



REPORT TO COUNTY COUNCIL

FROM: Jeff Lawrence
Tree Commissioner/Weed Inspector

DATE: February 20, 2020

SUBJECT: Clearing Exemption Application for Pt Lot 40, Concession SE of the North Branch of Talbot Road, Township of Southwold
10117 Talbotville Gore Road

INTRODUCTION:

The purpose of this Report is to inform Council of the details of the Application for Council Exemption for Woodlands Clearing submitted by 1873828 Ontario Limited pursuant to By-law 05-03 (Woodlands Conservation By-law) and the Letters of Objection to such Application submitted by Kattie and Sean Usher and Jade Petty and Derek Howey. In light of the aforementioned Objection, a Hearing for Council consideration of the said Application is scheduled for March 10, 2020.

BACKGROUND:

1873828 Ontario Limited, as registered landowner, has made Application for Council Exemption to permit the clearing of trees from a portion of their landholding comprising Part of Lot 40, Concession South East of the North Branch of Talbot Road, Township of Southwold, Elgin County and known municipally as 10117 Talbotville Gore Road. Attached as Appendix "A" to this report is an aerial photograph depicting the subject property.

The Applicant seeks permission to clear all trees from the subject lands, other than those at locations identified within their Tree Preservation Plan. Attached as Appendix "B" to this report is the Tree Preservation Plan provided by the Applicant.

It is important to note that of the trees identified for removal on the subject property, tree density counts undertaken by the Tree Commissioner indicate that only the treed areas amounting to an area of 1.6 hectares (~3.95 acres) outlined in red on Appendix "A" meet the definition of Woodlands as provided within the Woodlands Conservation By-law. Scattered individual trees and pockets of trees that also exist on the property do not meet the definition of woodlands as defined within the Elgin County Woodlands Conservation By-law.

Woodlands on the property, as defined within the Woodlands Conservation By-law, are located at the north edge of the property and along the west edge of the property as an extension of a much larger woodlands on adjacent lands to the west.

Attached as Appendix "C" to this report is a copy of the Application for Council Exemption under consideration.

Attached as Appendix “D” and Appendix “E” to this report respectively, are copies of the Letter of Objection filed on behalf of Kattie and Sean Usher and the Letter of Objection filed on behalf of Jade Petty and Derek Howey.

COMMENT/ANALYSIS:

Firstly, it is noted that subdivision development on the subject property was draft approved by Elgin County Council on March 26, 2019. The plan of subdivision includes 58 detached residential building lots and one block for multi-family residential development. The woodlands subject to this Application are located within the area approved for subdivision development.

Secondly, and in respect of the now pending Application, as part of the planning process, an Environmental Impact Study(EIS) (Appendix “F”) was undertaken on behalf of the Applicant by Leonard + Associates in Landscape Architecture and submitted in support of this Application.

This EIS identifies the woodlands located at the north edge of the property and a portion of the woodland along the west edge of the property as cultural plantations. The EIS further indicates that:

“cultural plantations lack biodiversity, have limited natural heritage attributes and contribute minimally to ecological functions”.

The EIS indicates that of the remainder of the woodlands subject to this clearing proposal, the *“eastern edge is dominated by the invasive European Buckthorn”*. The EIS also indicates *“A few Hickory spp. saplings also exist in the understory”*. The EIS further indicates that:

“Beyond the Buckthorn edge unit, the community is heavily disturbed. A 15 ft logging path at the property boundary has predisposed the community to edaphic conditions that would occur post development. Additionally, there is evidence of the Emerald Ash Borer Beetle, and lots of downed woody debris with evidence of root rot”.

The Author of the EIS does examine the proposed tree removal on the subject property with regard to potential impact on the larger woodlands to the west of the subject property and provides the following opinion/conclusions:

“3.8 Linkage and Size

The west deciduous forest is the eastern most edge of a larger continuum along Dodd’s Creek. Removal of the ± 9 – 15m of the encroaching woodlot would have no impact on connectivity and marginal impact on the overall corridor size”.

“4.1 Direct On-site Effects

Vegetation Removal: Most of the vegetation that will be affected is cultural. No Species at Risk, nor any rare vegetation types are expected in the cultural communities. However, the adjacent forest to the west is of medium to high quality. Within the forest there is potential for SAR occurrences.

Based on the draft plan, rear yards extend to the west of the edge of the property boundary which extends 9-15m into the deciduous forest. It is our opinion there is no direct effect on potential SAR species through removal of the trees within the property limits”.

“4.2 Indirect, Secondary and Temporal Effects

Biotic: Fauna

The west woodlot has high SAR potential. Species including the Eastern Wood Pewee (SC) and Wood Thrush (SC) are likely to be found. Other potential SAR’s could include Acadian Flycatcher (END), Cerulean Warbler (THR) and Hooded Warbler. However, the latter three species are not likely to occur near the east edge of the west forest.

SAR bats may also be present in any large cavity trees in the deciduous forest. A visual inspection was completed and there were no large cavity trees in the 9-15m intrusion area.

With respect to the disturbance from construction noise the west-edge of the forest is already heavily disturbed from well-used trails.

Biotic: Flora

Vegetation Protection: The “Significant Woodland” to the west of the subject lands will require mitigation to protect the rooting zone. Mitigation will be provided by the use of both tree protection and sediment/erosion control measures implemented according to relevant municipal and OPSS + OPSD standards which should be depicted in the contract documents for the project.

Overland flow may be directed into the deciduous forest from the rear lots along the forest edge, as it is in Phase 1. Currently on the subject lands, along the forest edge, prior grading has already occurred to direct surface drainage towards the deciduous forest. The downed woody debris in this area of suggest the forest has already adapted to the effect of the increase overland flow that was implemented many years ago.

Given, the post development drainage will match the pre-development drainage, the loamy soils and resilient nature of the Dry-Fresh White Ash Deciduous Forest ELC Community to soil moisture it is our opinion, this will have no impact on the vegetation along the remaining forest edge.

In our opinion, the deciduous forest to the west will easily adapt to the post-development conditions.

Corridor Size and Connectivity: The “Significant Woodlands” within the development envelope are edge community and contribute little to the corridor. Additionally, being on the very edge of the corridor the proposed development will not result in any disconnect of the corridor”.

Thirdly and in respect of the now pending Application, the Tree Commissioner advises that the applicant has committed to the reforestation of an equivalent area of land within

the area outlined in Appendix "G", adjacent to an existing woodlands and utilizing acceptable species/stock. As a result of such proposed reforestation, the Application appears to comply with the "No-Net-Loss" policy fundamental to the purpose of By-law 05-03 and will replace an equivalent, if not larger, woodland area, will enhance and expand an existing woodland, will increase species diversity within that woodland and increase riparian vegetation.

Fourthly and in respect of the now pending Application, the text of Section 4 of By-law 05-03, relating to the council Exemption process, is attached as Appendix "H" to this Report. As per the protocol in the Woodlands Conservation Bylaw, letters were sent to all adjacent landowners and the property was posted 21 business days in advance of the application being considered by council.

Finally, and again in respect of the now pending Application, the Tree Commissioner recommends that, if an Exemption is granted, appropriate terms and conditions should be attached to that permission, including but not necessarily to term/conditions which would ensure compliance with both the "No-Net-Loss" policy and procedural requirements under By-law 05-03.

RECOMMENDATION:

To ensure objectivity of the pending Hearing before County Council, no recommendations are made within this Report. The Tree Commissioner will be available for assistance to Council at the Hearing of the subject Application.

