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To: Municipality of Central Elgin, CJDLC & Doug Tarry Limited (DTL)

From: Paige Vroom & Shae-Lynn Dehens (VA)

Date: 2023 06 21

**SUBJECT: EAGLE RIDGE SUBDIVISION PHASE 2, 42399 SOUTHDALINE, ST THOMAS ON –
NATURAL HERITAGE LETTER OF OPINION**

INTRODUCTION

This Letter of Opinion (LOP) is being prepared on behalf of Doug Tarry Limited (the proponent) relating to the property at 42399 Southdale Line, St. Thomas, in the Municipality of Central Elgin (Figure 1). This letter accompanies a rezoning and severance application to the Municipality of Central Elgin.

Vroom + Associates (formerly Leonard and Associates) was initially retained in August 2017 to prepare a Scoped Environmental Impact Study for the adjacent property at 42537 Southdale Line, St. Thomas, in the Municipality of Central Elgin. The scope of the study included the entirety of the lands, being comprised of approximately ±29 ha of agricultural fields to be developed for residential purposes in phases, and the surrounding hedgerows and wooded ravines. The original EIS provided analysis, conclusions and recommendations applicable to the lands in relation to the proposed development per the regulatory agencies' criteria and policies.

The 2017 EIS assessed the natural heritage features within the study area for provincial, regional and local significance. Regarding the Phase 2 lands, the northern and western vegetation provide habitat for common species. The southern ravine was relatively high quality, and mitigation, including setbacks and construction practices, are noted in the 2017 EIS to protect the wooded ravine and remain relevant.

In 2021, Vroom + Leonard prepared a Tree Assessment and Protection Plan, which presented an inventory of individual trees ≥10 cm in diameter at breast height (dbh) and the vegetated communities on-site and within 3 m of its legal boundary. Root excavations were completed along the woodland interface to recommend tree protection zones as per the Central Elgin Official Plan Woodland Policies (Section 3.1.1.2).

In addition, an EIS Addendum was completed by Vroom + Leonard in 2022 to review the findings 2017 EIS and 2021 Tree Assessment and Protection Plan to ensure the proposed layout of the Phase 2 lands within the Eagle Ridge Subdivision would not negatively impact the surrounding natural heritage features on-site or their ecological functions, as per the policies outlined by the Central Elgin Official Plan and Provincial Policy Statement (2020). It was

concluded that the data collection and analysis presented in these reports remain valid and appropriate and that adequate protection would be accomplished through the recommendations and mitigative measures outlined in the 2017 EIS.

SITE DESCRIPTION AND PROPOSED ALTERATION

As previously noted, the proponent has recently purchased the property located at 42399 Southdale Line. The subject lands are located south of Southdale Line, east of the Hawks Gate entrance abutting the Phase 2 lands within the Eagle Ridge Subdivision (Figure 1).

The legal parcel is approximately ± 0.19 ha in size. Currently, the subject lands consist of a single detached dwelling and garage among maintained lawns, with a wooded ravine in the south. The wooded ravine is part of a greater feature that continues off-site west. According to the Municipality of Central Elgin Official Plan (OP, 2023), Schedule "E," the northern two-thirds of the property is designated "Residential," and the woodlands south of the base of the ravine are designated "Natural Heritage"/"Natural Hazard" (Figure 2).

Previous approvals allow for the removal of ± 20 m width of the ravine feature directly west of the subject lands for conversion into a road as access into the Eagle Ridge Subdivision. To the east, the adjacent lands are residential in nature.

The proponent intends to sever the 42399 Southdale Line parcel into four lots, referred to as Proposed Lots A-D (Figure 3). Proposed Lots A-C are to be cleared of the existing structures on-site for residential use, including three single-detached dwellings. Proposed Lot D along the property's southern border is proposed to be cleared of vegetation and conveyed to the Municipality and used for stormwater management.

NATURAL HERITAGE ATTRIBUTES & MUNICIPAL CONSIDERATIONS

As previously noted, the southern portion of the subject lands, within Proposed Lot D, features a wooded ravine designated by the Municipality of Central Elgin as Natural Heritage Significant Woodlands and Natural Hazard lands (Municipality of Central Elgin, Schedule "E,"; Figure 2).

Significant Woodlands

According to the Municipality of Central Elgin OP (2023), Section 3.1.1.2 Woodland Policies, all woodlands greater than 2 ha are considered significant. The woodlands on-site are approximately 0.1 ha in size and were previously connected to the larger wooded ravine feature to the west. Due to the construction of the Hawks Gate entrance for the Eagle Ridge Subdivision, the woodland patch on-site is now isolated from the larger continuum to the west.

