal will permit a small residential infill development that is appropriate for the subject lands, and compatible with the surrounding land use pattern. The extension of the Dingman multi-use pathway provides accessible open space and pedestrian movement from the Lambeth area to the City core.

The application for Approval of Vacant Land Condominium is considered appropriate, consistent with the Provincial Policy Statement, and conforms to The London Plan. The proposed vacant land condominium in the form of single detached units also complies with the recommended Zoning By-law.

Prepared by: Sean Meksula, MCIP, RPP
Senior Planner, Planning and Development

Alison Curtis, MA
Planner 1, Planning and Development

Reviewed by: Bruce Page
Manager, Subdivision Planning

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

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

cc: Matt Feldberg, Manager, Subdivisions and Development Inspections
cc: Bruce Page, Manager, Subdivisions
cc: Michael Pease, Manager, Site Plan
cc: Matt Davenport, Manager, Subdivisions

Appendix A

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

2020

By-law No. C.P.____

A by-law to amend The London Plan for the City of London, 2016 relating to 7098-7118 Kilbourne Road.

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

1. Amendment No. (to be inserted by Clerk's Office) 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(38) of the *Planning Act, R.S.O. 1990*, c.P.13.

PASSED in Open Council on October 17, 2022.

Ed Holder
Mayor

Michael Schulthess
City Clerk

First Reading – October 17, 2022
Second Reading - October 17, 2022
Third Reading - October 17, 2022

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

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to add a new policy in Section 20.5.7 to The London Plan (Southwest Area Secondary Plan) for the City of London to permit a minimum density of 6.4 units per hectare on the site (whereas a minimum density of 15 units per hectare is required);

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 7098-7118 Kilbourne Road.

C. BASIS OF THE AMENDMENT

Section 20.5.7 of The London Plan is the Southwest Area Secondary Plan which includes more specific policy guidance for the plan area. The recommended amendment will permit a reduced density than what is permitted by the Southwest Area Secondary Plan policies.

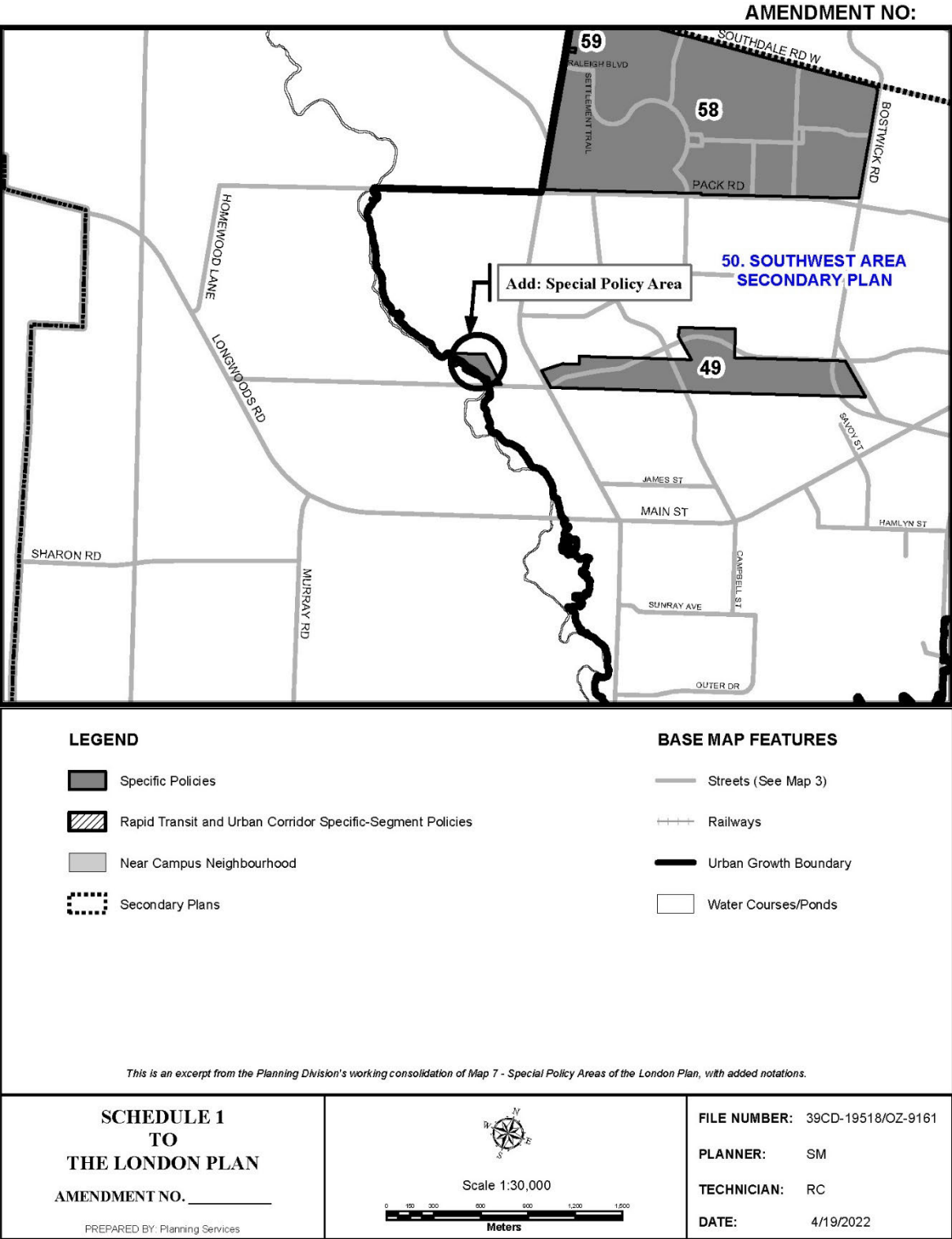
D. THE AMENDMENT

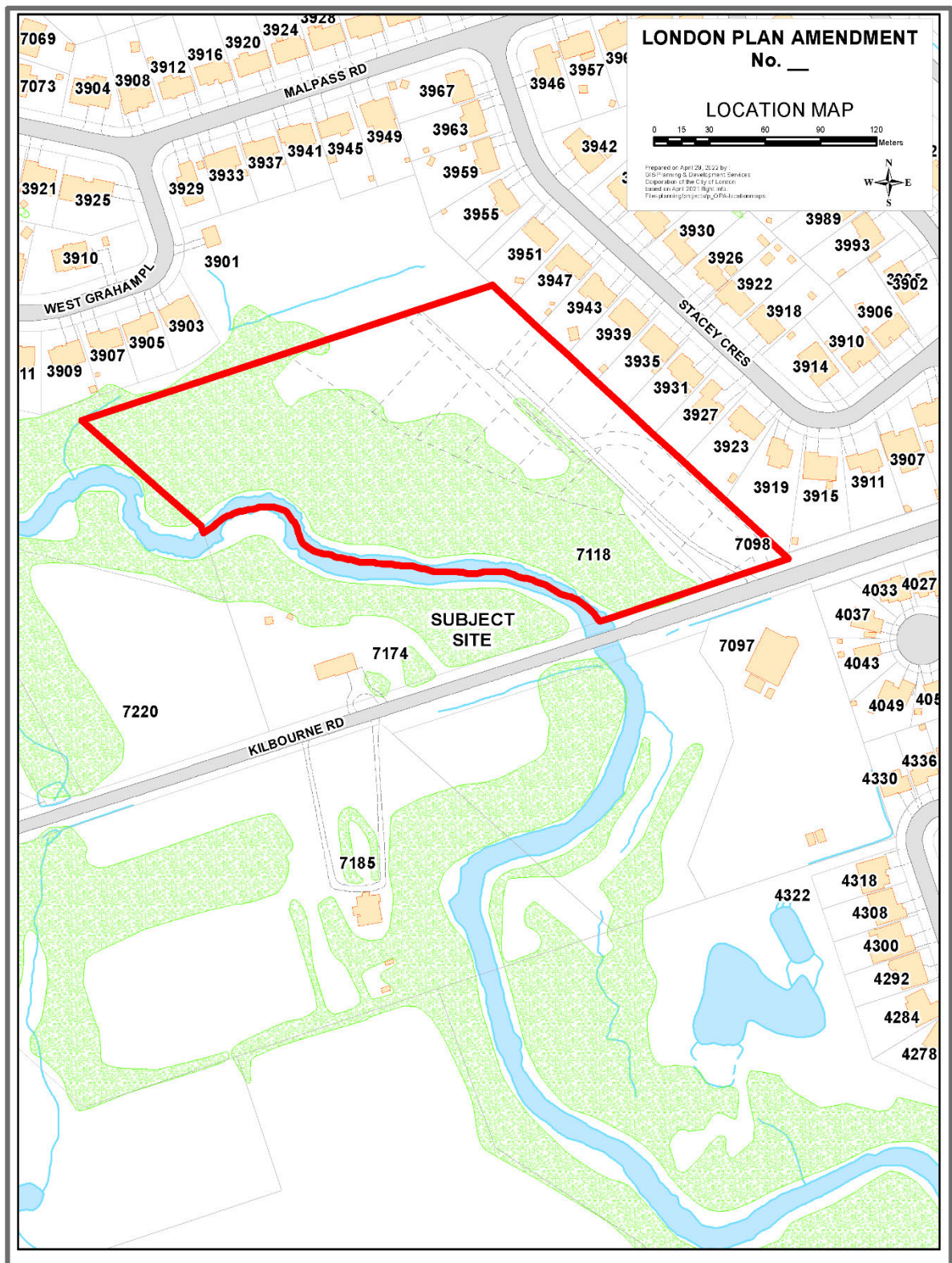
The London Plan (Official Plan) for the City of London is hereby amended as follows:

1. Section 20.5.7.1.iii “North Lambeth, Low Density Residential – Residential Built Form and Intensity” of The London Plan – Southwest Area Secondary Plan for the City of London is amended by adding the following:

7098-7118 Kilbourne Road

For the single detached dwellings within the vacant land condominium development, notwithstanding policy 20.5.7.1.iii.a), for minimum density, a minimum density of 6.4 units per hectare will be permitted on this site.





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 7098-
7118 Kilbourne Road .

WHEREAS Bluestone Properties Inc. has applied to rezone an area of land
located at 7098-7118 Kilbourne Road, as shown on the map attached to this by-law, as
set out below;

AND WHEREAS upon approval of Official 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 7098-7118 Kilbourne Road, as shown on the attached map
comprising part of Key Map No. A.110, from Holding Open Space (h-2*OS4), and
an Open Space (OS5) Zone, to a Residential Special Provision R6 (R6-1(*)) Zone
and an Open Space (OS5) Zone.
- 2) Section Number 10.4 of the Residential R6 (R6-5) Zone is amended by adding the
following Special Provision:

R6-5(*) 7098-7118 Kilbourne Road

a) Regulation[s]

i)	Height	2.5 storey (maximum)
ii)	Lot Coverage	30% (maximum)
iii)	Lot Frontage	22m (minimum)
iv)	Rear Yard Depth	1.2m (minimum) for units 7 and 8

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.