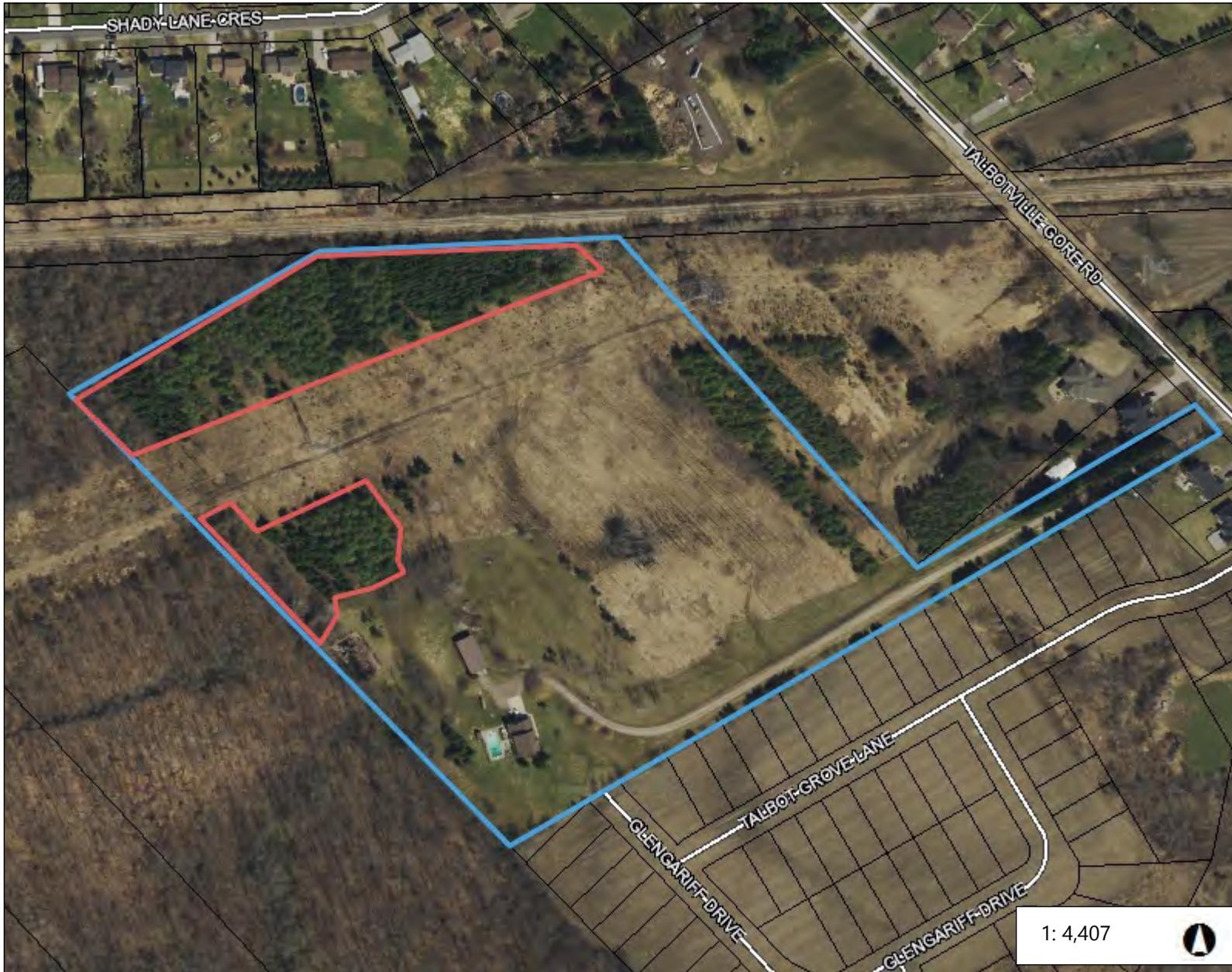
All of which is Respectfully Submitted

Approved for Submission

Jeff Lawrence
Tree Commissioner/Weed Inspector

Julie Gonyou
Chief Administrative Officer

Appendix A



Legend

- Parcels
- Boundary
- Elgin Road Network
- Elgin Road Network
- Elgin Road Network

0.2 0 0.11 0.2 Kilometers

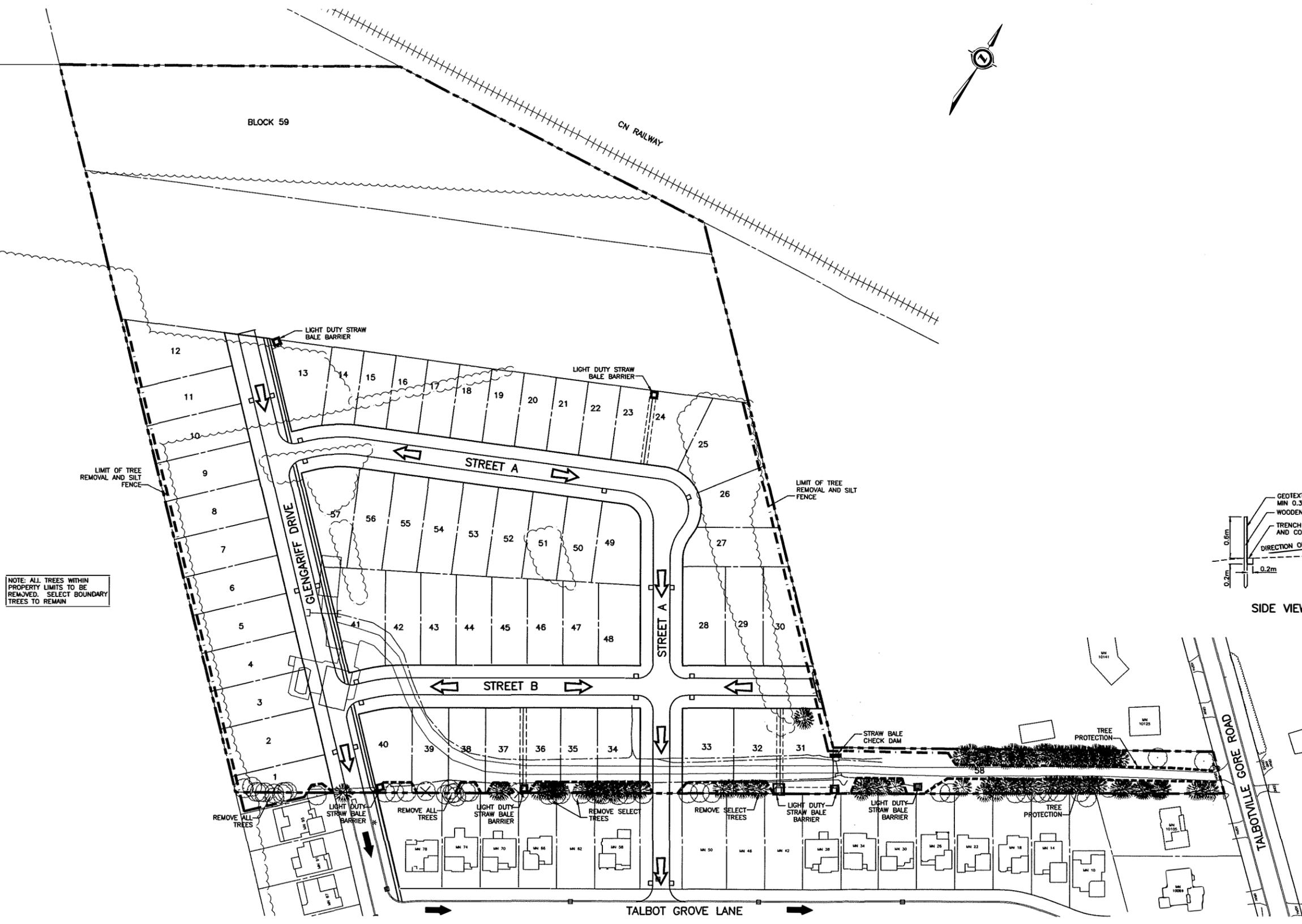
Appendix B

LEGEND

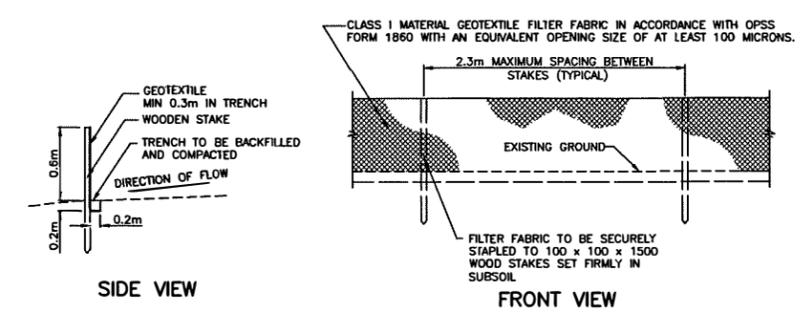
- SITE BOUNDARY
- - - SILT FENCE (OPSD 219.110)
- TREE PROTECTION FENCE
- LIGHT DUTY STRAW BALE BARRIER (OPSD 219.100)
- STRAW BALE CHECK DAM (OPSD 219.18)
- ← EXISTING OVERLAND FLOW
- ↶ OVERLAND FLOW
- × TREE REMOVAL

SEDIMENT AND EROSION CONTROL NOTES

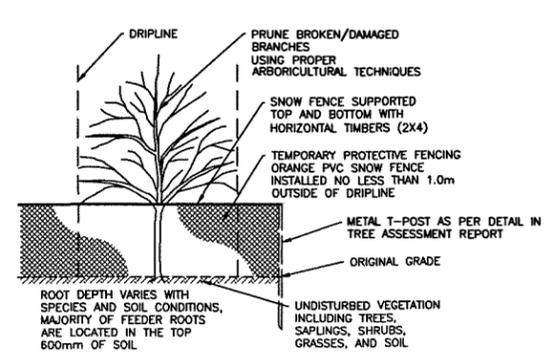
1. Protect all exposed surfaces and control all runoff during construction.
2. All erosion control measures to be in place prior to starting construction and remain in place until restoration is complete.
3. Maintain erosion control measures during construction.
4. All collected sediment to be disposed of at an approved location.
5. Minimize area disturbed during construction.
6. All dewatering to be disposed of at an approved location.
7. Vegetation beyond the limits of construction shall not be disturbed.
8. Protect all catchbasins, maintenance holes and pipe ends from sediment intrusion.
9. Keep all sumps clean during construction.
10. Prevent wind-blown dust.
11. Straw bales to be used in localized areas as shown and as directed by the engineer.