Concerning proposed development and site alteration within a Natural Heritage designation, Section 3.1.1 of the municipal OP states,

"b) New permitted uses, expansions/enlargements to existing uses, buildings or structures, or site alteration within or adjacent to a Natural Heritage designation that require a Planning Act approval may be permitted only if it can be demonstrated through

an Environmental Impact Study (EIS), prepared to the satisfaction of the Municipality in accordance with the policies contained in Section 3.4 of this Plan, that there will be no negative impacts to the natural heritage features and/or their ecological functions.”

Section 3.1.1.2 Woodland Policies of the OP also states,

“a) Significant woodlands shall be protected from incompatible land uses.

b) The boundaries of significant woodlands may be refined in a particular subwatershed through the subwatershed study process and/or through area specific Issues Scoping Report and Environmental Impact Study Report. In refining the boundaries, the studies shall consider maintaining, restoring and/or enhancing the long-term ecological integrity and biodiversity of the woodland. Such Minor refinements shall not require an amendment to this Plan.

c) Development within or adjacent to woodlands shall be subject to the Natural Heritage Policies of this Plan. Development shall be carried out in a manner that encourages the conservation, protection and management of woodlands.”

According to data collection and voucher identification from the original 2017 EIS, this woodland feature is classified by MRNF Ecological Land Classification (1998 & 2008) protocol as **CUP1** - Early Successional/Cultural Forest. The canopy layer is dominated by planted White Pine (*Pinus Strobus*) and Black Walnut (*Juglans nigra*) with Basswood (*Tilia americana*), Black Maple (*Acer nigrum*), and White Ash (*Fraxinus americana*) associates. The shrublayer is dominated by non-native honeysuckles, White Mulberry (*Morus alba*), Hawthorns (*Crataegus* spp.), Manitoba Maple (*Acer negundo*), brambles (*Rubus* spp.), Gray Dogwood (*Cornus racemosa*), and Alternate-leaved Dogwood (*Cornus alternifolia*). The groundlayer exhibited high levels of disturbance in the form of early-successional/disturbance-tolerant species, as well as a high percentage of non-native/invasive species. The dominant groundlayer species include Dame’s Rocket (*Hesperis matronalis*), Kentucky Blue Grass (*Poa pratensis*), Garlic Mustard (*Alliaria petiolata*), Fowl Manna Grass (*Glyceria striata*) and Moneywort (*Bacopa monnieri*).

Consistent with the findings of the 2017 EIS, 2021 Tree Assessment and Protection Plan, and the 2022 EIS Addendum, this woodland patch is disturbed, relatively young in age, and lacks diversity.

Again, the vegetation is planted/early successional in nature, displays levels of disturbance-tolerant and invasive species, and therefore demonstrates low quality. The woodland patch on-site is small and on the periphery of the ravine. It abuts current and future residential lands. The loss of the ±0.01 ha of canopy area will not result in a negative impact on the greater natural heritage features of the surrounding lands. As a result, we do not see the need for additional protection/mitigation measures.

In addition, the intended land use for Proposed Lot D, which contains the ±12 m wide strip of “Significant Woodland” feature on-site, includes conveying the lands to the Municipality and

future use as a stormwater management (SWM) block. Where possible, Low Impact Development (LID) techniques and other mitigation strategies should be implemented for the SWM design within this valley feature. Once the proposed site plan and SWM design are finalized, we can provide recommendations on native species plantings to incorporate into the final plans upon request.

Natural Hazard Lands

A tributary of Kettle Creek flows at the base of the wooded ravine west of Hawks Gate, which extends onto the subject lands. The lands surrounding the tributary and ravine are designated by the Municipality as Natural Hazard Lands (Schedule "E"; Figure 2).

According to Section 3.2.1 of the Municipality of Central Elgin OP (2023) Natural Hazard Lands policies,

"a) The Natural Hazards designation shown on the land use schedules identifies those lands which exhibit or potentially exhibit a hazardous condition due to their susceptibility to flooding, erosion, subsidence, slumping, inundation or the presence of steep slopes or other physical limitations."

In regards to site alteration within the Natural Hazard lands designation, the Municipal OP Section states,

"b) Development should be directed away from hazardous lands that are impacted by flooding and erosion hazards, where there is an unacceptable risk to public health and safety or of property damage, and to not create new or aggravate existing hazards.

c) Where the Natural Hazard designation is contained within, overlaps or is coincident with the limits of another land use designation, the uses permitted in the Natural Hazard designation shall be the same as those permitted in the underlying land use designation, subject to the policies of this Plan.

d) Within the Natural Hazard designation, no buildings, structures or additions thereto shall be permitted, with the exception of buildings or structures required for flood control, erosion control or other conservation purposes, without the approval of the Municipality and the conservation authority having jurisdiction in the area."