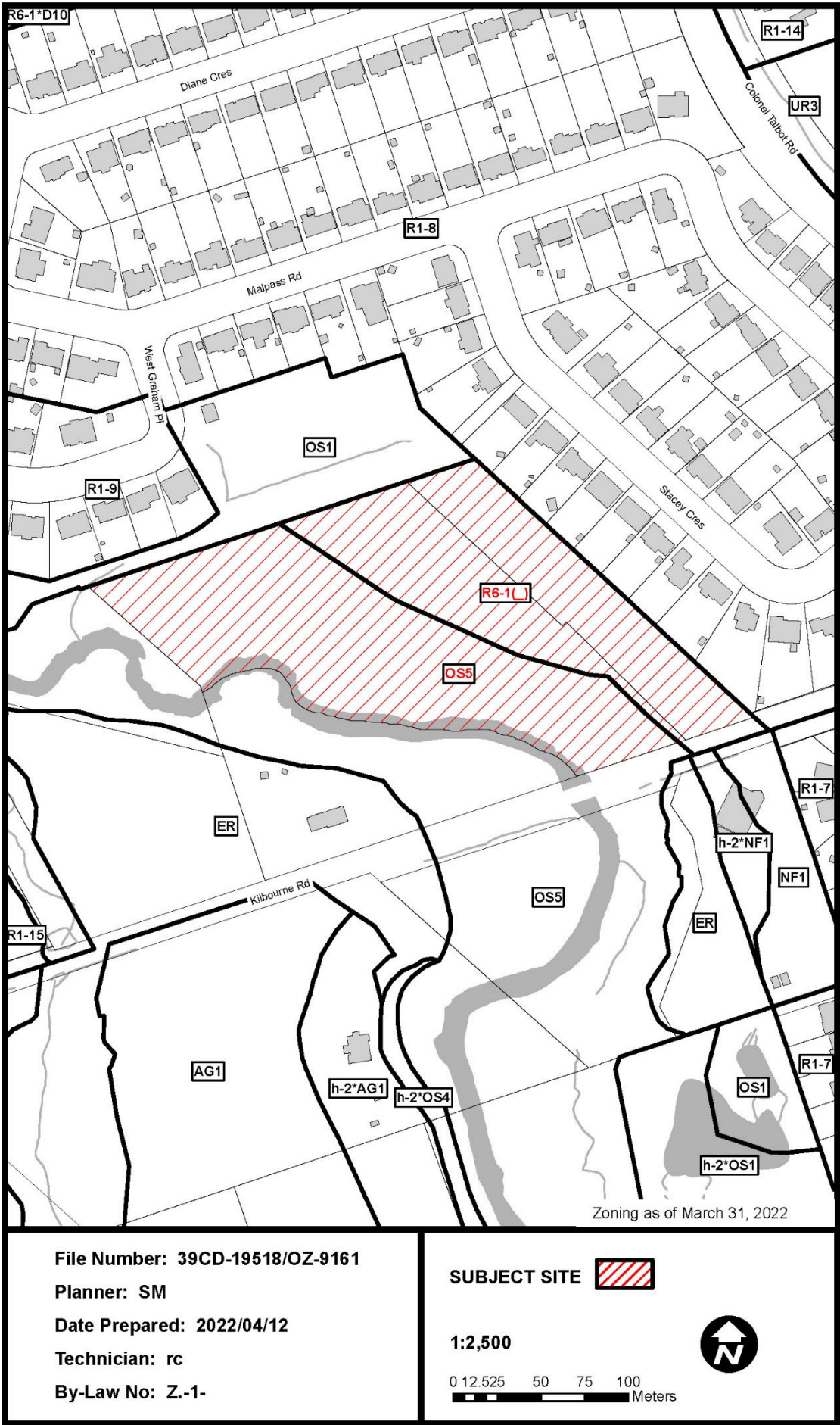
PASSED in Open Council on October 13, 2020.

Ed Holder
Mayor

Michael Schulthess
City Clerk

First Reading – October 17, 2022
Second Reading – October 17, 2022
Third Reading – October 17, 2022

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



Appendix C – Public Engagement

Community Engagement

Information regarding the requested Zoning By-law Amendment Application and opportunities to provide comments were provided to the public as follows:

- Notice of Application was sent to property owners within 120 meters of the subject property on January 9th, 2020.
- Notice of Revised Application was sent to property owners within 120 meters of the subject property on December 9th, 2020.
- Notice of Revised Application was sent to property owners within 120 meters of the subject property and published in the Public Notices and Bidding Opportunities section of The Londoner on March 2nd, 2022.
- Notice of Public Participation Meeting was sent to property owners within 120 meters of the subject property and interested parties on September 15th, 2022.
- Notice of Public Participation Meeting was published in Public Notices and Bidding Opportunities section of The Londoner on September 15th, 2022.

Two (2) responses to the original Notice of Application circulation process were received, and one (1) was received following the first Notice of Revised Application. Three (3) comments were received following the second Notice of Revised Application, and they are included within this report below.

Nature of Liaison: 7098-7118 Kilbourne Road– The purpose and effect of this application is to develop a condominium consisting of 10 residential units. Consideration of a proposed draft plan of vacant land condominium consisting of 10 single detached residential units with a private access driveway, private internal services and a common element for open space/floodplain. Consideration of a possible amendment to the 1989 Official Plan to add a Specific Area Policy to Chapter 10 to permit a minimum density of (6.4) units per hectare on the site; and to amend Section 20.5.7 (Lambeth Neighbourhood) of the Official Plan (Southwest Area Secondary Plan), to add a special policy to permit a minimum density of (6.4) units per hectare on the site (whereas a minimum density of 15 units per hectare is required). Consideration of a possible amendment to The London Plan (New Official Plan) To amend the Southwest Area Secondary Plan, Section 20.5.7 (Lambeth Neighbourhood) to add a special policy to permit a minimum density of (6.4) units per hectare on the site (whereas a minimum density of 15 units per hectare is required). Consideration of a possible amendment to the Zoning By-law to change the zoning from a Residential R1 (R1-8) Zone, an Environmental Review (ER) Zone, a Holding Open Space (h-2*OS4) Zone and an Open Space (OS5) Zone to a Residential R6 Special Provision (R6-1()) Zone to permit cluster housing in the form of single detached dwellings, with a maximum lot coverage of 30%, a maximum height of 10.5 metres, a minimum lot frontage of 22m, and a 1.2m rear yard depth for Units 7 and 8; and an Open Space (OS5) Zone to permit conservation lands, conservation works, passive recreation uses which include hiking trails, multi-use pathways, and managed woodlots. File: 39CD-19518/OZ-9161 Planner: S. Meksula (City Hall).

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

From: Jennifer McNabb
Sent: Mon 1/27/2020 11:19 AM
To: Pasato, Nancy, Hopkins, Anna

Good morning Nancy and Councillor Hopkins,

I am writing regarding the planning application for 7098/7118 Kilbourne Road.

Overall, I am supportive of the application, mainly because I prefer this over any high density housing (townhomes, apartment building, etc.). With that said, my concerns are as follows:

1. My backyard is one that will be visible to the new proposed houses, especially the lots at the front of the property near Kilbourne Road. I am concerned about privacy as I have two small kids and our backyard is our oasis where we spend all of our time, especially in the summer. We moved to this area for the neighbourhood, huge lots, and to avoid 'being looked down on' from someone else's home. I know there isn't anything that can probably be done about limiting the houses to one story homes, but that would help immensely with my privacy concerns.
2. Several trees bordering the edge of the property beside the backyards of Stacey Crescent were cut down in the last year. This greatly reduced the privacy the backyards might have from these homes. I would like to suggest replacing many of these trees to assist in maintaining privacy for our backyards and to reduce the environmental impact this development may have.
3. What will the overall esthetic of the houses be? The homes in our area are mainly traditional brick homes. This is a personal opinion but I cannot stand the modern looking homes. I am hoping there can be something implemented to ensure the homes maintain a traditional look, consistent with the neighbourhood.
4. Will there be any impact to the water drainage in the area or bordering properties? Our neighbourhood is known for having water issues due to the high water table and it has been my understanding that our backyards should be draining towards the stream, which would then be blocked by the new houses. What will be done to prevent any impact to, or increase, the water drainage in the area?
5. Was there ever any consideration given to maintaining the property's open space designation and instead of developing, creating a park or environmental area? There aren't many environmental areas (similar to the ones along the Thames, Hamilton Road, Springbank, etc) in this part of the city. An open space park or environmental area could connect with the City of London paths to the Lambeth Community Centre all the way through to the creek behind the homes on Malpass Road and West Graham Place, which would then connect through to Clayton Walk's path, to the new Silver Leaf paths. I much prefer this option, and as my kids get older, would use this all the time. I am confident several members of the existing neighbourhood would use and prefer this as well. I understand a park or open space environmental area doesn't bring in any tax revenue for the city, however, the benefits to the area, environment and its current residents are unmeasurable.
6. Has there been any consideration to the increased traffic on Kilbourne Road? I am aware in viewing other planning applications that Kilbourne Road is set to be extended through to Bostwick Road, then to Wonderland Road South. As indicated in one of the surveys on the planning application, Kilbourne Road is designated as neighbourhood access only, which by definition and in my opinion, should mean low traffic. When this extension goes through the traffic will be easily tripled if not more, used as a freeway as the 60km/h limit is never adhered to (80-90km/h would be the average), used as a cut through to bypass Lambeth/Main Street, and the noise coming from the road will make my backyard almost unbearable during high traffic times. I would suggest this road would no longer be solely a neighbourhood access only road. We already went through this during the Main Street construction closure when Kilbourne Road was designated as the alternate route. Getting out of our subdivision was bordering on dangerous and the volume from the traffic made conversations hard to hear in my yard. After many complaints to the city, they temporarily added traffic calming measures that were very ineffective - we would sit in our yard and count how many were knocked over by the speeding cars and construction vehicles. Adding another 14 homes (on average 2 cars per home, 28 cars) using the road daily will have an impact on the traffic, however, my bigger concern would be for the first lot within the proposed development once Kilbourne Road extends through. The noise level for that house will be terrible. If nothing can be done about Kilbourne

Road's planned extension or preventing it from being used as a freeway/cut through, I would suggest either sound walls be installed in preparation for the traffic increase or the development gets rid of the first lot to allow for a sound barrier between the road and the first home.

I look forward to hearing from you.

Thank you,

Jenn McNabb

From: Paul Davison
Sent: Sat 2/1/2020 7:05 PM
To: Pasato, Nancy
CC: Hopkins, Anna, Paul Davison

Dear Nancy,

The following is a reply to your Notice of Public Planning regarding 7098-7118 Kilbourne Road, London Ont..

My name is Paul Davison. I live at 3919 Stacey Crescent, London, Ont..My backyard would border on Unit # 1 of the Requested Draft Plan of Vacant Land Condominium that was mailed to my residence.

Your accompanying letter solicited homeowner input on the proposed development project, and is included here.

1. I have lived in my residence since Feb 1994. Most of the homeowners on Stacey have lived here for quite a while. I have watched the forest of trees behind my house cut down, when the easement went in to service the new homes that were built on the east side of Kilbourne Road. The privacy and seclusion I had enjoyed disappeared with the trees.

Now a land development is proposed. With the further reduction of privacy. I would like to see any property development proposed be designed to maximize my privacy and enjoyment of my property.

2. When construction begins, will there be a nice privacy fence installed between the construction and the back yards on Stacey, or will there just be that black 2 foot high border that is often used. I have a dog, and this construction will be very disruptive to her. The noise, truck traffic, and construction workers coming and going will cause my dog great anxiety. A proper privacy fence is required. This permanent privacy/noise mitigation fence should be built pre construction, and should be a quality fence.

3. I have a concern regarding garbage pick up for the proposed condominium project. Would a garbage truck drive around the development on garbage day, or will there be a designated garbage drop for pick up. And where would the garbage drop be ?

I suspect it would be near Kilbourne, and therefore right next to my backyard fence. I don't want to smell the garbage of 14 residences, not to mention dealing with the rodents that are attracted to garbage. Plus the risk this would expose my dog to.

4. Will the access road through the development be illuminated ? Will there be overhead lights on all night long ? And will the light reach into my backyard ? I think any road lights should not produce light pollution to homeowners backyards on Stacey, and actually should not be visible to homeowners on Stacey.

5. Ideally I would like to see only one story condominiums built, since a two story home would open up my backyard to a further reduction in privacy. But I realize a proper privacy fence could help.

Thank you for considering my comments.
Paul Davison

From: D & T Frizzell
Sent: Sat 12/19/2020 7:44 AM
To: Meksula, Sean

We are good with this proposal and would like to be kept informed on any updates & the final decision, thanks.
Dave & Tracey Frizzell

From: Jennifer McNabb
Sent: Wed 3/16/2022 9:53 PM
To: Meksula, Sean, Hopkins, Anna

Good evening,

I reside at Stacey Cres, in close proximity to this proposed development.