NOTE: ALL TREES WITHIN PROPERTY LIMITS TO BE REMOVED. SELECT BOUNDARY TREES TO REMAIN



SILT FENCE DETAIL
N.T.S.
(OPSD 219.110)



TREE PROTECTION FENCE DETAIL
N.T.S.

Appendix C

Schedule "B" continued

- 8. Names, mailing address and phone number of all owners of property which abut the land of the owner of the woodlands in respect to which this application is made as per Section 4 of this By-Law. (If insufficient space, please attach another sheet of paper.)

Name	Mailing Address	Phone Number

- 9. Each application must be accompanied by a sketch, no smaller than 20 centimetres by 35 centimetres, showing: a scale drawing clearly indicating the area proposing to be cleared and the area or trees that will remain, all buildings on the owner's property and on the abutting property, and the land use of abutting lands (e.g. residential, agricultural, woodlands, commercial, etc.)
- 10. An on site inspection will be made. Please mark perimeter trees, which will remain if this application is granted, by spraying, or some other means, to clearly indicate during the site visit what is being proposed for clearing.

Date Oct 3/19 Signature of Applicant or Authorized Agent David Sproule

Note: If this application is signed by any person other than the owner, written authorization of the owner(s) must accompany the application. If the applicant is a corporation, the application must be signed by an Officer (and the position must be indicated) and the corporate seal shall be affixed.

Please return completed application form to: Elgin County Tree Commissioner c/o Kettle Creek Conservation Authority, 44015 Ferguson Line, RR # 8, St. Thomas, Ontario, N5P 3T3.

COUNCIL EXEMPTION REQUIREMENTS/ INFORMATION

- I. An Application to Council for Exemption to Clear Woodlands must be completed in full in order to be processed. An application for an area greater than 1.0 hectares must be approved by Council and may require an Environmental Impact Study.
- II. It shall be normal practice that when an owner or his authorized agent makes an inquiry with regard to **Woodlands Conservation By-Law No. 05-03**, that the Officer will make an inspection of the property to determine whether or not an Application to Council for Exemption for Woodland Clearing is required.
- III. The County has a "No Net Loss Policy" stating that for every hectare of land cleared a hectare has to be replanted based on 1750 trees per hectare and replanted in the same municipality.
- IV. Notice of this permit application shall be sent by regular mail to all landowners whose lands abut the land the applicant has outlined. Landowners separated by a public road allowance shall also be considered to be abutting landowners. Further circulation of this application may be made to the appropriate government agencies for review and comments (i.e. Conservation Authorities, Ministry of Natural Resources, Ministry of Agriculture Food and Rural Affairs, and local Municipalities).
- V. Once an Application to Council for Exemption for Woodland Clearing is received the Officer will erect and display a public notice sign at the entrance from the adjoining roadway to the land where the Permit is being sought in a position that is clear and visible to all persons, and such a sign will be in the format of Schedule "E".
- VI. The application will not be considered by Council unless forty (40) business days have passed from the date of receipt.

Property_Num	Owner1	Owner2	Address_1	Address_2	Address_3	City_Prov	Postal	Source
342400001003500	CANADIAN NATIONAL RAILWAY		PROPERTY TAX GROUP	8TH FLOOR	PO BOX 8100, DOWNTOWN STATION	MONTREAL QU	H3C 3N4	Southwold
342400000607800	GILL EDGAR EVANS	GILL JULIE DUPREE	39770 FINGAL LINE	R R 1		ST THOMAS ON	N5P 3S5	Southwold
342400000607700	FARHI HOLDINGS CORPORATION	BSN LONDON CORPORATION	484 RICHMOND STREET	SUITE 200		LONDON ON	N6A 3E6	Southwold
342400000610810	USHER DAVID SEAN	USHER KATHERINE VIRGINIA	10105 TALBOTVILLE GORE RD			ST THOMAS ON	N5P 3T2	Southwold
342400000610700	POUNTNEY JOHN EDWIN	POUNTNEY SUSAN JANE	10117 TALBOTVILLE GORE RD	RR 7 STN MAIN		ST THOMAS ON	N5P 3T2	Southwold
342400000610701	MOORE RICHARD JAMES	MCCREADY TANYA LARISSA	10125 TALBOTVILLE GORE RD	R R 7		ST THOMAS ON	N5P 3T2	Southwold
342400000610600	ROY JACQUES GILLES	GRAHAM-ROY MICHELLE LYNN	10141 TALBOTVILLE GORE RD			ST THOMAS ON	N5P 3T2	Southwold
342400000610821	POWELL ROGER KARL	BOOTH CANDACE ALICIA	10 TALBOT GROVE LANE			ST THOMAS ON	N5P 3T2	Southwold
342400000610822	ROBBINS DONNA IRENE	ROBBINS JAMES CHARLES	14 TALBOT GROVE LANE			ST THOMAS ON	N5P 3T2	Southwold
342400000610823	GROENEWEG KRISTINA LYN		18 TALBOT GROVE LANE			ST THOMAS ON	N5P 3T2	Southwold
342400000610829	BOLT JONATHAN	KOLUNDZIC TAMARA	42 TALBOT GROVE LANE			ST THOMAS ON	N5P 3T2	Southwold
342400000610837	JOHNSON JENNIFER JEAN		78 TALBOT GROVE LANE			ST THOMAS ON	N5P 3T2	Southwold
342400000610836	THOMPSON JAMIE CHRISTOPHER	THOMPSON KRISTY LEIGH	74 TALBOT GROVE LANE			ST THOMAS ON	N5P 3T2	Southwold
342400000610835	APFELBECK BRIAN ALAN	APFELBECK KAITLYN ROSE	70 TALBOT GROVE LANE			ST THOMAS ON	N5P 3T2	Southwold
342400000610834	WAITE MATHEW PAUL	WAITE DAMILOLA MORADEKE	66 TALBOT GROVE LANE			ST THOMAS ON	N5P 3T2	Southwold
342400000610833	RIOUX STEVEN GORDON DAVID	RIOUX KARLEEN MARIE	62 TALBOT GROVE LANE			ST THOMAS ON	N5P 3T2	Southwold
342400000610832	1873828 ONTARIO LIMITED		94 CURTIS STREET			ST THOMAS ON	N5P 1J2	Southwold
342400000610890	1873828 ONTARIO LIMITED		94 CURTIS STREET			ST THOMAS ON	N5P 1J2	Southwold
342400000610831	889531 ONTARIO LTD		103 GAYLORD RD			ST THOMAS ON	N5P 3S3	Southwold
342400000610824	BINNIE ALLEN JAMES	TELFER ANGELA YVONNE	22 TALBOT GROVE LANE			ST THOMAS ON	N5P 3T2	Southwold
342400000610825	PETTY JADE CHRISTINA		26 TALBOT GROVE LANE			ST THOMAS ON	N5P 3T2	Southwold
342400000610826	LEE CHUNG-BOR	HUYNH BINH	30 TALBOT GROVE LANE			ST THOMAS ON	N5P 3T2	Southwold
342400000610827	DASILVA JASON ROBERT	DASILVA BRITNI MARIE	34 TALBOT GROVE LANE			ST THOMAS ON	N5P 3T2	Southwold
342400000610828	RENKE RALPH NICHOLAS	RENKE JOYCE JANET	38 TALBOT GROVE LANE			ST THOMAS ON	N5P 3T2	Southwold
342400000610830	889531 ONTARIO LTD		103 GAYLORD RD			ST THOMAS ON	N5P 3S3	Southwold
342400000610887	SWEET DANNIANN	KEARNEY KEVIN MICHAEL	95 GLENGARIFF DR			ST THOMAS ON	N5P 3T2	Southwold
342400000610888	1873828 ONTARIO LIMITED		94 CURTIS STREET			ST THOMAS ON	N5P 1J2	Southwold