"g) Measures taken to address natural hazard conditions within a Natural Heritage designation shall be subject to the Natural Heritage policies as set out in Subsection 3.1 to this Plan. In this regard, the Municipality shall be satisfied that the proposed measures will have no negative impact on the identified features or their ecological or hydrologic functions."

Again, the lands within the Natural Hazard designation on-site lie within Proposed Lot D, where no development is proposed. These lands are proposed to be conveyed to the municipality and

used only for SWM. Again, we recommend LID techniques and other mitigation strategies be utilized in the SWM design to be completed during the site plan stage of this application, and the Geotechnical experts will address hazard concerns and mitigations.

CONCLUSION

Natural Heritage policy direction within the Municipality of Central Elgin Official Plan (2023) directs that the test of “*no negative impact to the natural heritage features and/or their ecological functions*” (OP Section 3.1.1) be satisfied in order to permit development and site alteration in these areas. The woodlands on-site are small (± 12 m in width), planted/early successional in nature, demonstrate low quality, and do not facilitate connection to the larger wooded ravine feature west of Hawks Gate. Because they contribute little to the greater Natural Heritage of the area, their removal will not result in any significant impact on the functions of the remaining surrounding natural heritage.

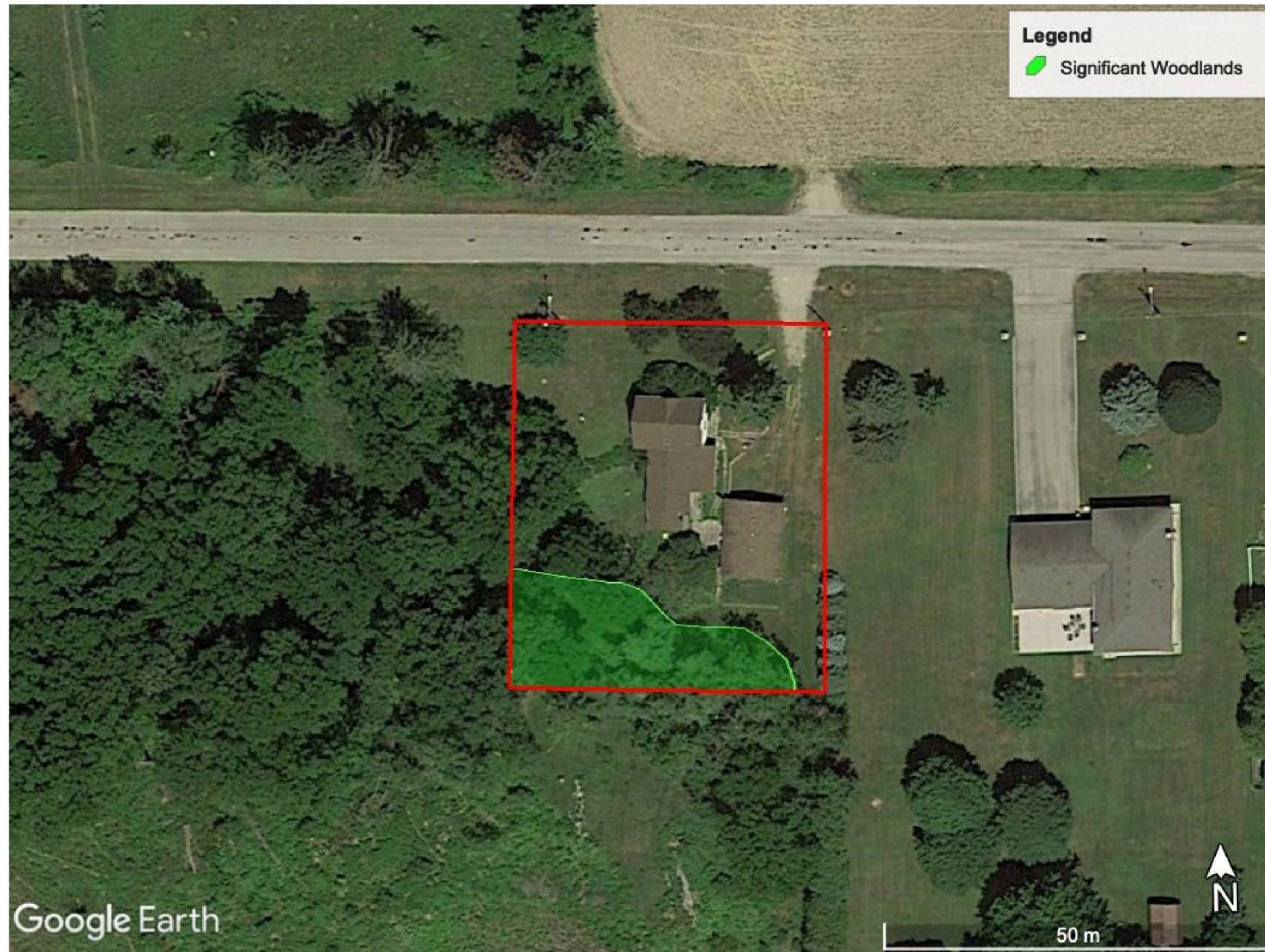
Again, it is our opinion that the proposed rezoning, severance and future residential use of the subject lands will not negatively impact the on-site/surrounding natural heritage features or their ecological functions.