While I prefer this lot remains greenspace (it would make for a beautiful park and could continue the walking path south of Kilbourne, attaching it to the greenspace north of the lot), I support the plan so long as my concerns below be addressed.

This area is prone to water issues, which is not news to anyone who lives here. After every major rainfall, you will see at least 1 neighbour tearing out basement carpet/drywall due to a flood. This has happened to us several times, resulting in us putting over 100k into waterproofing and refinishing our basement this past year. Because of this investment into our home, I want to ensure that this development does not create any additional water issues. I have attached pictures of the rear of our yard and circled where water collects and the direction in which it flows out of the yard. The water flows to the west, out our neighbours yard to through this proposed development (lots 1 and 2) to Dingman Creek. Could you please advise (or provide if they are done) what water studies have been done? And could you please advise what water mitigation/drainage will be in place so as the driveway and houses on lots 1 and 2 do not block the flow of water out of our yard?

Keeping with water, I would also like to know whether being in the Dingman Creek watershed, and backing on to Dingman Creek, have been taken into consideration? Have barrier free access and flood plain been considered?

I am also concerned regarding lighting with the entrance driveway as it will be very close to our backyard, and the view from our backyard that will be changed by lots 1 and 2. We enjoy the feeling of being at the edge of the city and the view it comes with. With how our neighbours house is situated, looking out from our deck feels like we live in the country. One of the benefits to this is the night sky, which we enjoy frequently year round. I would like to ensure that the night sky and our views are not changed. What is the plan for lighting and what impacts/studies have been done to ensure neighbours and the environment are not impacted?

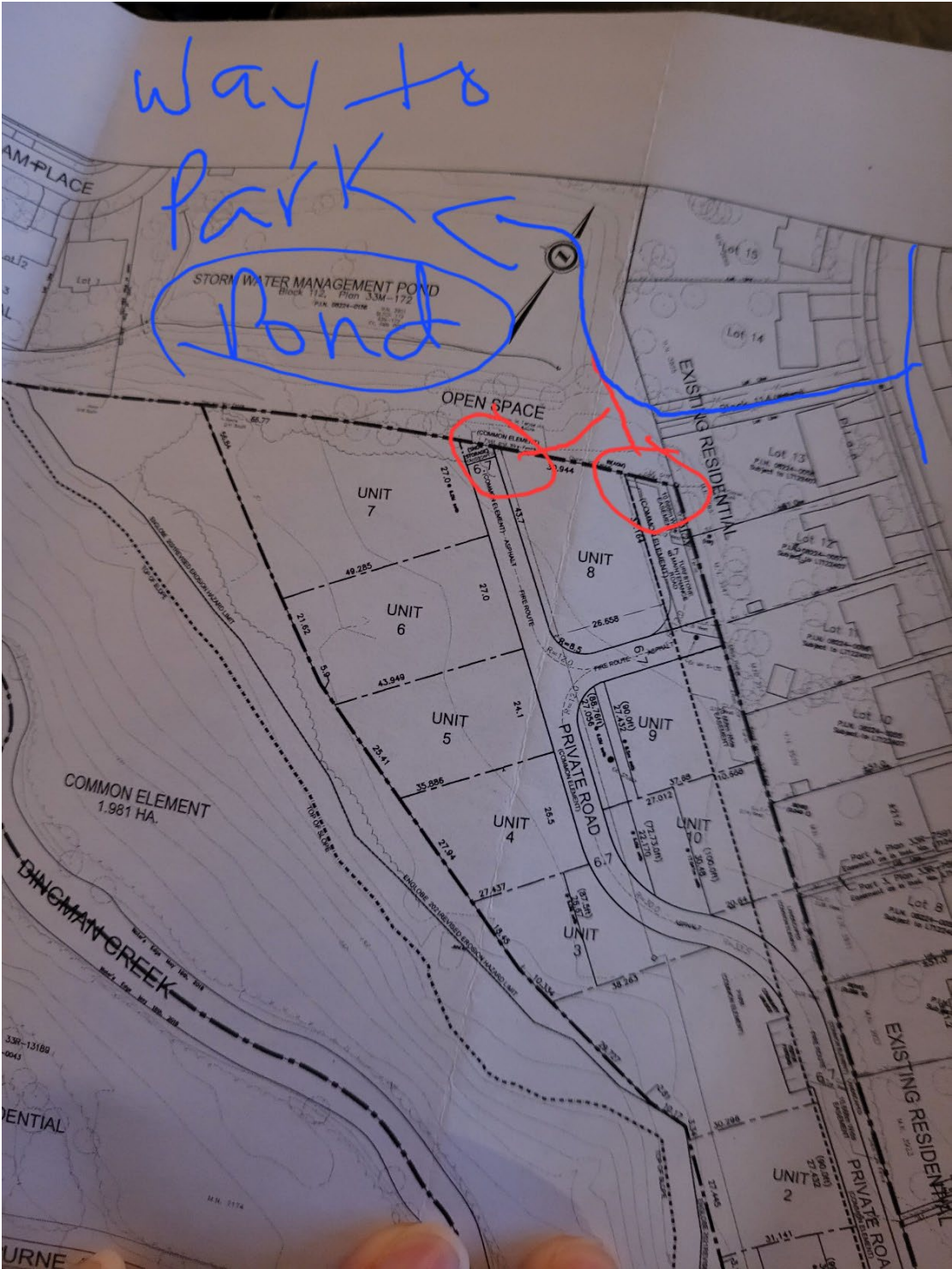
I am also wondering if the existing back fence at the rear of the lot will be opened at all to allow access through to the pathway and greenspace? I have attached a picture of the plan and circled where an opening could attach to the existing pathway.

I appreciate that the developer wishes to reduce the allowable units on the land from the City's desired density, and wishes to keep with a similar property valuation as the

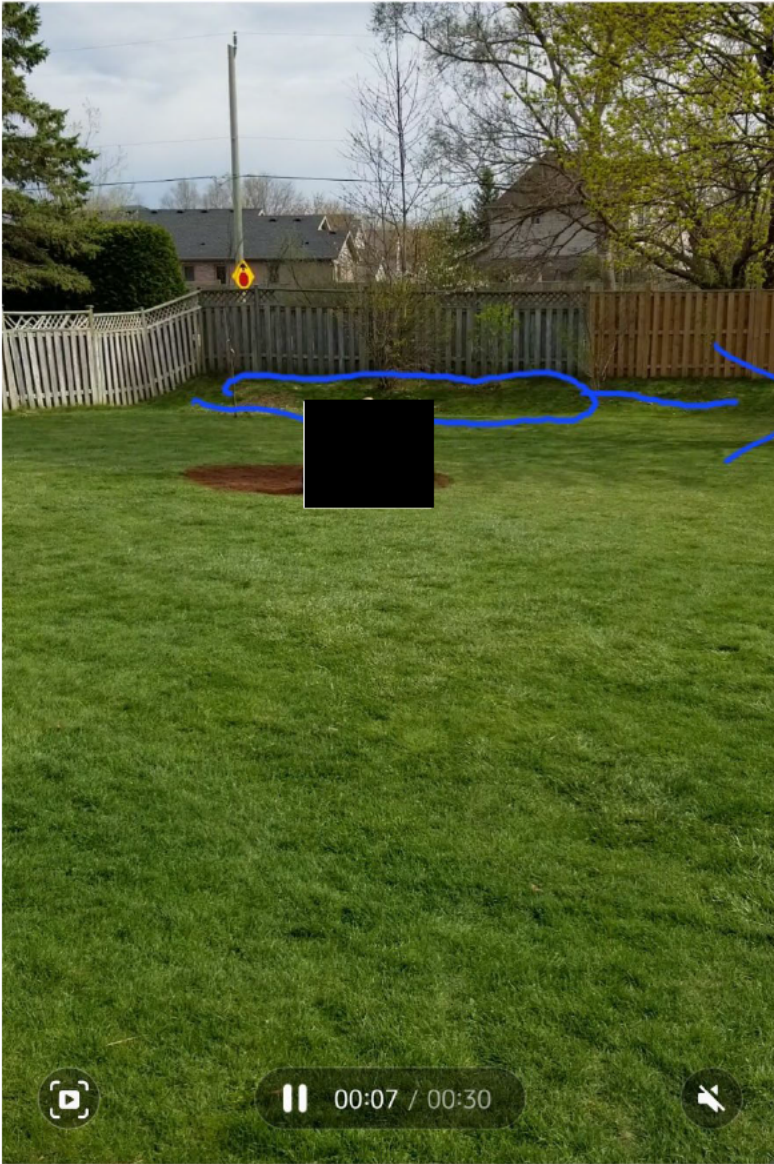
existing neighbourhood as to not impact the value of our homes. For this reason alone (preventing high density), I support the plan so long as my concerns above are addressed. My preference is a greenspace or park, but I prefer this plan as outlined over another developers high density plan.

I consent to this email being included in the public record/planning committee submissions/council submissions.

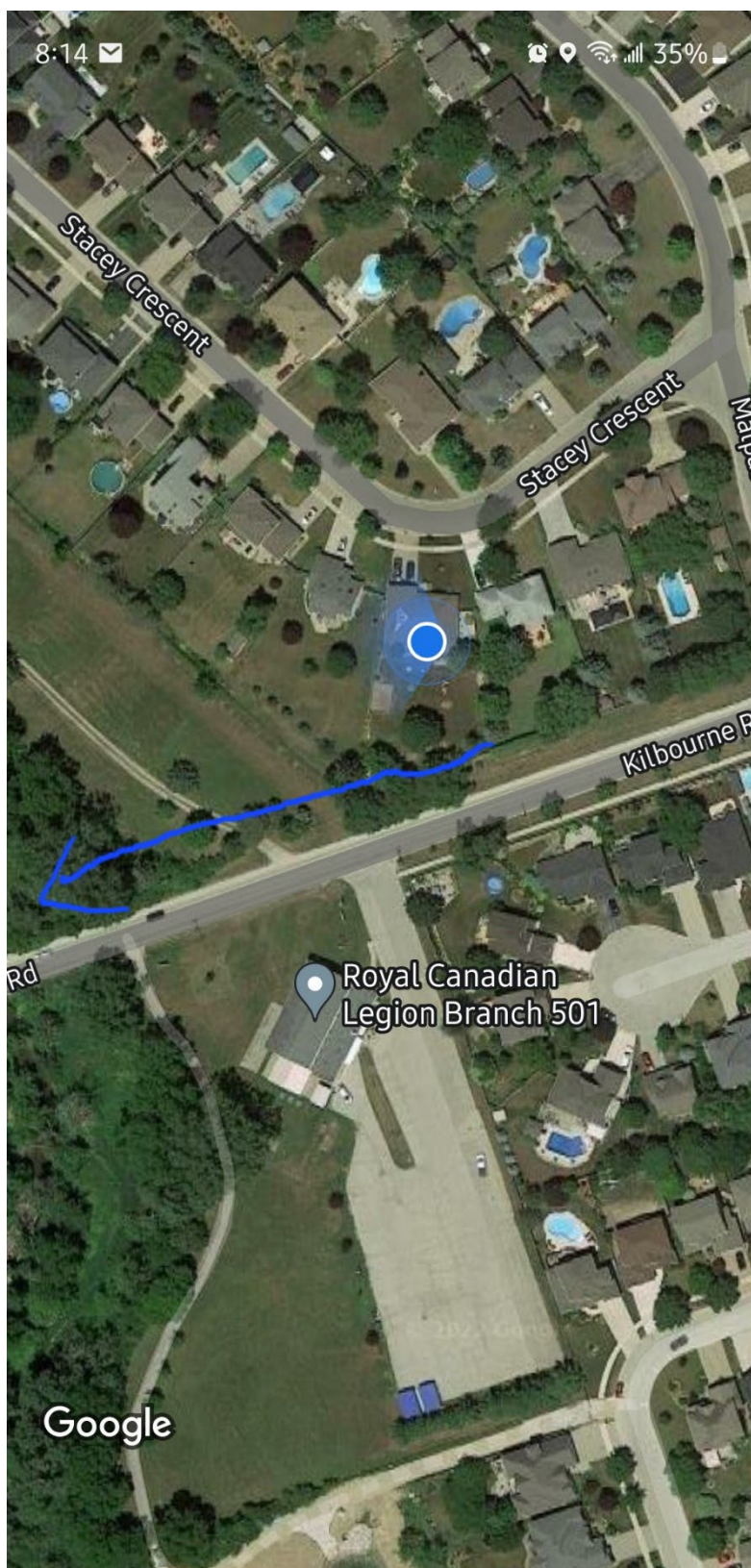
Thank you,
Jenn McNabb











From: Stanley Waring
Sent: Thu 3/24/2022 1:45 PM
To: Pasato, Nancy

Good afternoon Nancy,

A few questions about File: 39CD-19518/OZ-9161 7098-7118 Kilbourne Road.