Jason + Amy Dodge

10114 Talbot ~~St~~ Gore Rd.

10114 Talbot Gore Rd.
St Thomas, ON N5P 3T2

Appendix D

November 12, 2019

Attention: Jeff Lawrence, Elgin County Tree Commissioner

Hello Mr. Lawrence,

We are writing to express our objection to the proposed woodlot clearing of Part 40, concession SE of the North Branch of Talbot Road. I did reach out for further information regarding this application but did not receive any information back. We are not opposed to the clearing of the land that matches the need for development of the Ridge phase 2 by 1873828 Limited. Our concern is with the trees in "Poutney Lane" off of Talbotville Gore Road. The development plan is to use Poutney lane for a temporary access for construction vehicles and then sell the lane as a premium lot at the end of construction (four to five years). This is reflected in the municipal meeting minutes. There is a substantial number of trees in the lane and many of them are several decades in age. The purpose of Poutney lane being used as opposed to Talbot Grove Lane is to preserve roads and decrease traffic in the Ridge phase 1. Essentially, the homes on Talbot Grove will have traffic in the front and back of their home. In conversation with neighbours, they do not want this either as any home owner would understand. There is still construction occurring in Ridge phase 1 and will be for another year or more. It seems logical to continue with this as construction access. The trees (in Poutney Lane) will have severe damage and most will not endure the damage from the traffic and weight of large equipment. Tree trimming and root damage with long term consequences will be a minimum. This could all be avoided if the construction traffic uses the current access on Talbot Grove Lane. I have not been able to find an arborist report for pre-construction as required by many municipalities or cities. I also have not located any information on tree preservation during development as is becoming increasingly present in other communities in Ontario.

When inquiring about the land clearing, we hear phrases such as 'zero loss' but cannot find any evidence of this in documentation or practice. Planting a seedling does not equate the environmental significance of a tree forty years old or more. The City of Ottawa's "Trees and Natural Areas Protection" by-law states "The intent of the bylaw is to protect trees when there is construction happening around them". It appears all of the larger communities have developed guidelines for tree clearing and development. This is a new era we are approaching in Elgin county as we experience substantial growth. It would be unfortunate to look back in years to come and realize the damage done when we can take example from these communities.

There is an alternate route for traffic to protect the trees in Poutney Lane. We are asking for additional consideration regarding this application. Damaging them for a temporary access seems unnecessary and unusual. I am hoping this is still time to take a forward-thinking approach to conservation of the natural environment that is enjoyed by all.

Thank you for your time.

Sincerely, Kattie and Sean Usher

10105 Talbotville Gore Road

519-637-8540

Katie

Sean Usher

RECEIVED NOV 12 2019

Ridge phase 2 Talbotville

Kattie U.

Thu 2019-02-14 10:19 AM

To: councilloremons@southwold.ca <councilloremons@southwold.ca>

Hello councillor Emons.

I am writing to you this morning in hopes of a voice for my concerns as well as my neighbour. My name is Kattie Usher and I live at 10105 Talbotville Gore Rd. I attended the meeting in January regarding the Ridge phase 2 and it was approved with a temporary construction access road that will border our home (and approximately 10 others). That road is currently lined with trees that may be 100 years old if not more. The equipment that will travel that road will permanently damage and kill the trees/roots due to weight and size. I understand the residents of the ridge don't want the equipment to be through their neighbourhood due to noise and dust. I understand because I have lived through it for over 3 years and the clearing of the land they live on. When you move into a development, you should anticipate these things. The access to the Ridge phase 1 (Talbot Grove Rd) should be the construction access for phase 2. It is poor planning to destroy what few trees are left for a temporary solution to noise and dust. Most developers understand the value of the trees and green space to new residents and build around them now. This is not the case here. I hope this decision can be revisited. I invite you and any other councillors to come see the area in question and am free to chat over coffee or tea. I have attached a picture as well.

Thank you for your time.

Kattie Usher

519-637-8540

Appendix E

November 6, 2019

Elgin County Tree Commissioner
c/o Kettle Creek Conservation Authority
RR#8 44015 Ferguson Line
St. Thomas On
N5P 3T3

RECEIVED NOV 15 2019

Re: Proposed Woodland Clearing
Part of Lot 40, Concession SE of the North branch of Talbot Road

Dear *Commissioner*:

This is regarding correspondence received on October 11, 2019 and about the above noted matter. We are the homeowners of Lot 5, 26 Talbot Grove Lane St. Thomas. We would like to oppose the removal of the trees located at the rear of our property. The trees bring us privacy and a great matter of joy.

Please contact us at the number or email address below to discuss further,

Sincerely,

A handwritten signature in black ink, appearing to read 'Jade Petty', with a horizontal line underneath.

Jade Petty

Derek Howey

416-550-5185

dhowey@live.com

Appendix F

Environmental Impact Study

10117 Talbotville Gore Road
Township of Southwold

1.0 INTRODUCTION

1.1 Scope

This Environmental Impact Study is being prepared for 1873828 Ontario Limited (the proponent) relating to the property at 10117 Gore Road, Talbotville, Township of Southwold, ON.

The legal parcel is ± 24.04 ac / 9.73 ha in size. This consist of an existing residential use a hydro Right of Way (ROW) corridor, and "Significant Woodland" north of the hydro easement and along the western boundary of the parcel.

Development involves transitioning the southern ± 15.34 ac/ 6.21 ha of the legal parcel subject lands south of into a subdivision for residential use. The property is captioned on the attached figures (Appendix 1). The subdivision will consist of 58 lots and a multi-family block and will have full municipal services.

According to the Township an Environmental Impact Study (EIS) is required as part of this initiative. This requirement is triggered by the site alteration occurring within 120 m a "Significant Woodland" designated by the Township of Southwold Official Plan (OP) Schedule B on and to the west of the subject lands.

In addition to site attendance by Leonard + Associates (LAI), the recommendations of this report are based on the following components:

- Description of the natural area potentially being affected;
- Background information of the site and adjacent lands;
- Relevant municipal or agency requirements;
- Identification of potential issues and ecological linkages, natural processes and study area boundaries;
- Potential cumulative effects of development;
- Impact avoidance, enhancement and mitigation measures;
- Graphics used to illustrate the above analysis;

1.2 Proposal Description

This ± 24.04 ac / 9.73 ha parcel is located in the northeast of the Township of Southwold. Its location is depicted in the attached figures (Appendix 1). The development for residential use will occupy ± 15.34 ac/ 6.21 ha based on the draft plan of subdivision (Appendix 1).

More specifically the subject lands are located west of Talbotville Gore Road and extend from the railroad south to the already constructed Phase 1 subdivision. There is a single-family dwelling with culturally maintained land south of the hydro ROW and a cultural plantation that is not part of the "Significant Woodland". West of the property there is a large tract of "Significant Woodland"; a very small part of this occurs on the development parcel. Residential lands are predominant north and south of the subject lands, with agricultural lands in the area and commercial and industrial designated lands to the east (OP, Schedule A-1).

1.2.1 Activities Associated with the Proposal with Environmental Impacts: Tree-Cutting and Removal of Vegetation, Grading, Post Development Activities

In terms of vegetation removal, most of the vegetation within the development envelope is considered cultural and of low quality. However, the draft plan demonstrates development extends to the west

boundary, encroaching into the "Significant Woodland" ± 9 - 15m. Trees within the property boundary will be removed.

The site will be graded to ensure overland flow is directed towards the stormwater management pond in Phase 1. Grades along the north, east and west property limits will remain the same.

1.2.2 Timing of Site Alterations

It is our understanding that construction will occur following the approval of this EIS, and other required document approvals.

1.2.3 Servicing

The piped services will be accommodated by connecting to existing watermains, storm and sanitary sewers south of the subject lands developed in Phase 1.

1.2.4 Stormwater Management

All minor storm, and majority of the overland flow, will be directed to the SWM pond constructed in Phase 1. Around the perimeter of the site, depending on the existing grades, the overland flow may be directed to the property limits (ie. a portion of the lots backing onto the woodlot will have their yard drainage directed towards the woodlot, as it is in Phase 1).