Shae-Lynn Dehens, B.Sc.

Shae-Lynn Dehens

Paige Vroom, M.Sc. (Aquatic)

Paige Vroom

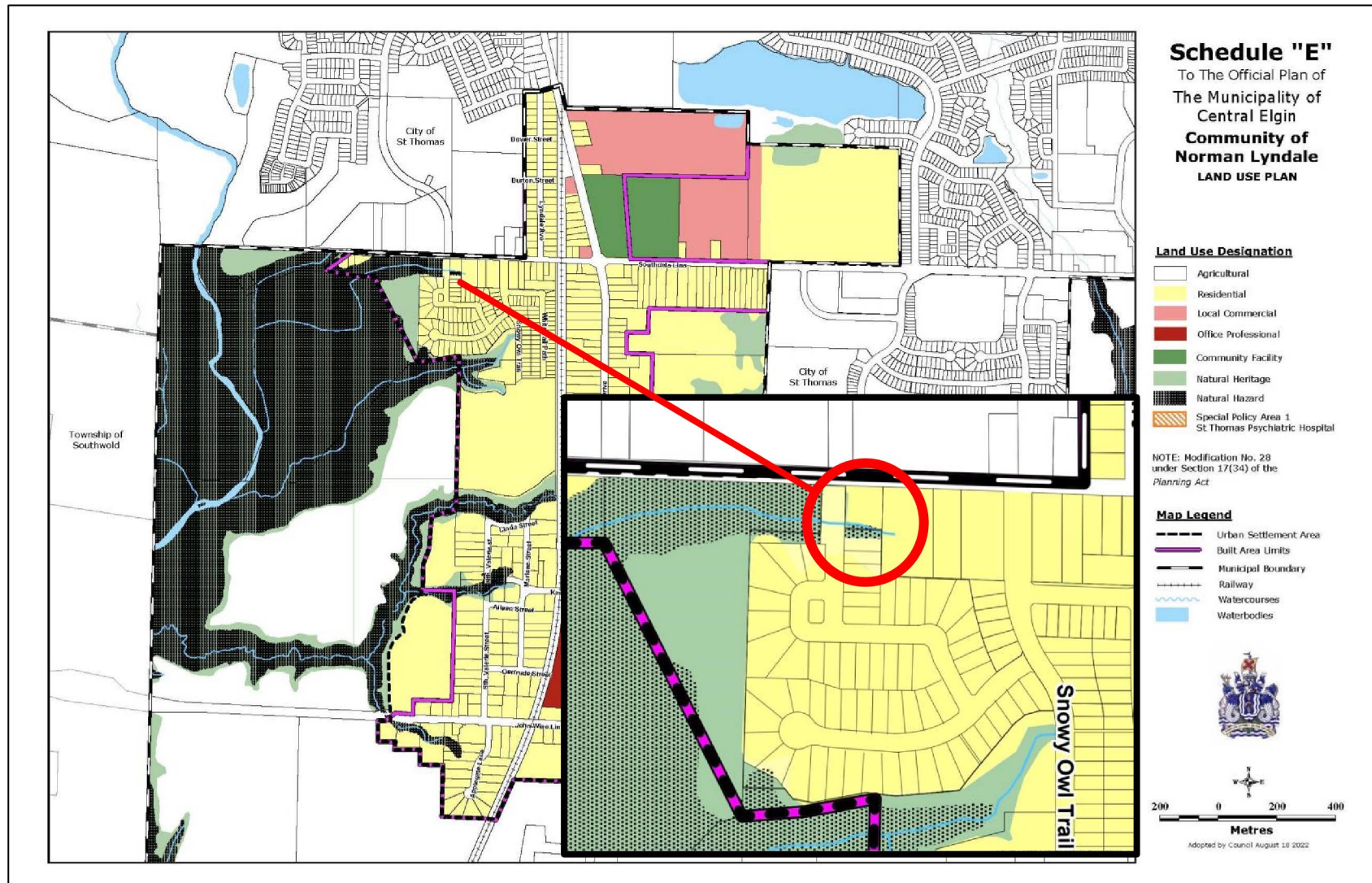


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Figure 1: Specific Site Location
 (Red = Legal Parcel, Green = Significant Woodlands)