- Will this development include public-land dedicated to the City of London to continue the Dingman Creek trail?
- Will the project included a pedestrian crosswalk with warning lights?
- Way are there several separate applications on property?
- What stage is the application in the approval process?

2 x attachments

Best regards

Stan



From: Paul Davison
Sent: Saturday, March 12, 2022 10:25 AM
To: Meksula, Sean
CC: Paul Davison

Hello,

My name is Paul Davison.

I am replying to your request for comments on the a/n proposed property development.

My backyard is directly opposite Lot 1 on the proposed draft plan of Bluestone Properties Inc.

My concerns about the proposed condominium development follow:

1. Fencing

I am worried about the style, quality and sound inhibiting characteristics of the fence that will be directly behind my residence. Whatever fence Bluestone installs must be Zero maintenance and be well made, since the residents on Stacey Crescent will have to look at it every day. The fence must be a height which reduces traffic noises coming from the proposed condo development. The proposed access road will run right behind my residence, and will expose me to condo traffic and pedestrian noise. Plus many residents of Stacey Crescent, including me, own dogs. This project will take a couple of years to complete, so a proper and suitable fence would reduce the stress to family pets.

2. Garbage Pickup

A proper fence installed will reduce nuisance noises like garbage trucks, delivery and construction vehicles, and should be a consideration when a fence design is contemplated.

3. Condo road lighting

I'm concerned that I will be exposed to light pollution coming from whatever road lighting system is planned. Street lights mounted on poles will undoubtedly expose me and my property to unwanted bright light and take away from my enjoyment of my property. Any road lighting options should be designed to not interfere with residents living on Stacey Crescent.

4. Park Common Element

The proposed Park area is between lots 2 and Lot 3. It seems to me that Lot 7 would be a better place for the Park. Lot 7 is bigger and more private, and putting a park there would relieve owners of Lot 2 and 3 of additional park related noise.

Thank you

Paul Davison

Appendix D – Agency/Departmental Comments

Enbridge Gas – March 3, 2022

Thank you for your correspondence with regards to draft plan of approval for the above noted project. It is Enbridge Gas Inc.'s request that as a condition of final approval that the owner/developer provide to Union the necessary easements and/or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Enbridge.

London Hydro – March 3, 2022

Servicing the above proposal should present no foreseeable problems. Any new and/or relocation of existing infrastructure will be at the applicant's expense, maintaining save clearances from L.H. infrastructure is mandatory. A blanket easement will be required. Note: Transformation lead times are minimum 16 weeks. Contact Engineering Dept. to confirm requirements & availability.

Bell – March 28, 2022

Dear Sir/Madam,

We have reviewed the circulation regarding the above noted application. The following paragraphs are to be included as a condition of approval:

"The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost."

The Owner is advised to contact Bell Canada at planninganddevelopment@bell.ca during the detailed utility design stage to confirm the provision of communication/telecommunication infrastructure needed to service the development.

It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

To ensure that we are able to continue to actively participate in the planning process and provide detailed provisioning comments, we note that we would be pleased to receive circulations on all applications received by the Municipality and/or recirculations.

Please note that WSP operates Bell's development tracking system, which includes the intake of municipal circulations. WSP is mandated to notify Bell when a municipal request for comments or for information, such as a request for clearance, has been received. All responses to these municipal circulations are generated by Bell, but submitted by WSP on Bell's behalf. WSP is not responsible for Bell's responses and for any of the content herein.

If you believe that these comments have been sent to you in error or have questions regarding Bell's protocols for responding to municipal circulations and enquiries, please contact planninganddevelopment@bell.ca

Urban Design – April 1, 2022

- Provide enhanced elevations with similar level of details as found on front elevation (in terms of porches, windows, articulation etc) for any end units (Unit '1') facing Kilbourne Road.
- Provide full elevations with materials and dimensions labelled of Unit '1' facing Kilbourne Road. Further urban design comments may be provided after receipt of these elevations.
- The design of the site should have regard for any significant mature trees, in particular when located adjacent to existing development. This may require a larger setback for the units once it has been determined which trees should remain and how much separation would be required to ensure their survival.

EEPAC – April 8, 2022

Geotechnical Engineering Report Comments

1. Continuous groundwater flows to wetland area and Dingman Creek throughout the year with less than 1m water table variation. Unclear how short-term localized dewatering activities and/or sub-excavation will not have an impact on slope stability given moisture content and substrate size in the sampled boreholes, especially in sections D and F. Further, the organic thicket swamp is sensitive to changes in hydrological change as noted in the Scoped Hydrogeology Study Report. Dewatering is not supportable and basements should not be permitted.

Scoped Hydrogeology Study Report Comments

1. It is not clear why groundwater chemistry samples were unfiltered if this positively biased metals concentrations. This calls into question the exceedances of Aesthetic Objectives (AOs) and Operational Guidelines (OGs) observed on the site for metals that preferentially do not dissolve (e.g. aluminum, iron, and manganese).
2. The report notes a 17.5 % decrease on the local recharge and a 72.6% increase in runoff would be caused by the development. EEPAC's main concern is contamination of groundwater and wetland - mitigation options are in LID design prioritizing de-icing salt management and runoff management. However, introducing clauses around salt use for de-icing for residents seems to shift the responsibility of reducing contamination to residents rather than have a prior solution developed by the proponent. What ability is there in the conditions of development to ensure protection of the wetland features? Further, though the report assesses the magnitude of hydrologic changes will be low, but the wetland is highly sensitive to change in hydrology, so what does a 17.5 % decrease on the local recharge mean for this sensitive habitat? The report is silent on this issue.
3. Warmer water temperatures due to the infiltration of runoff water through LID system, and though there may not be an overall increase in groundwater temperature, would specific points of infiltration from the LID system impact the habitat quality in the wetland? This is also not addressed in the report.
4. De-icing with salt and subsequent contamination of ground/surface water is likely to be greater during freeze/thaw periods during winter months (assuming November to March) by salt runoff from roadways and use by residents. Beyond post-construction monitoring, what adjustments or enforcements can be made in the conditions of development if salt contamination is found to increase during year one of monitoring?
5. Consider implementing a plan for sodium and chloride reduction. For example, homeowner education for proper discharge of pools (including non-saltwater pools) and use of de-icing salts and working with the City of London to reduce de-icing salts on public and private roadways, where safely implementable. Frankly, a condition of the condominium agreement is that no pools should be permitted as it is likely they will discharge to the ESA.
6. Because the report suggests that the adjacent SWM facility might be a contributing factor to high sodium and chloride levels, the City of London should consider what corrective actions can be implemented if this turns out to be the case.

Ecology – April 22, 2022

Hi All, please see my comments for 7098 & 7118 Kilbourne Road updated EIS (December 9, 2021):

- 1) While the EIS has updated the figures with the driplines and some of the text compared to the previous Report, it still has not satisfactorily addressed some of the key comments identified by the City on **February 3, 2021**.
 - - a. City Comment #3 – While the Common Element (park) has addressed part of this issue, this is not reflected in the text and some of the units are still well within the dripline. Tableland vegetation contiguous with the Significant Valleyland is part of the feature and should be identified as such, however this section continues to indicate this area is not part of the feature.
 - b. City Comment #5 – Dripline has been addressed, however the EIS figure does not show that the ESA feature extends to include these areas identified and should be zoned and mapped as such. The EIS figures need to show the appropriate OS5 zone up to the development limit, so that all of the features/ buffers are included in the zoning and City Map 5 and Map 1 will need to reflect this change showing the ESA limit.
 - c. City Comment #6 – Has not been addressed, no changes in the EIS were identified. The EIS still does not acknowledge the potential snake Hibernaculum identified in the feature and the 30m radius centered around hibernaculum. The City also disagrees with certain species not being sensitive to development in general and to the cumulative impacts of development around NHF.
 - d. City Comment #7 – Has not been satisfactorily addressed, while the EIS now identifies an area for 'restoration' this area is not very large and it does not take the place of a permanent minimum buffer that provides various protection over the long term. The majority of the lots are located along the edge of the feature (seven of ten), all seven of those lots are located within the City's dripline. It is difficult to indicate support for a project that does not provide the minimum 10m setback (or greater than the minimum given the ESA and other features present) for any of the seven lots and the minor/ limited restoration works do not make up for this large discrepancy.
- 2) As stated at the beginning of this process given the small size of the property, the recognized ESA, Significant Valleyland, Wetland, Significant Woodland, SAR present/ potential, the best approach for this development was to have a single loaded road that runs along the top of the site with the lots backing onto the feature and providing that minimum setback that could be achieved with a single loaded road. In this case, some of the intrusion into the buffer/ dripline for lots 1 and 2 for example (road entrance pinch point) could be acceptable as additional buffer beyond the minimum could be provided for other lots further back from the road (i.e. Lots 6 and 7, which are very large lots relative to the others in the development). This would allow for implementing minimum protections identified in the EMG while providing development to proceed with seven of the ten lots proposed.

Parks – April 28, 2022

- Required parkland dedication shall be calculated pursuant to section 51 of the Planning Act at 5% of the lands within the application or 2% for commercial uses. Parkland dedication calculations for the proposed development are listed in the table below. It is the expectation of E&PP that the majority of the required parkland dedication will be satisfied through land dedication with the remainder as a cash-in-lieu payment.

- The table below summarizes the information as per the submitted Plan.

Land Use	Area (ha)	5% Area (ha)	Expected Dedication (ha)
Site Area	3.528	0.176	0.176
Required Parkland			0.176
Parkland Dedication (ha)			0
Open Space dedication (constrained) (ha)			0
Total Dedication on Plan (ha)			0
Outstanding Over Dedication Balance (ha)			0.176

- A multi use pathway corridor as identified on the London Plan Map 4, Active Mobility Network and in the Cycling Master Plan is to be located on the lands. The multi use pathway corridor will extend northerly from Kilbourne Road along east side of Dingman creek in the ESA on these lands and connect to the City owned lands at 3901 West Graham Place.
- Parkland to accommodate the multi-use pathway corridor shall be 15 metres in width as per as per City of London Standard Contract Documents (SPO 1.6, 1.7) and Section 1750 of the London Plan.
- The multi use pathway corridor shall be located wholly outside of any ecological feature. As per the Environmental Management Guidelines, the multi use corridor is expected to be located within the required (and adequately sized) buffer to the adjacent ESA lands and will be taken at a 1:16 rate consistent with open space land dedication.
- The location of the multi use pathway corridor shall be consistent with an approved EIS for these lands.
- The City will require fencing as per SPO 4.8 on all residential lots backing onto the park/pathway corridor

UTRCA – March 12, 2021



"Inspiring a Healthy Environment"



March 12, 2021

City of London - Development Services
P.O. Box 5035
London, Ontario N6A 4L9

Attention: **Sean Meksula** (sent via e-mail)

Dear Mr. Meksula:

Re: **File No. 39CD-19518/OZ-9161 – Application for Draft Plan of Vacant Land Condominium – UTRCA Comments - 2nd Round of Technical Studies**
Applicant: Bluestone Properties Inc.
7098 & 7118 Kilbourne Road, London

In correspondence dated February 13, 2020, and March 9, 2020, the Upper Thames River Conservation Authority (UTRCA) provided comments regarding the Planning Act applications and the first submission of supporting technical studies. We have received updated reports including a response summary table to address our initial comments. We offer the following comments on the second round of technical submissions.