1.3 Natural Features

The "Significant Woodland" designated by the Township of Southwold Official Plan Schedule B located to the west, extends west 350 m west to Dodd's Creek and south 200 m to Dodd's Creek (Figure 3). It is also a part of the Middlemarch Forest Complex (NHIC 1km² grid data).

The Kettle Creek 2018 Watershed Report Card has determined that Dodd's watershed has poor surface water quality, poor forest conditions, and very poor wetland cover.

1.4 Planning Considerations

1.4.1 Federal Planning Considerations

Given that development is greater than 200 m from any aquatic habitat, there would be no impact from the development on the aquatic habitat. Based on the DFO self-assessment criteria, a federal DFO filing is not required.

1.4.2 Provincial Planning Considerations

Given that there were no issues with the Phase 1, we assume there are no issues associated with this site relating to agriculture, minerals and petroleum, nor mineral aggregate resources.

No Provincially Significant Wetlands (PSW's) or Areas of Natural Scientific Interest (ANSI's) occur on or within 120 m of the subject lands.

A SAR Stage 1 Information Request for the subject land has been filed with MNR/Aylmer in a manner consistent with the Technical Memo: Aylmer District Species at Risk Screening Process.

1.4.3 Municipal Planning Considerations

The subject lands are designated for its intended residential uses by the Township of Southwold Official Plan (OP) Schedule A-1. The subject lands are within the area designated as "Settlement Area" (specifically the Talbotville Settlement Area) and are therefore subject to the policies in Section 4.3.4 of the Township of Southwold OP (2014). Residential uses are permitted, but servicing requirements must be met.

1.4.4 Conservation Authority Planning Considerations

There are no Hazard lands nor wetlands on the subject lands.

This document may be circulated to the Kettle Creek Conservation Authority (KCCA) to accompany the application.

2.0 PHYSICAL ATTRIBUTES

The following information and analysis are based on literature review, the previous EIS on the Phase 1 lands to the south, and 2018 site visits by the authors.

2.1 Soils

According to the OMAFRA soil mapping and Soils of Elgin County Volume 2, 1992, the soils on-site are dominated by Gobles – Loamy Phase soils characterized by 15 to 40 cm of loamy textured material over clayey textured till material. At the north edge of the property there is Tavistock -Till Phase soils which are characterized by 40-100 cm of loamy textured material over clayey textured glacial till material. Both soils types have imperfect drainage. (Soils of Elgin County Volume 2, 1992).

2.2 Slopes and Surface Drainage

Most of the development lands are relatively flat (0-2%), due to the prior grading for the current estate residential that is on-site. Additionally, the previous grading directs overland flow towards the "Significant Woodlot" west of the existing house. Overall the site gradually slopes toward the constructed stormwater management basin in Phase 1.

2.3 Hydrogeology and Groundwater Conditions

There is a small decorative pond that could be considered a cultural wetland present on the site by the existing residential house.

3.0 BIOLOGICAL ATTRIBUTES

The lands to the south were intensively studied in 2011-2012 by the authors and their related subconsultants as part of the Phase 1 EIS. The plant assessments and reporting were conducted by Larry Lamb and faunal inventories were completed by Dave Martin to assist in the assessment of the Phase 1 development.

The site was visited again in 2016 Paul O'Hara of Blue Oak Native Landscapes (floral specialist) and James Holdsworth (faunal specialist) visited the subject lands, and by the authors in Summer 2018.

3.1 Attribute Diversity (Vegetation)

According to the provincial Ministry of Natural Resources and Forests (MNRF) Ecological Land Classification (ELC) system, the governing protocol for landscape type assessment, the following vegetation communities exist on-site (Appendix 1):

- _ Maintained Lawn with planted trees and small anthropogenic pond
- _ CUM1-1 Dry-Moist Old field Meadow Type
- _ CUP3 Coniferous Plantation
- _ FOD4-2 Dry-Fresh White Ash Deciduous Forest

The site is all tablelands and mostly cultural apart from the deciduous forest that encroaches into the subject lands on the west boundary.

There are two small cultural coniferous plantations on the legal parcel north and south of the hydro ROW. The southern plantation does not meet the minimum patch size to be considered an ELC community. The CUP3 north of the hydro ROW is designated "Significant Woodland" by the municipal

OP. Cultural plantations lack biodiversity, have limited natural heritage attributes and contribute minimally to ecological functions.

The eastern edge of the western deciduous forest is dominated by the invasive European Buckthorn (*Rhamnus cathartica*). In this edge unit the European Buckthorn are ± 6 in dbh, 20ft in height, and 3ft – 9 ft apart. A few Hickory spp. saplings also exist in the understory (6 in dbh).

Beyond the Buckthorn edge unit, the community is heavily disturbed. A 15 ft logging path at the property boundary has predisposed the community to edaphic conditions that would occur post development. Additionally, there is evidence of the Emerald Ash Borer Beetle, and lots of downed woody debris with evidence of root rot.

3.2 Attribute Diversity (Fauna)

The maintained lawn, planted trees and shrubs within the lawn, and the CUP to the north do not represent Significant Wildlife Habitat (SWH) or Species at Risk (SAR) habitat.

The decorative pond behind the house has the potential to support breeding frog species (American Toad, Green Frog, and Spring Peeper) and the SAR common Snapping Turtle [SC], however, the habitat in the pond is very marginal and at best would provide temporary refuge.

The CUM - Cultural Meadow on-site could support Eastern Meadowlark [THR]. Again, the habitat would be marginal given the grass to forb ratio is low for this species. Eastern Meadowlark prefer shorter grassed area, without extensive goldenrods and aster presence.

The woodlot to the west has high SAR potential. Species including the Eastern Wood Pewee [SC] and Wood Thrush [SC] are likely to be found there. The Eastern Wood Pewee was observed in the area in the 2012 survey.

Other potential SAR's could include Acadian Flycatcher [END], Cerulean Warbler [THR] and Hooded Warbler. None of these would be near the east edge of the west forest and therefore would not be affected by the removal of the encroaching woodlot.

SAR bats may also be present in any large cavity trees on site. During site visits no such trees or habitat was observed in the encroaching woodlot within the property limits.

3.3 Significant Species

Flora

A NHIC 1km² grid data search determined the following SAR and S Rank floral species have been observed in the area:

- _ Spoon-leaved Moss (*Bryoandersonia illecebra*) [S2]
- _ Rue-anemone (*Enemion biternatum*) [S2]

No SAR's were observed during the site visit in 2016 on the subject lands. Nor, were there any observed in 2012 in the west FOD4-2 Dry-Fresh White Ash Deciduous Forest community. Elm-leaved Goldenrod (S1) or Burning Bush (S3) reported by Larry Lamb in 2012 survey was not observed in the study area in 2016.

Fauna

A NHIC 1km² grid data search determined the following SAR and S Rank fauna species have been observed in the area:

- _ American Burying Beetle (*Nicrophorus americanus*) [SH]

No SAR were observed in the 2016 visit for Phase 2 development.

3.4 Significant Vegetative Communities

There were no atypical vegetation communities on site.

3.5 Diversity

As previously mentioned, the subject lands consist of mainly cultural communities.

The tablelands do not exhibit uncommon characteristics such as age, structure or composition. Among the tablelands diversity is low due to the fact that the land was cleared in the past for the residential estate use.

In the opinion of our floral consultant the forest to the west is of medium to high quality.

3.6 Landforms and Soils

Natural landforms have been altered in the past for the residential estate and hydro corridor. Generally, the subject lands consist of Gobles – Loamy Phase soils characterized by 15 to 40 cm of loamy textured material over clayey textured till materials which is imperfectly drained.

3.7 Presence/Absence of Disturbance

With respect to the naturalness and disturbance, the subject lands have been cleared in the past for residential use and have therefore been anthropogenically impacted. The west deciduous forest is also disturbed by several recreational trails.

3.8 Linkage and Size

The west deciduous forest is the eastern most edge of a larger continuum along Dodd's Creek. Removal of the ± 9 - 15m of encroaching woodlot would have no impact on connectivity and marginal impact on the overall corridor size.

3.9 Representativeness

As noted in the prior parameters, the site exhibits flora and fauna typical of the local and regional landscape.

4.0 IMPACT ASSESSMENT OF THE PROPOSAL

4.1 Direct On-site Effects

Vegetation Removal: Most of the vegetation that will be affected is cultural. No Species at Risk, nor any rare vegetation types are expected in the cultural communities. However, the adjacent forest to the west is of medium to high quality. Within the forest there is potential for SAR occurrences.