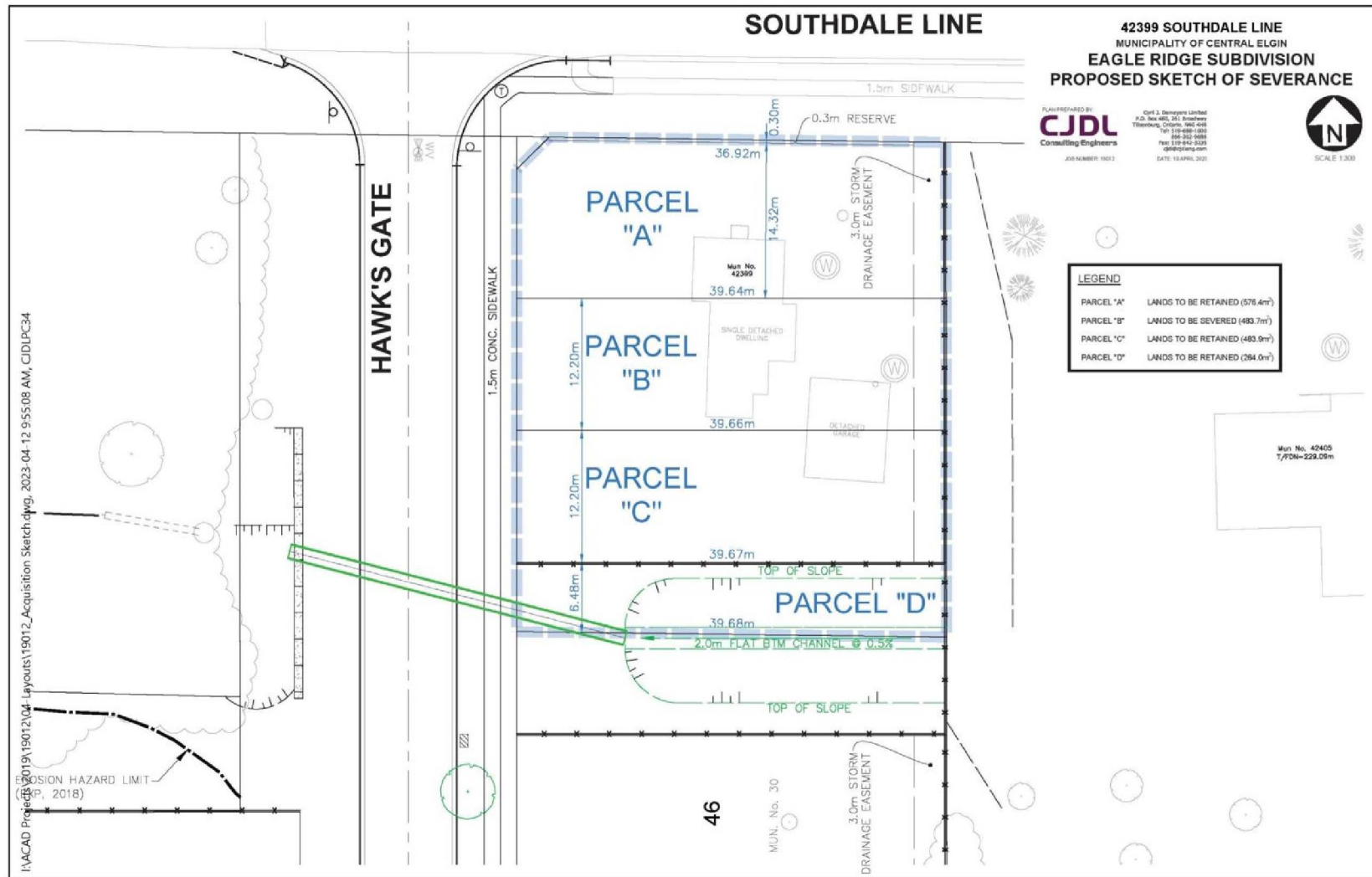


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Figure 2: Municipality of Central Elgin Official Plan
(2023), Schedule "E" Community of Norman Lyndale
Land Use Plan



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Figure 3: CJDL Eagle Ridge Subdivisions Proposed Sketch of Severance