Environmental Impact Study

The UTRCA has reviewed the *Environmental Impact Study Report 7098 & 7188 Kilbourne Road, London ON* prepared by MTE dated November 6, 2019 as amended November 4, 2020. We support the the reduction in the number of condominium units from 14 to 12 for this site. We have the following main concerns:

1. As was discussed at the May 15, 2018 site meeting, referenced in the Biologic Memo of May 29, 2018, and commented on in both the February 13, 2020 and March 9, 2020 UTRCA correspondence, the limit of development was to be determined by the review of Englobe's stable top of slope by the ecological consultant. According to Section 4.2.2.2 of the Nov 4, 2020 amended EISR, the project archaeologist concluded that community 3b is an area of disturbance and not of historical value. However, it is our opinion that an archaeologist is not qualified to determine the ecological value of the features, nor to evaluate valley land systems which is the goal. This is to ensure that the physical top-of-slope, not just the stable top-of-slope has been properly identified. Furthermore, the ground layer of community 3a, which is located beside 3b, needs to be evaluated by the ecological consultant as does the rest of the historically maintained edge of the lawn that defines the boundary between Community 2 and Community 3. This evaluation must occur at the appropriate time (please refer to Comment 2) and is required in order to determine how much of the 50m habitat from the retainable Butternut needs to be considered under the ESA Act.
2. Section 4.2.2 of the Nov 4, 2020 amended EISR states that fieldwork was conducted by Will Huys, MNR certified in ELC, on December 7 2017 and finalized through subsequent field visits on May

15, 2018. Section 4.2.5 states that field visits took place on December 7, 2017 (preliminary visit only), May 15, 2018, June 8, 2018, July 11 2018, Sept 21 2018. However, Appendix E has ELC sheets for December 7 and June 8. There are no dates provided for the summary lists of floral species in Appendix I. **Where are the May 15, 2018, July 11 2018, and Sept 21 2018 data sheets? This has been an outstanding comment in both the February 13 2020 and March 9 2020 UTRCA correspondence. Please ensure that the floral data sheets in Appendix I have a complete list of plant metrics (CC, wetness, weediness, etc.)**

3. In the March 9 2020 correspondence we asked whether Monarch and its habitat was recorded on site. According to Appendix I of the Nov 4, 2020 amended EISR, *Asclepias incarnate* (Swamp Milkweed) was present in Community 1. **Please include Monarch (SC) habitat as SWH in the appropriate sections of the amended EISR and discuss how it will be protected from the impacts of development.**
4. The City of London's email of August 20, 2018 in Appendix A states that a buffer must be addressed. This has also been an outstanding comment in both the February 13 2020 and March 9 2020 UTRCA letters. Not only do buffers provide additional physical distance between sensitive features and development impacts, but they are an area that can be modified with additional mitigation solutions, if need be. As stated in Section 7 of the Nov 4, 2020 amended EISR, "The erosion hazard setback, or the forest community (Vegetation Community 2 FOD7), whichever is greater, forms the ESA boundary [Figure 11]. Given that there are no buffers from this boundary, it also is the limit of development. Section 5.4.3 of the Nov 4, 2020 amended EISR, states that "the expansion of the ESA boundary to include the Erosion Hazard and access allowance, which adds additional setbacks beyond the ESA boundary along the southern half of the site, has expanded the development limits in the south half of the property.

Furthermore, Section 5.4.3 states that the main defining characteristic of this section of the Dingman Creek ESA that needs protection is the groundwater seepage and associated wetland habitat. We disagree with this opinion. There are many important characteristics/features as listed in Section 5.0 in addition to groundwater seepage and wetland habitat, including significant woodlands, significant valleylands, SWH, fish habitat, butternut habitat, groundwater recharge areas, Eastern Wood Pewee habitat and Green Dragon habitat. **Please remove the sentence "none of these features is sensitive to development" in Section 5.4 and discuss how all of these features will be protected.**

5. Sections 5.4.2 and 6.0 of the Nov 4, 2020 amended EISR states that "the plan for this application is to maintain the proposed area of ESA and adjacent areas (e.g. Dingman Creek Corridor) as a Common Element in a Condominium Agreement. Within the agreement, the long-term maintenance of the protected area by the landowners next to the feature, monitoring and ongoing preservation of the ESA and naturalization area will be defined. Education, appreciation, preservation of valley slope lands and long-term maintenance, will be the key to preservation in the long term". Recommendation 3 in Section 7.1 of the Nov 4, 2020 amended EISR states that "annual inspection of the water quality measures including inlet filter bags, floatable traps, sumps, filter socks and the Etobicoke infiltration system is needed to ensure long term maintenance. This requirement will need to become part of the Condominium Agreement." Recommendation 7 in Section 7.2 states that "The NH Condominium Declaration should include requirements for protection of the Common Element (Open Space/ESA)." Section 7.3 also has a number of monitoring recommendations that require technical expertise. **While we agree with the intent of these recommendations, we are concerned about the level of knowledge of the**

condominium corporation in ensuring these recommendations are carried out appropriately. To ensure that the ESA, valley slopes and other important natural heritage features are protected, the EIS must develop recommendations that will be communicated to the residents and the condo board about:

- i. The qualifications / expertise required to conduct these inspections, in order to ensure that they are completed, and reported, correctly; or that they provide details as to how these recommendations are to be carried out.
 - ii. The management of the common element area to protect the natural features or mitigate impacts must also include:
 - a. tree preservation fence should not have any gates
 - b. reduced mowing in common area
 - c. enhanced naturalization of common area and
 - d. no pools, snow storage, trails, or fire pits allowed in these areas.
 - iii. Who is responsible for the “on-going education” of the Condo Board and residents which is noted in the Net Effects Table? How will this be resourced in the long term? How will it be monitored?
6. Is it possible to relocate Block 4 closer to the road, further away from the edge of the ESA boundary?
 7. Please describe the natural feature located immediately adjacent to the north east of the subject lands (between the residential development and the subject land boundary). Will there be any impact from the proposed development on this feature?
 8. Section 7.1 of the Nov 4, 2020 amended EISR states that “additional LID measures to maintain water balance and provide quality control for surface water slated for infiltration are recommended and are detailed in the hydrogeological report prepared by Englobe (2020a) and outlined by DELL, 2020 in the SWM report. Did Englobe consider temperature, sediment and erosion? As requested in both the February 13 2020 and March 9 2020 UTRCA letters, please summarize how temperature, sediment and erosion will be addressed and / or provide a recommendation that these need to be addressed to protect the natural features in Section 7.1.
 9. Please show the horizontal distance from the rear lot lines to the following features along the entire length of the ESA boundary:
 - i. High water mark of Dingman Creek
 - ii. Wetland boundary
 - iii. Vegetation Community 2
 - iv. Maximum hazard limit
 10. Figure 12 of the Nov 4, 2020 amended EISR shows the tree preservation fence situated within the ESA boundary (i.e. the ER and OS4 zones). Please ensure that the tree preservation fence does not encroach into the ESA boundary.
 11. Ensure the list for the monitoring plan discussed in Section 7.3 of the Nov 4, 2020 amended

EISR includes monitoring for each of the features and functions identified in Table 2, Section 7.0 and in the Net Effects Table. Note that the baseline data taken as part of the amended EISR or prior to development must be included in monitoring reports.

Editorial Comments

12. Please include the pre-consultation that has occurred to date with the UTRCA in Section 1.4.
13. The appendices – B & D do not include the revised 2020 reports.
14. The MECP Response in Appendix H states that general habitat protection for Butternut is 50m from the tree, not 25 m as suggested in Recommendation 9 and in the Net Effects Table in Section 8. Please revise Recommendation 9 and the Net Effects Table in Section 8.
15. Please include a discussion of Candidate Bat Maternity SWH in Section 5.1
16. Section 5.3 should describe which areas are regulated by the UTRCA.
17. The following comments pertain to the Figures in the Nov 4, 2020 amended EISR:
 - i. The erosion hazard limits, OS4, OS5, erosion plus setback lines are not consistent between the Figures 6 -12. For example, the OS and the ER lines appear flipped between Figure 6 and Figure 9. Another example, the erosion setback in Figure 8 does not match either the OS or the ER lines.
 - ii. Please include the orange dotted line in the legend for Figure 6.
 - iii. The setbacks from the retainable Butternut are mislabeled in Figure 9.
 - iv. Please clearly label the location of snow storage on Figure 10. Note that snow storage should be placed away from natural features, given the contaminants found in ploughed snow.

Hydrogeology & Water Balance

The UTRCA has reviewed the *Scoped Hydrogeology Study Report – Final Report, 7098-7118 Kilbourne Road, London Ontario* prepared by Englobe dated September 2020. We offer the following comments.

Hydrogeology

At the meeting held on March 11, 2020 at the City of London, the additional study requirements were discussed. The UTRCA outlined that its reviews use a feature based approach. A number of report deficiencies were previously identified. There are a number of good elements incorporated in this updated recent report but further work including interpretation and revisions are required.

There has been considerable discussion with regards to groundwater quantity. The water level maps appear to be an accurate representation of the seasonal conditions. There is a significant discussion on water quality. Further discussion is required regarding how to maintain the thermal regime. The groundwater quality is affected by past land use which will be discussed in more detail.

The wetland is an organic, thicket, swamp and groundwater indicator species are present. The proponent took a precautionary approach that the community is slow to recover from hydrological change and has a high sensitivity rating that requires protection.

There appears to be one sand/silt aquifer across the Site and in communication with the wetland area and Dingman Creek. In addition, this reach of Dingman Creek is a cool water creek (water quality) and groundwater temperatures and the period of arrival of thermal regimes must be maintained.

Detail Discussion:

Water Quantity (and Thermal Regime): As noted, the wetland area was defined as wetland thicket swamp (SWT3) and it includes groundwater dependent species. This community is slow to recover from hydrological change and has a high sensitivity rating due to its stringent habitat needs. Any proposed structures/features to replace or change recharge or runoff must have regard for the hydroperiod.

1. Hydroperiod refers to the pattern of water level change within a wetland (& seeps) or feature over time, both above and below ground. It is the measure of the net sum of interaction between the water balance components. The hydroperiod is a measure to track changes in the water balance over time and is the primary focus or measurement of wetland hydrological monitoring outlined in (Toronto and Region Conservation Authority 2017). It is important to define the hydrology such as the proportion of total inflow derived from surface water or groundwater, timing and duration of inflows, and the timing of water level drawdown over the growing season that maintains the ecological function.
 - a. Water levels and groundwater temperatures need to be displayed for each monitoring location and a brief discussion of each attribute needs discussion and how they reflect on the hydroperiod. For example, groundwater recharge is generally cool and helps define the period of recharge. The size of the water level graph included in Appendix C Figure 7 and Table 101 and Draft P16027 (Levellogger Measurements) Appendix D is presented at a scale difficult to compare the wetland to the upland area monitors with respect to contribution to the hydrograph and to compare or contrast the recharge and discharge and relate it to the water budget and hydroperiod. (The graph of MP02D looks different in the Draft P16027 (Levellogger measurements) to Figure 7.
 - i. The frequency of manual water level measurements is inadequate as the correction for some of the graphs is limited.
 - ii. The Draft figure does not include a year of data (September 2018-July 2019).
 1. MP02D-18 appears to have a subdued hydrograph compared to BH01-18, BH02-18, and BH05-18. Discuss.
 - iii. Detailed discussion of hydroperiod should refer to groundwater temperature and water level data at each monitoring location. For example BH01-18: Based on groundwater temperature (declining) and water level (increasing) variation, recharge occurs between approximately January 1 2019 and May 1, 2019. Further example: MP02D-18 has limited variation in water level but recharge appears to occur between mid-November and mid-March 2019 and appears to be somewhat different from the up-gradient wells in length of recharge and magnitude of water level variation. The coolest period of groundwater discharge in the seeps declines below 0 at times in January and February and reaches as 15-16 degrees in the summer months. The groundwater temperature remains below 5 degrees C

between January and March 2019 and between mid- November 2019 and February 2020.