Based on the draft plan (Appendix 1), rear yards extend to the west edge of the property boundary which extends 9-15 m into the deciduous forest. It is our opinion there is no direct effect on potential SAR species through removal of the trees within the property limits.

As previously mentioned, the decorative pond and CUM - Cultural Meadow on-site could support SAR species. However, given the opinion of our faunal biologist both provide marginal habitat at best, it is our opinion there is no direct effect on SAR species through removal of this habitat.

4.2 Indirect, Secondary and Temporal Effects

Aquatic:

Given the distance of the site alteration from the aquatic habitat in the Dodd's Creek, there would be no impact from the development on the aquatic habitat. Based on the DFO Self-Assessment criteria a federal DFO filing is not required.

Biotic: Fauna:

The Monarch Butterfly is expected on the subject lands given the presence of the host plant Milkweed on the tablelands. This species is designated as a Species at Risk (SAR) in Canada (by COSEWIC: Endangered) and a Species at Risk (SAR) in Ontario (by COSSARO: Special Concern). The Milkweed present on-site will likely be removed. However, given the prevalence of the host plant in the surrounding and regional landscape, in our opinion there is no need to mitigate this indirect impact.

The west woodlot has high SAR potential. Species including the Eastern Wood Pewee [SC] and Wood Thrush [SC] are likely to be found. Other potential SAR's could include Acadian Flycatcher [END], Cerulean Warbler [THR] and Hooded Warbler. However, the latter three species are not likely to occur near the east edge of the west forest.

SAR bats may also be present in any large cavity trees in the deciduous forest. A visual inspection was completed and there were no large cavity trees in the 9-15m intrusion area.

With respect to the disturbance from construction noise the west-edge of the forest is already heavily disturbed from well-used trails.

Biotic: Flora

Vegetation protection: The "Significant Woodland" to the west of the subject lands will require mitigation to protect the rooting zone. Mitigation will be provided by the use of both tree protection and sediment/erosion control measures implemented according to relevant municipal and OPSS + OPSD standards (also depicted in Section 5.2) which should be depicted in the contract documents for the project.

Overland flow may be to be directed into the deciduous forest from the rear lots along the forest edge, as it is in Phase 1. Currently on the subject lands, along the forest edge, prior grading has already occurred to direct surface drainage towards the deciduous forest. The downed woody debris in this area of suggests the forest has already adapted to the effect of the increased overland flow that was implemented many years ago.

Given, the post-development drainage will match pre-development drainage, the loamy soils and the resilient nature of the Dry-Fresh White Ash Deciduous Forest ELC community to soil moisture it is our opinion, this will have no impact on the vegetation along the remaining forest edge.

In our opinion, the deciduous forest to the west will easily adapt to the post-development conditions.

Corridor Size and Connectivity: The "Significant Woodlands" within the development envelope are edge community and contribute little to the corridor. Additionally, being on the very edge of the corridor the proposed development will not result in any disconnect of the corridor.

5.0 IMPACT AVOIDANCE, ENHANCEMENT AND MITIGATION MEASURES

5.1 Effects, if any, that require reduction or elimination

In the opinion of the writers there are none. Given the cultural history of the site and surrounding land use, its habitat is resilient to both the indirect and minimal direct effects of the proposed land use program.

5.2 Description of feasible mitigation measures, if required

The following practical recommendations are made to enhance the survival potential of the vegetation that will be retained on site:

Pre-Construction:

The subdivision should integrate all of the best management practices noted below:

_Sediment / erosion control measures defined in the OPSS + OPSD standards that specifically reference silt fence adjacent to the residual vegetation, and material storage should be depicted in the detailed design drawings for the project.

During Construction:

_All protective fencing should be maintained until all heavy construction work is complete.

_During the clearing, grubbing, and excavation work, best management practices described by the International Society of Arboriculture's (ISA) should be followed.

After Construction:

_After all work is completed, but before protective fencing and other barriers are removed, the site should be examined to identify any trees adjacent to the development parcel that should be removed due to hazard tree status. These opinions on specific stems should be based on the International Society of Arboriculture's "Guide for Plant Appraisal, 9th edition" and included the following constraint descriptions: Crown condition, tree structure, canopy decline symptoms and stem decline symptoms.

_ Monitoring of tree health is recommended in the summer or fall season at least 9 months following the completion of construction to identify any problems that may surface following construction.

5.3 Need, if any, for natural area enhancement

Given the disturbed cultural history of the vegetation on the tablelands none are required.

6.0 SUMMARY AND CONCLUSIONS

6.1 Summary

Federal Considerations:

Given distance to any watercourses and fish habitat, a DFO filing is not required.

Provincial Considerations:

No Provincially Significant Wetlands (PSW's) or Areas of Natural Scientific Interest (ANSI's) occur on or within 120 m of the subject lands.

A SAR Stage 1 Information Request for the subject land has been filed with MNRF.

Conservation Authority Considerations:

This document may be circulated to the Kettle Creek Conservation Authority (KCCA) to accompany the application.

Municipal Considerations:

The subject lands are appropriately designated for the proposed development. Residential uses are permitted, but servicing requirements must be met.

6.2 Conclusions

With respect to natural heritage considerations it is the opinion of the writers that, given the final development plans follow the recommended mitigation measures in this document the proposed development will be consistent with the Provincial Policy Statement 2014 as well as policies of the Township of Southwold.

For the reasons outlined in the data presented within this report and the resultant analysis it is our opinion that there are no potential issues nor potential cumulative effects of the development proposed. Consequently, there is no need for additional information or studies relating to the natural heritage component of this application and that the development can proceed pending the approval of the required site plan.

With respect to the agreement between the proponent and the township, adequate tree protection and SEC (sediment and erosion control) measures should be included as a provision to protect the existing vegetation removal on-site. These measures should be prepared according to relevant OPSS / OPSD standards.

The conclusion of this report is that no there are no negative, nor adverse, unalterable impacts on the natural heritage features of the subject land and the natural heritage landscape identified in the OP, as long as the mitigative measures noted in this report are followed.



Paige Vroom M.Sc (Aquatic)
Mike Leonard O.A.L.A. C.S.L.A.

APPENDIX 1: FIGURES

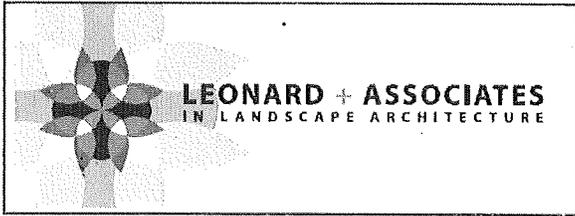
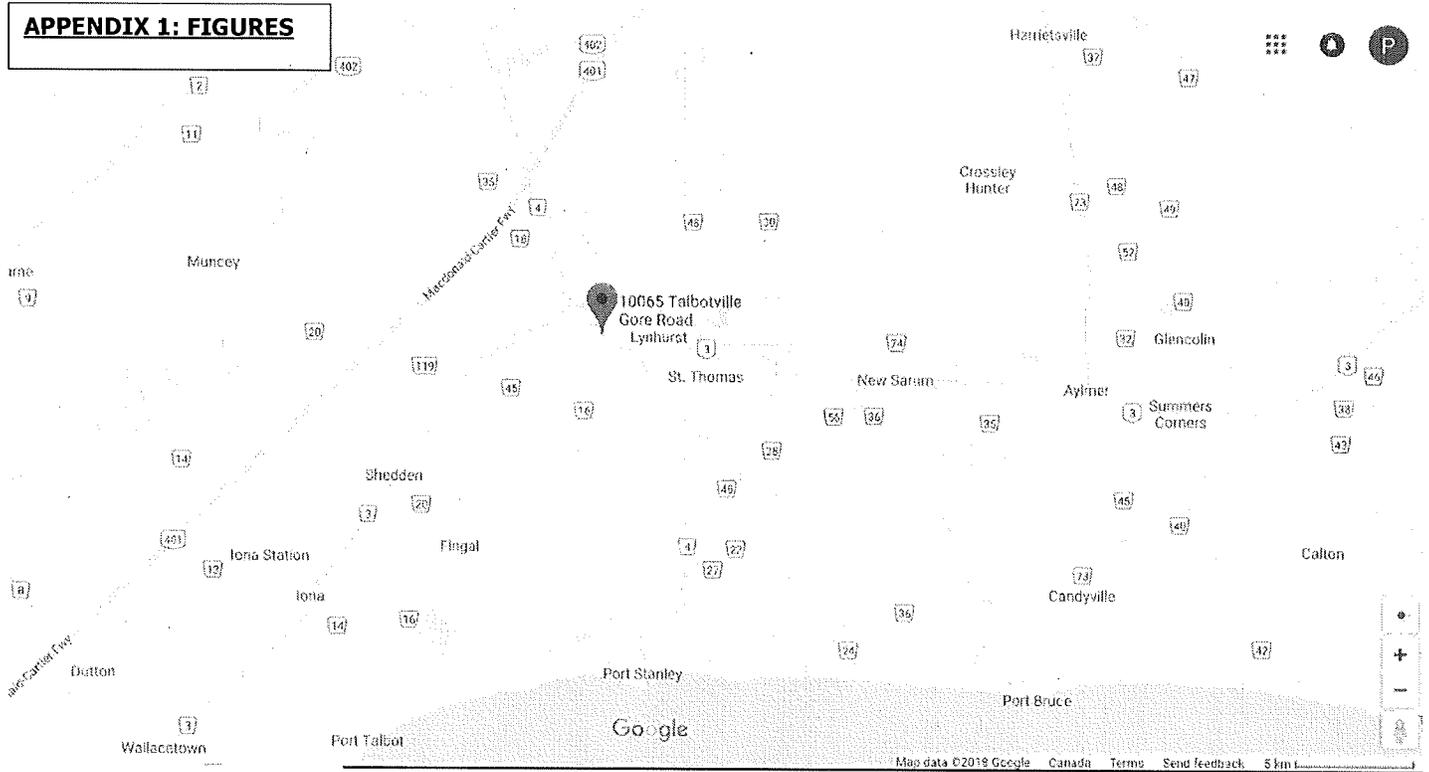