- iv. Make a direct comparison between the hydroperiod and the water level variation on a monthly or seasonal basis and how does this compare to Table 105. For example, based on the water balance when should water levels be rising and when should they be following.
- v. Recharge should be maintained pre and post construction. Identify which months will be most affected by the loss or increase of infiltration and explain how the LIDS will attenuate these differences.
- vi. The data provided in the form of excel datasheets was not corrected (required) and did not resemble the water level figures in the Appendices. Date format needs to be consistent on excel data provided. Additional data was provided in excel form that is not included in Draft P16027 Appendix D. Graphs need to be updated.

- b. Figure 7: MP02D-18 hydroperiod needs corrections and more discussion. Correction needs to be provided and make a brief discussion of assumptions made to alter the levels (there do not appear to be enough manual measurements to make all the necessary adjustments).

Water Quality:

Water quality is included to define the sensitive needs of the wetland and match/supplement the hydroperiod. Thank you for the inclusion of the additional Stiff diagrams - a supplement to the Piper diagram. There are significant discussions about the possible contamination sources on Site (sodium chloride primarily). Possible sources were identified in the report: septic system/ tile bed, de-icing materials (private and municipal), stormwater management pond, residential pool discharge, and previous use of the Site- e.g. salt storage. We are unlikely to know all previous anthropogenic uses.

The UTRCA requires all major anions and cations and a full dissolved metal suite as observed in the 2018 information of both surface and groundwater. The analysis can be used to make a direct comparison of surface water and groundwater contribution to surface water and to determine the contribution of groundwater to the wetland and to complement groundwater (and to some extent surface) flow patterns. Dissolved metals were not acquired (was included in 2018), potassium (considered a major ion) pH were not measured. Detailed chemistry can provide indications of sources and locations of contaminants on Site. Dissolved metal (including heavy metals) analysis is used to identify pathways such as that most commonly accumulate in habitats adjacent to roads (Schuler and Relyea 2018). Dissolved metals can be used to identify water softener use (arsenic) from septic systems and pool chemical discrimination (boron from borate for pH buffering). pH lower than 8 is common in a sand plain in London (modern groundwater as indicated).

- a. pH greater than 8 normally indicates influence by glacial till (MP02-D pH 8.33 is anomalous from other samples in 2018).
- b. The March 2020, chloride in MP02D-18 at 141 mg/l is higher than any up-gradient wells (BH01-18 126 mg/l and BH04-18 10.9 mg/l) and higher than the creek (108 mg/l). The chlorine levels in August 2018 are somewhat lower in MP02D-18 (87.2 mg/l) than BH01-18 (152 mg/l).
- c. MW02-18, MW04-18 and MW05-18 in March 2020 plot in the groundwater range portion of the Piper diagram however, MW01-18 and MW03-18 are shifted to the salt apex of the diamond and indicate mixing of groundwater with salt water which appears to have seasonal shifts. In August 2018, MW01-18, MW03-18 and MW05-18 have shifted towards the salt apex. A simple review of the variation in chlorine values reflects the salt influence. This difference is also observed in the contrasting Stiff diagrams for MW05-18 (31.8 vs 200

- mg/l). BH05-18 (MW05-18) has considerable variation in chlorine levels despite its distance from roadside and an up-gradient location.
- d. Magnesium can be utilized as a conservative tracer to estimate the relative importance of precipitation and groundwater and appears unaltered by de-icing or pool chemicals. Magnesium is low in precipitation (Thobaben and Hamilton 2014) and see (Rutherford 1967) for an indications of magnesium levels in SW Ontario levels (approximately 2 mg/l). If you correlated the magnesium across the Site, it mimics the water level contours and magnesium increases downslope further indicating that the seeps and wetland are dominated by groundwater input.
 - e. Pools: Salt water pools are generally operated between approximately 2700-3400 ppm which is significant. Pool water is dissolved making it easier to move to the water table. Borate is a chemical used to stabilize the pH of salt water pools. Boron is observed in both MP01D and MP02D in August 2018 and is not present in any other 2018 samples. Calcium is significantly lower in MP02D and the calcium/magnesium ratio in MP02D is very low as compared to all other samples and plots on a trend towards the water softened axis of the Piper. No arsenic was measured in the 2018 samples, indicating that water softened water is likely no longer present.
2. Implications: The City of London guidance for salt water pool discharge is to be directed to sanitary sewers. It is unlikely that the discharge of water is directed to the sanitary sewer. Generally pools are not drained completely (except to replace a liner), the level is lowered below the intake pumps for the winter. Throughout the operating season, pool water is replenished and maintenance of the operating system is required which would also discharge water between May and September. Salt water pools are now more common than traditional pools for new pool installations and upgrades.
 3. Salt is very mobile and the house has not been used in a number of years, so the salt that varies on Site is likely not based on historical anthropogenic uses. Salt spillage from de-icing activities on Site and spillage from snow plowing can also elevate salts- (back yard salt loading).
 4. The water quality reaching the wetland area has a high salinity hazard and will have negative implications for the wetland prior to development.

Further Requirements for Consideration:

1. Provide a comprehensive water balance that incorporates post development changes on a monthly basis. The monthly water balance in its current form does not seem to directly compare to the water level variations (recharge or decline) seen on Site. Recharge (based on water level and temperature) occurred in the data provided between approximately November 1, 2018 and May 15, 2019. Recharge has ups and downs and does not seem to be a continuous upward trend in contrast to the falling limb. For example, there are distinct recharge events that occur in February, March and April. These appear to be recharge events associated with snow melt. How will this be mimicked in the LID design? How will the development impact the thermal regime of the Site?
2. How can the LID design reduce salt inputs? Make further recommendations to reduce salt loading. These will need to be monitored for the applicability post development.
3. The suggestions included for monitoring will likely be required. In addition, continue to monitor water quality (including temperature) before and after approval for Site development. A monitoring network will need to be maintained post development to ensure that measures employed to reduce salt loading are being managed. Water quality includes all major anions and cations, full suite of

dissolved metals for both surface and groundwater. Presumably, if pool de-watering is occurring, that practice will end once the development is in place (presumably).

4. To reduce impact of thermal regime to the Dingman, avoid basement installation and increase ground level insulation.
5. Remove and decommission on Site septic tank. Any possible source of contamination from a septic system will also be reduced following removal.

Water Balance

Section 4 of Englobe's *Scoped Hydrogeology Study Report* (September 2020) which pertains to the water balance was reviewed.

1. In Section 4.1.1 it is mentioned that the overall catchment size is not well defined in the available documentation. The UTRCA recommends identifying the catchment area to the seeps/wetland. A water balance analysis should be completed using the pre-development catchment and post-development areas showing the various annual volumes of the various components of the water balance to make sure that the base flow has been maintained to the seeps/wetland. How will the base flow to the seep in the southwest portion of the site on the slope be maintained?
2. In Section 4.2.3 it is mentioned that the combined infiltration factor is 0.525. With an available water surplus of 413.3 mm/yr, this results in an average infiltration rate of 234.4 mm/yr. However, Table 4 titled Pre-development Water Balance for the site shows an infiltration value of 217 mm/year. Please provide an explanation for the discrepancy.
3. Please add a table similar to Table 5 and 6 reporting the hydrologic components of water balance with the proposed SWM LIDs on the site.
4. Please add details of how the proposed SWM LIDs will help in maintaining the base flow to the seep/wetland on the site.
5. In Section 4.2.5 it is mentioned that the purpose of the LID measures is to increase the infiltration to catch runoff water caused by the project and increase infiltration to a natural rate. However, this method does not block contamination. Additional treatment would be required to ensure that water quality and quantity are maintained after the development. Please provide details of how the dissolved pollutants will be stopped from entering into the groundwater before infiltration.
6. Please ensure the monitoring phases described in Section 4.2.7 are undertaken.
7. Please describe the affects on the base flow requirements to the seeps/wetland if any as a result of the proposed dewatering.

Geotechnical

The *Geotechnical Engineering Report 7098 Kilbourne Road, London, Ontario – Revised Report* prepared by Englobe dated November 2020 was reviewed.

1. In Ssection 2 it is mentioned that fill was observed on the site and was penetrated to a depth of 2.1 m. Please confirm if the fill on the site/slope was considered in the Factor of Safety (FOS) analysis for stable slope.

2. In Section 3.1 it is mentioned that a site visit was undertaken on February 11, 2019 and frozen seepage from the slopes was observed at the location and elevation shown on the profiles. The report mentions observation of mid slope water levels in some of the bore holes on the site for all the cross sections. Please add details of the mid-level presence of the groundwater/seeps on the slope and its contribution to the local seeps if any.

Also, please confirm if the effects of the ground water and seeps were considered in the Factor of safety (FOS) analysis for the stable slope.

Please describe the nature and occurrence of groundwater and provide an opinion on the likely seasonal variations in groundwater levels or flows and the possibility for changes from those encountered at the time of exploration and its effects on the stability of the slope.

3. Please update Drawing No 002 - Site Plan by adding line work to show the toe erosion, the toe of the existing slope, the top of the existing slope and the 6m erosion access allowance and the top of stable slope.
4. Please update all of the cross sections showing the existing toe of the slope, the top of the existing slope and the 6m erosion access allowance and the top of stable slope.
5. Please update cross-section DD by extending the stable slope line based on the FOS analysis all the way up and identify the top of stable and then add 6 m erosion access allowance. Please resubmit cross-section DD and show the stable slope line and the top of the stable slope line. The stable slope shall be extended from the proposed 5 m toe erosion. Also, please show the stable line of slope and the stable top of the slope from cross-section FF. Please address.

The following geotechnical comments from our February 13, 2020 correspondence were not addressed. The UTRCA requires responses to the following comments:

Comment #5

Section 3.1 mentions the excavation of side slopes which will need to be flattened or adequately braced to provide stability where groundwater seepage or sloughing may occur. Please note that the UTRCA does not permit grading and excavation within the 6 metre erosion access allowance which is part of the natural hazard lands.

Comments #6

Section 3.3 mentions that there are spongy zones on the site that are to be excavated and refilled with the approved on site sand and gravel. Does this mean that the groundwater will be pumped out during excavation and then refilled with sand and gravel material? Will this have any effect on local groundwater volume and the fluctuation of the groundwater etc.? The UTRCA suggests that the proposed excavation and refilling of the local soil should occur outside of the 6 metre erosion access allowance and shall not negatively impact the existing slope.

Comment #10

The report shall include a discussion on the proposed/post-development site drainage including surface runoff and seepage. The location and proximity of any nearby drainage features or water bodies (i.e. marshy ground, gully, wetland etc.) should be noted. The UTRCA does not support the use of ditches or swales within the 6 metre erosion access allowance which forms part of the natural hazard lands. Please indicate how the surface runoff from the site will be discharged under the post-development conditions.

Comment #11

The development limit shall be based on the greater of the floodplain, stable slope and natural heritage setbacks. Please consider the three and apply the maximum of the three setbacks in order to establish the development limit for the site.

Stormwater Management

The *Stormwater Management Report 7098 & 7118 Kilbourne Road, London, Ontario* prepared by Development Engineering Ltd dated August 2020. We offer the following comments.