Figure 1: General Site Location

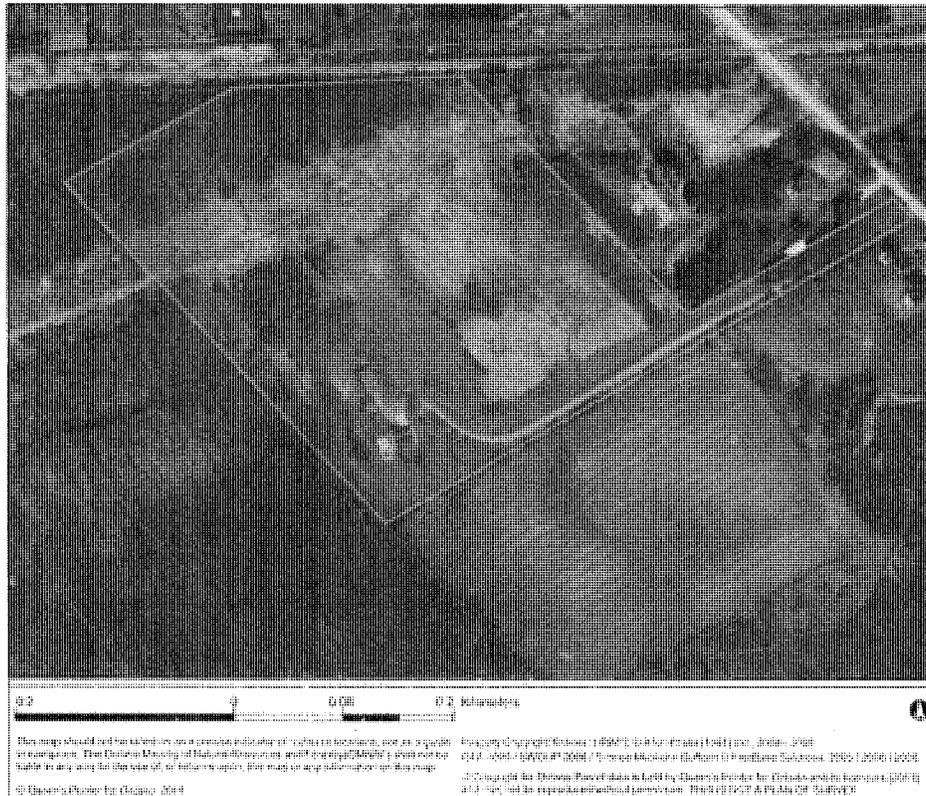


Figure 2: Specific Site Location

Talbotville, ON
August 2018

The Ridge at Talbotville Grove Phase 2 EIS
Leonard + Associates in Landscape Architecture

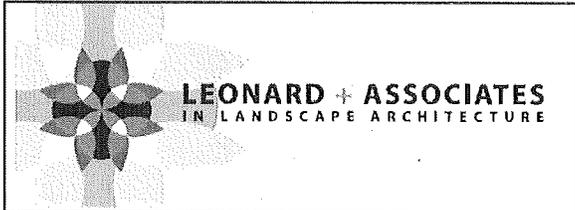
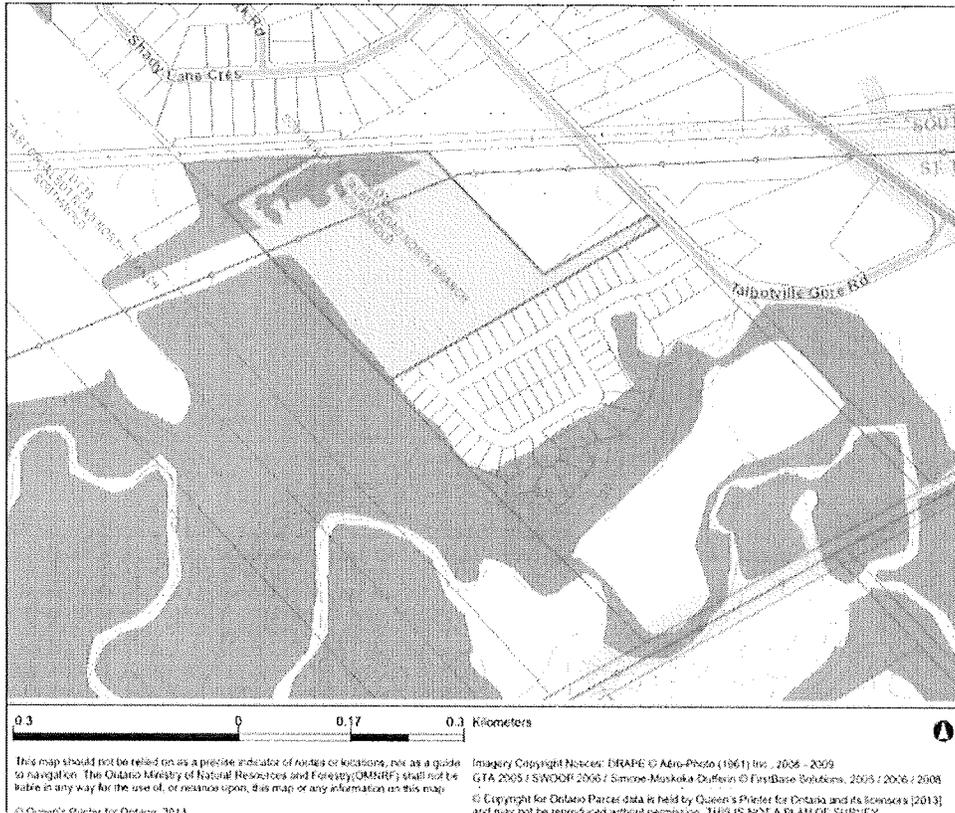