1. Table 1 "Existing Conditions Site Characteristics (Developable Area)" shows zero building foot print area with 100% imperviousness and 0.9 runoff co-efficient. Please check and provide an explanation.
2. In Section 2.3 it is mentioned that drainage from approximately 1.07 ha of the subject site is to be routed through an existing 600mm diameter culvert in the north boulevard of Kilbourne Road. Please make sure to consider the capacity of the existing 600 mm dia culvert. The drainage from the 1.07 ha shall not cause any capacity or conveyance issue. Please confirm.
3. In Section 3.1 it is mentioned that the remaining 0.48 ha rear-yard area (0% imperviousness; comprising 31% of the development area) is to continue to sheet runoff southwest to Dingman Creek, in conformance with existing drainage patterns. The proposed sheet flow under the post-development conditions should not cause any erosion issue which may jeopardize the stability of the slope. Please confirm.
4. In Section 3.1 it is mentioned that to help mitigate the increase in peak runoff rates, SWM quantity controls/low-impact development (LID) measures will be provided on-site. Please provide details.
5. In Section 3.2 it is mentioned that quantity control for the subject site is to be provided via an Etobicoke system (a perforated pipe exfiltration system) within the condo road right-of-way. Drainage from the development area, excluding the 0.48 ha consisting of the rear yards of Lots 1-10, is to be directed to the perforated pipe system. Please consider the effects of the dissolved pollutants specifically salt proposed on the groundwater quality.
6. Erosion and Sediment Control (ESC) drawings with all the notes, standards, monitoring, reporting and inspection will be required at the detailed design stage of the project signed, sealed and dated by P.Eng.
7. Please submit a drawing showing the catchments areas supported by contour and grading information under the existing and proposed conditions.
8. The revised draft plan of vacant plan condominium signed October 13, 2020 by MHBC planning shows the top of the slope and the erosion limit. Please confirm that the lots line are outside the 6 m erosion access allowance as the site does not show the stable top of the slope and the 6 m erosion access allowance.

RECOMMENDATION

Given the UTRCA's ongoing concerns and comments, we continue to recommend deferral of the application and suggest that a meeting be arranged with City staff and the applicant and their consulting team.

UTRCA REVIEW FEES

We remind the applicant that the Conservation Authority’s peer review fee includes one comprehensive review and one revised report review. Accordingly, additional fees will be collected for subsequent technical reviews.

Thank you for the opportunity to comment. Please contact the undersigned at extension 293 if there are any questions,

Yours truly,
UPPER THAMES RIVER CONSERVATION AUTHORITY

Christine

Christine Creighton
Land Use Planner
IS/LN/TT/MF/CC/cc

Enclosure – Regulations Mapping (please print on legal size paper to ensure that the scales are accurate)

c.c. Sent via email -
Applicant – Bluestone Properties Inc.
Agent – MHBC – Carol Wiebe
UTRCA – Brent Verscheure, Land Use Regulations Officer



UTRCA – August 12, 2022



"Inspiring a Healthy Environment"



Thames
Canadian Heritage River

August 12, 2022

City of London - Development Services
P.O. Box 5035
London, Ontario N6A 4L9

Attention: Matt Feldberg and Bruce Page (sent via e-mail)

**Re: Conceptual Pathway Alignment Options
Applications for Draft Plan of Vacant Land Condominium, Official Plan Amendment, and
Zoning By-law Amendment
File No. 39CD-19518 and OZ-9161
Owner & Applicant: Bluestone Properties Inc.
7098 and 7011 Kilbourne Road, London, ON**

To date, the Upper Thames River Conservation Authority (UTRCA) has been actively involved in the review process of various *Planning Act* applications on the subject lands. From pre-consultation which initiated in 2018, progressing through to various submissions for Draft Plan of Vacant Land Condominium, Official Plan Amendment, and Zoning By-law Amendment applications. As previously identified, the subject lands contain riverine flooding and erosion hazards associated with Dingman Creek.

Aside from the various meetings and email correspondence that has occurred on these files over the course of the last four years, a history of the UTRCA's formal written comments is as follows:

April 12, 2018	Comments for Proposal Review Meeting/Initial Proposal Review
June 25, 2018	Technical Review Comments on the Geotechnical Engineering Report
February 7, 2020	Technical Review Comments on the Environmental Impact Study
February 13, 2020	Consolidated Comments on the circulation of the Draft Plan of Vacant Land Condominium, Official Plan Amendment, and Zoning By-law Amendment applications and associated reports
March 9, 2020	Additional Technical Review Comments on the Environmental Impact Study
March 12, 2021	Additional Consolidated Comments on the Second Submission package of the <i>Planning Act</i> applications

Since the onset of development proposal discussions on these lands, and consistent with the approach taken on new development applications across the City, the UTRCA has maintained the position that pathways and trails shall be located outside of the natural hazard lands, including the 6 metre erosion access allowance.

The purpose of this letter is to identify the policies applicable to the development of pathways and trails within and adjacent to natural hazards, from both a Provincial level and at the UTRCA. As well, this letter will provide for potential considerations that can be applied to this specific development scenario.

A breakdown of the policies reviewed to aid in our decision making process are as follows:

Provincial Policy Statement (PPS), 2020
Section 3.1.1 of the PPS states:

Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:

b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and...

The language in this Section of the PPS is generally consistent between 2014 and 2020, with the exception of the reference made to the guidance developed by the Province. Additional guidance can be found within the MNR Technical Guide for River and Stream Systems: Erosion Hazard Limit, as referenced below.

It should also be noted that the 2020 preamble to Section 1.13 (Settlement Areas) includes new language regarding public infrastructure, as follows:

... It is the intent of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities, and minimize unnecessary public expenditures.

Conservation Authorities Act (CA Act), R.S.O. 1990

The UTRCA relies on the definition of development from the CA Act, and carries this language in our own Environmental Planning Policy Manual referenced below. The CA Act defines development as:

- a) the construction, reconstruction, erection or placing of a building or structure of any kind,
- b) any change to a building or structure or increasing the number of dwelling units in the building or structure,
- c) site grading, or
- d) the temporary or permanent place, dumping or removal of any material, originating on the site or elsewhere

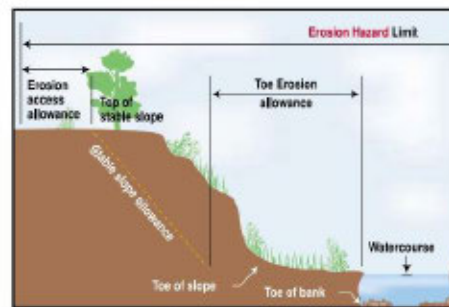
As per this definition, activities in the form of site grading and site alteration are recognized by the Province as a form of development.

MNR Technical Guide, River & Stream Systems: Erosion Hazard Limit, 2002

The purpose of the technical guide is to provide a consistent and standardized procedure for the identification and management of riverine erosion hazards in the Province of Ontario.

First, the corridor associated with Dingman Creek meets the definition of a confined river valley or stream system that is visibly detectable from the surrounding landscape. These areas are susceptible to erosion from natural river processes associated with flowing water. It is recognized that the stability of these systems can be aggravated by activities such as earth moving or land grading, as well as the construction of buildings or protection works.

Second, and by definition, the erosion hazards limit is based on the combined influence of: toe erosion allowance, stable slope allowance, flooding hazard limit or meander belt allowance, and erosion access allowance. Please refer to Figure 95b pulled from page 35 of the technical guide:



The basis for including the erosion access allowance within the limit of the hazard lands are captured under Section 3.4 and include: emergency access, construction access for maintenance or in the event of failure, and providing protection against unforeseen conditions or processes.

UTRCA Environmental Planning Policy Manual, 2006

The policies and information summarized above are from Provincial documents which have been carried forward into the UTRCA's Environmental Planning Policy Manual. As such, a summary of those applicable policies will not be provided.

Additional policies that are contained with this manual and impact these discussions include:

2.2.3 Guiding Principles for Natural Hazards

In making decisions regarding natural hazards, the Authority considers the following guiding principles:

... development and site alteration for passive public uses will be provided more flexibility because of the public good that may be achieved...

4.2.1 General Policies for Hazard Limit

4.2.1.8 Passive Low Intensity Recreational Uses – Erosion Hazards

Passive low intensity recreational uses associated with public parks, outdoor recreation and education, pathway and trail systems, watercourse access points or conservation activities may be permitted within erosion hazards provided that it can be demonstrated that:

- *there is no feasible alternative to locate the development outside of the erosion hazard and that the development will be located in an area of least (and acceptable) risk as determined through appropriate technical reports (e.g., topographic survey, geotechnical study);*
- *there is no negative impact on existing and future slope stability;*
- *the potential for erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans; and*
- *the use will not prevent access into and through the valley in order to undertake preventative actions of maintenance during an emergency.*

The UTRCA's definition of a passive low intensity recreational uses states:

Such as passive parks, trails and river access points and other uses deemed appropriate by the UTRCA, but not including new campgrounds, new golf courses or expansions to existing golf courses, or permanent docks.

City of London Zoning By-law Z-1

The City's Zoning By-law contains a section dedicated to definitions. Within this document, "passive recreational use" is defined as:

Means enjoyment of the natural environment through non-intensive activities that are passive in nature and cause minimal impact on the natural features and functions of an area. Passive recreational uses include access trails, nature study, birdwatching, outdoor education and associated facilities, but not include recreational buildings, sports fields, or golf courses

Although a pathway is not explicitly listed within this definition, it is our understanding that the City's interpretation of their Zoning By-law would account for this.

CONSIDERATIONS AND COMMENTS

One of the primary objectives of any Conservation Authority is to help prevent loss of life and property arising from the natural hazard processes of flooding and erosion. The UTRCA consistently cites the PPS and our Environmental Planning Policy Manual direction to locate and avoid natural hazards for all new development proposals, including those made under the *Planning Act*. We believe there should be clear direction to all municipalities within our watershed to minimize risk to life and property (including all municipal infrastructure) by avoiding areas susceptible to flooding and erosion.

For applications where approval under the *Planning Act* is not required, or has been historically approved, we acknowledge there are numerous examples across the City of London where substantial sections of pathways (including the Thames Valley Parkway) are within areas susceptible to flooding and/or erosion. Such facilities remain vulnerable to the forces of the hazards and new or improved sections should try to avoid or relocate to help protect the safety of users and to reduce costs associated with damages as a result of these forces. There are several examples across the City where the UTRCA has worked in cooperation with City staff to identify areas of highest risk and avoid them as part of new "infrastructure" initiatives.

In situations where the placement of a pathway outside hazard lands cannot be achieved, the UTRCA suggests having a documented process to guide decision-making and ensure a consistent approach for all future pathway projects. The process could allow for the development of pathways within the emergency access portion of the hazard (subject to a series of conditions to be satisfied), but recognize that pathways are resurfaced and replaced on the City established lifecycle of every 10 years. When the life cycle of the pathway is realized, an evaluation to assess the hazard and pathway location shall be undertaken to confirm a suitable resurfacing location as natural forces may have changed over this time. The goal of this process would be to limit public expenditures on slope remediation to protect a pathway. The results of erosion and flooding vary drastically as floodwaters recede after an event, while erosion results in long term changes to the landscape that can bare significant costs associated with stabilizing the area again. The consideration of natural heritage buffers shall also be considered in the development of a new process for pathways.

Conceptual Pathway Alignment Options

The draft conceptual pathway alignment report offers four options for a proposed pathway on site. While only the first option, shown on page 2, would ensure that the pathway does not impact the natural hazard and natural heritage lands, we understand that public safety concerns have eliminated this option from consideration by the City. All other pathway alignment options encroach to varying degrees into the natural hazard lands.

The UTRCA believes our position regarding avoidance of natural hazards for all new forms of development has been consistent – particularly with regard to projects brought forward pursuant to the *Planning Act*. However, we acknowledge that our policies do offer some flexibility because of the public good that may be achieved. We are therefore prepared to work with Parks Planning through detailed

design to allow for a pathway at 7011 Kilbourne Road which would avoid hazard lands to the greatest extent possible. Any encroachment of the pathway into the slope itself would not be permitted, and any potential encroachment should be limited to the 6 metre erosion access allowance only. Where there is sufficient space to locate a pathway outside of the hazard itself, and within a natural heritage buffer, this option should be utilized as the preferred alternative.