Figure 3: Natural Heritage Attributes

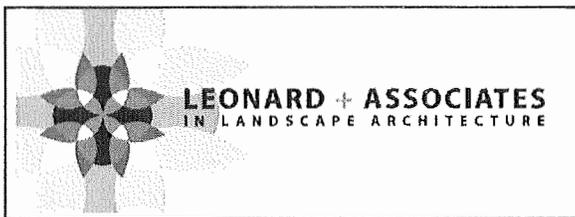
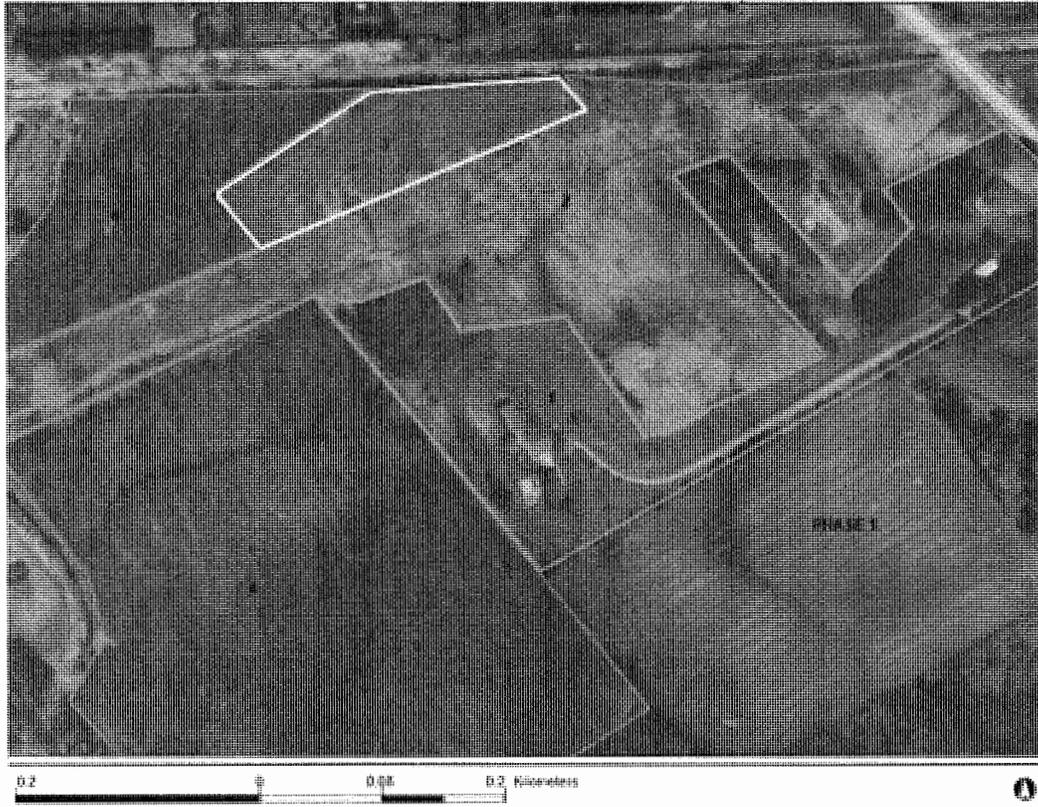


Figure 4: ELC Communities

- 1- Anthropogenic Maintained Lawn, 2- CUM1-1 Dry-Moist Old field Meadow Type,*
- 3- CUP3 Coniferous Plantation, 4- FOD4-2 Dry-Fresh White Ash Deciduous Forest*

Talbotville, ON
August 2018

The Ridge at Talbotville Grove Phase 2 **EIS**
 Leonard + Associates in Landscape Architecture

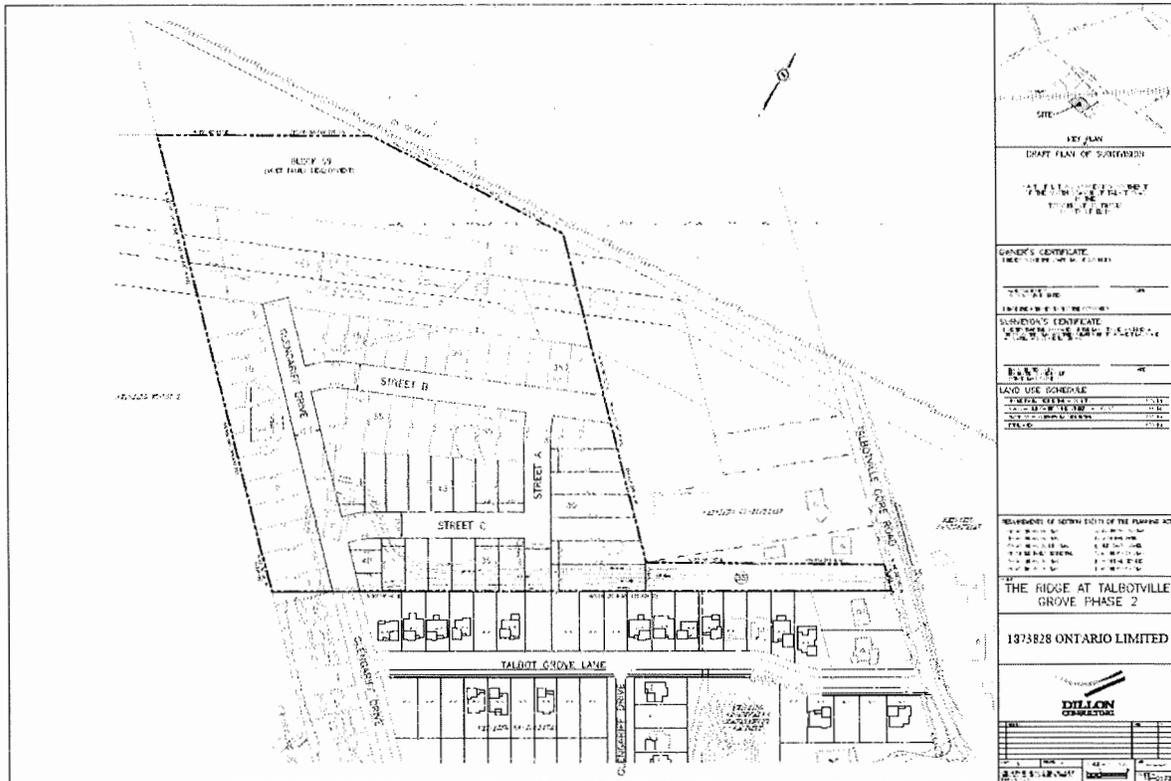


Figure 5: Draft Plan of Subdivision

Appendix G



- Legend
- Parcels
 - ▭ Boundary
 - Elgin Road Network
 - Elgin Road Network
 - Elgin Road Network

1: 8,815



0.4 0 0.22 0.4 Kilometers

Appendix H

4. Council Exemption (Woodlands Clearing)

- a) In order to be considered for an exemption to the prohibition contained in Section 2 hereunder, the owner of the woodlands must apply to the Council for an exemption at least forty (40) days prior to the anticipated commencement of harvest, injury or destruction of trees by submitting:
 - i) a completed application form as set forth in Schedule "B";
 - ii) if demanded by the Clerk in respect of woodlands having an area greater than one (1) hectare, an environmental impact study; and
 - iii) the applicable fee as set out in Schedule "G" hereto.
- b) At least twenty-one (21) days prior to consideration of the application for an exemption, the Officer shall send, by regular mail, written notice in the form of Schedule "D" to the applicant and all assessed owners of each parcel of land abutting the applicant's woodlands for which an exemption is being sought and to such other persons and agencies as prescribed by Council.
- c) The Officer shall erect and display a public notice regarding the exemption application at the entrance to the woodlands in a position that insures that it is clear and visible to all persons, which notice shall be in the form set forth in Schedule "E" hereto.
- d) The notice shall be posted at least twenty-one (21) days prior to consideration of the application by either the Clerk or Council.
- e) In respect of applications for exemptions for woodlands having an area of less than one (1) hectare, where there have been no objections filed with the Council or Clerk and/or the Officer agrees that the general purpose and intent of this By-Law is maintained, the Clerk may grant the permit for an exemption in the form set forth as Schedule "C" hereto; provided that, in respect of applications for exemptions for woodlands having an area equal to or greater than one (1) hectare, the said application shall be considered by Council.
- f) When granting an exemption, the Clerk may include terms or conditions desirable for the appropriate development or use of the land on which the exemption is sought and in keeping with and maintaining the purpose and intent of this By-Law.
- g) Where the application for exemption relates to a woodlands having an area greater than one (1) hectare or where there have been objections filed with the Clerk or where the Clerk refuses to grant a permit for exemption, or where the applicant objects to the terms and conditions on the permit for exemption as established by the Clerk, the Council

will consider or re-consider, as the case may be, the application for exemption or any conditions to the permit and thereafter make a decision as to the granting of the exemption and a permit in relation thereto.

- h) When granting an exemption, the Council may include terms and conditions to its permission which are desirable for the appropriate development or use of the land on which the exemption is sought and as consistent with and maintaining the general purpose and intent of this By-Law.
- i) Council shall hear any person who wishes to speak to the application for an exemption for which objections have been filed. Upon the conclusion of the Council hearing during which the application for the exemption is being considered, the Council may make its decision regarding the granting of a decision or defer such decision to a subsequent date, in which latter circumstances, the Council shall advise the persons in attendance of the date, time, and location when Council will make a final determination in respect of such application.
- j) When denying an exemption, Council must notify the applicant of the denial of such application, the date of denial of such application, and the reasons for such denial, which notification must be delivered within ten days of the date of such denial.
- k) For purposes set forth above, the applicant may object to the terms and conditions attached to any permit for exemption issued pursuant to this By-Law.