SUMMARY & RECOMMENDATION

In summary, the lands proposed for the future location of a public pathway are located within the erosion hazard, as defined by Provincial and UTRCA policy. To accommodate the potential location of a pathway in this location, the UTRCA recommends that a site specific special provision be applied to the outer extent of this area to allow for continued discussions between UTRCA and City staff outside of the applicant driven process. While the entirety of the natural hazard and natural heritage lands are proposed to be zoned Open Space OS5, the outer 10m of this area, adjacent to the development limit, shall be zoned OS5 (X) to account for a pathway as a permitted use within this limited area only.

Pending approval of the proposed rezoning, the UTRCA will continue to work the City of London through the Section 28 permit application process. Through the permit process, additional technical studies and detailed information/drawings will be required to determine the final extent of the pathway within this area that limits encroachment into the hazard lands to the greatest extent possible.

Yours truly,
UPPER THAMES RIVER CONSERVATION AUTHORITY



Stefanie Pratt
Planning Coordinator



Jenna Allain
Manager of Environmental Planning

c.c.: Christine Creighton, UTRCA Land Use Planner II
Jessica Schnaithmann, UTRCA Land Use Regulations Officer

Appendix E – Policy Context

The following policy and regulatory documents were 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, 2020

- Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns
- 1.1.3 Settlement Areas
- 1.1.3.2
- 1.1.3.6
- 1.4 Housing
- 2.0, 2.1.1, 2.1.8, 2.1.4, 2.1.5, 2.1.6
- 3.0

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

City of London Official Plan

3.2. Low Density Residential
3.2.1. Permitted Uses
3.2.2 Scale of Development
3.2.3. Residential Intensification
9.4. Urban Reserve
9.4.4. Site Specific Amendments
8A.2. Open Space

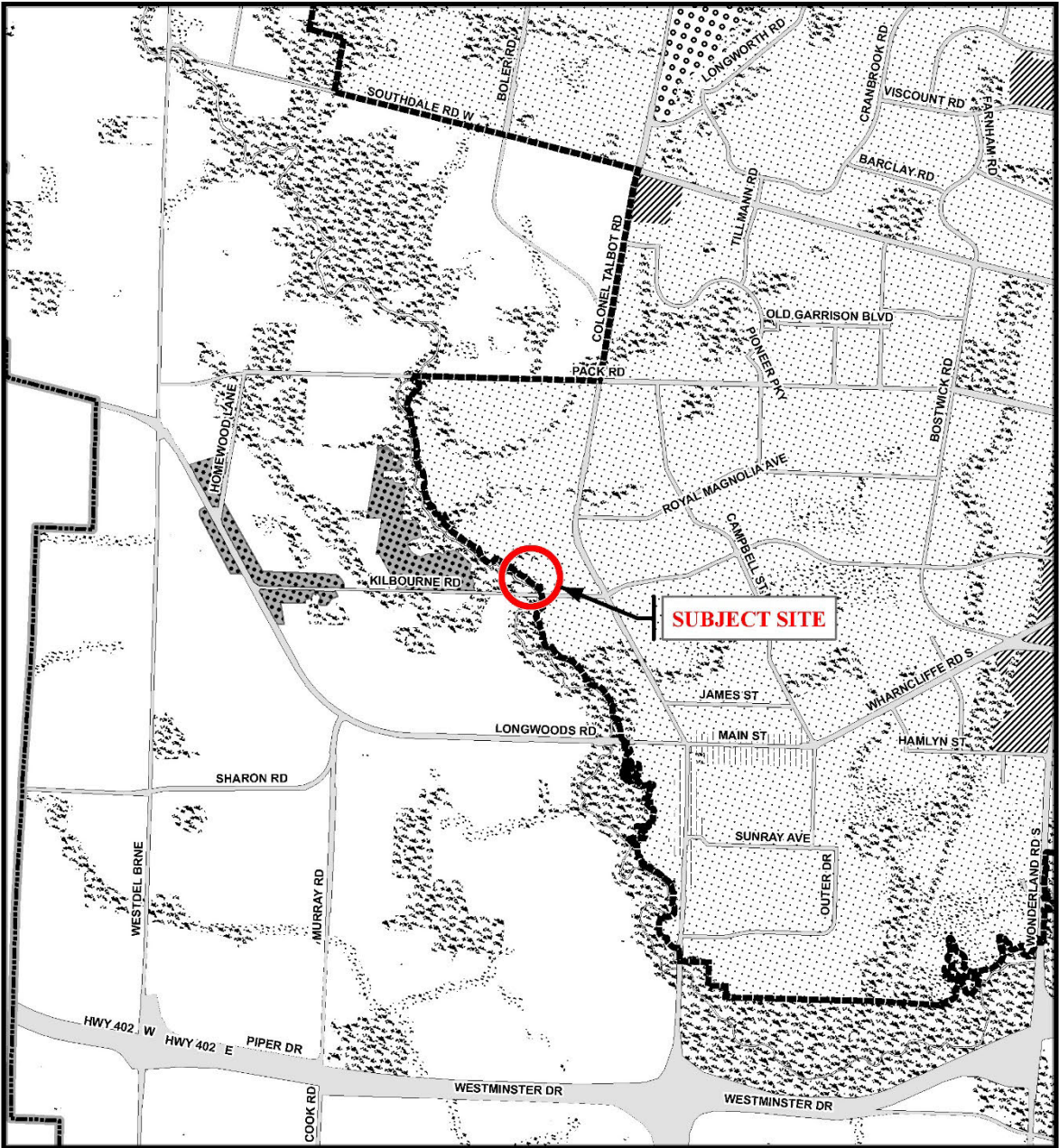
The London Plan

59_, 61_, 62_, 91_, 92_2, 172_, 189_, 191_ 252_, 253_, 256_, 295_, 757, 762_5, 768_, 921_, 935_, 936_, 937_, 1688_

Z.-1 Zoning By-law

Site Plan Control Area By-law

Appendix F – Additional Maps



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

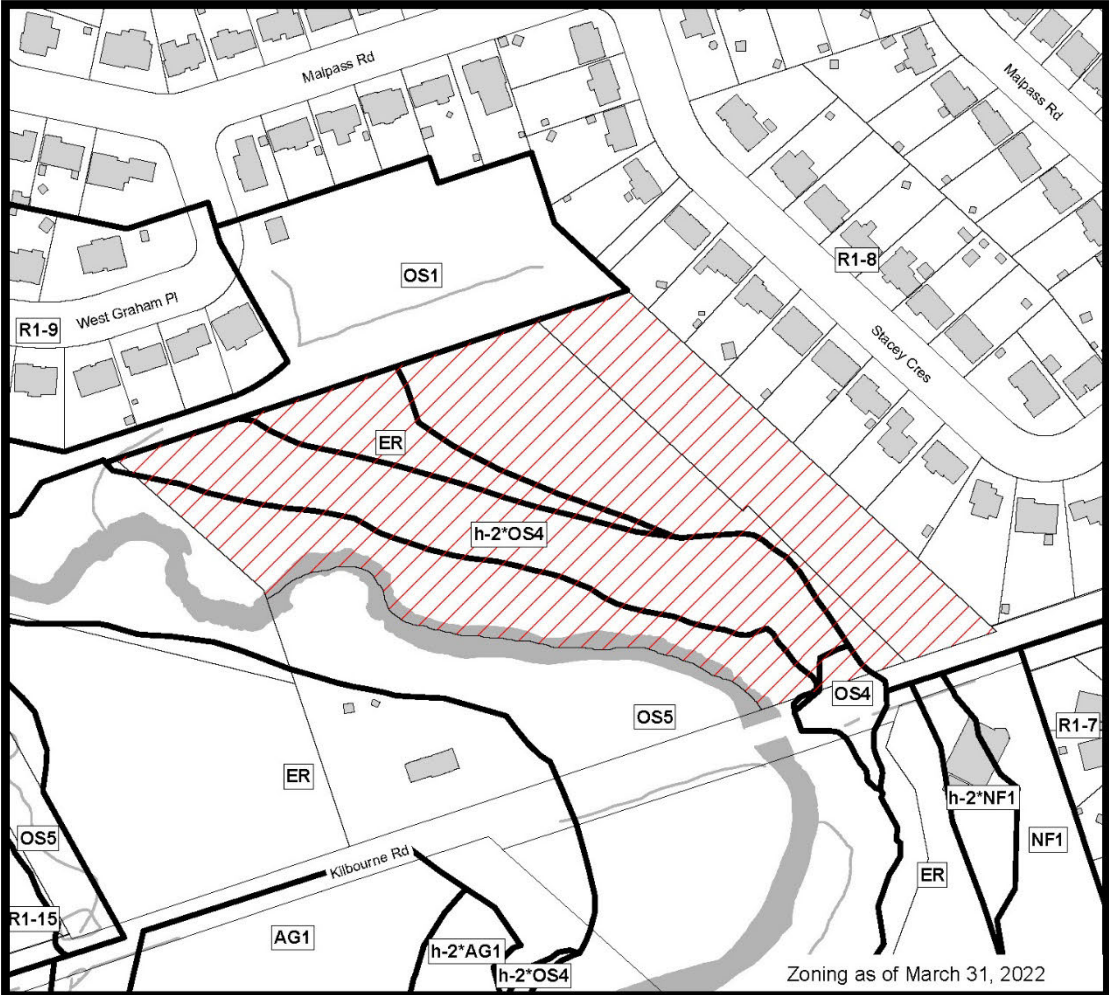
Meters

File Number: 39CD-19518/OZ-9161

Planner: SM

Technician: RC

Date: April 19, 2022



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

1) LEGEND FOR ZONING BY-LAW Z-1

- R1 - SINGLE DETACHED DWELLINGS
- R2 - SINGLE AND TWO UNIT DWELLINGS
- R3 - SINGLE TO FOUR UNIT DWELLINGS
- R4 - STREET TOWNHOUSE
- R5 - CLUSTER TOWNHOUSE
- R6 - CLUSTER HOUSING ALL FORMS
- R7 - SENIOR'S HOUSING
- R8 - MEDIUM DENSITY/LOW RISE APTS.
- R9 - MEDIUM TO HIGH DENSITY APTS.
- R10 - HIGH DENSITY APARTMENTS
- R11 - LODGING HOUSE
- DA - DOWNTOWN AREA
- RSA - REGIONAL SHOPPING AREA
- CSA - COMMUNITY SHOPPING AREA
- NSA - NEIGHBOURHOOD SHOPPING AREA
- BDC - BUSINESS DISTRICT COMMERCIAL
- AC - ARTERIAL COMMERCIAL
- HS - HIGHWAY SERVICE COMMERCIAL
- RSC - RESTRICTED SERVICE COMMERCIAL
- CC - CONVENIENCE COMMERCIAL
- SS - AUTOMOBILE SERVICE STATION
- ASA - ASSOCIATED SHOPPING AREA COMMERCIAL
- OR - OFFICE/RESIDENTIAL
- OC - OFFICE CONVERSION
- RO - RESTRICTED OFFICE
- OF - OFFICE

- RF - REGIONAL FACILITY
- CF - COMMUNITY FACILITY
- NF - NEIGHBOURHOOD FACILITY
- HER - HERITAGE
- DC - DAY CARE

- OS - OPEN SPACE
- CR - COMMERCIAL RECREATION
- ER - ENVIRONMENTAL REVIEW

- OB - OFFICE BUSINESS PARK
- LI - LIGHT INDUSTRIAL
- GI - GENERAL INDUSTRIAL
- HI - HEAVY INDUSTRIAL
- EX - RESOURCE EXTRACTIVE
- UR - URBAN RESERVE

- AG - AGRICULTURAL
- AGC - AGRICULTURAL COMMERCIAL
- RRC - RURAL SETTLEMENT COMMERCIAL
- TGS - TEMPORARY GARDEN SUITE
- RT - RAIL TRANSPORTATION

- "h" - HOLDING SYMBOL
- "D" - DENSITY SYMBOL
- "H" - HEIGHT SYMBOL
- "B" - BONUS SYMBOL
- "T" - TEMPORARY USE SYMBOL

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:
39CD-19518/OZ-9161 SM

MAP PREPARED:
2022/04/19 rc

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Meters