

DRAFT PLAN OF SUBDIVISION - ZONING BY-LAW AMENDMENT

3849 CAMPBELL STREET NORTH, file 39T-23502/Z-9614

EIS by MTE dated April 24, 2023 Reviewed by ECAC members S. Evans and S. Levin, Sept 29, 2023

ECAC also reviewed the file planner's memo of August 25, 2023 as well as the minutes to the June 12, 2022 Proposal Meeting

KEY COMMENTS:

The EIS states that the entire patch has not been studied, but then concludes that development with minimal buffering will not negatively affect the Significant Woodland. This is quite a questionable conclusion.

ECAC agrees with the file planner's memo:

- that a site visit with City and other agency staff should take place to delineate and observe the natural features (particularly the "wet area" noted in the EIS that is located outside the study area but in the feature)
- that the proposed buffers of the feature (Patch 10070) as proposed in the EIS are inconsistent with Section 5.3 of the Environmental Management Guidelines and insufficient support (which seems solely based on the smaller buffer from the road) for a reduction in the width is provided in the EIS
- that the buffer be zoned OS5 (and designated Green Space) and included within a block in the Draft Plan

ADDITIONAL COMMENTS AND RECOMMENDATIONS:

ECAC also notes the EIS position regarding an SLSR on page 2 that:

"The Scoping Checklist was drafted but never finalized as there was no agreement on the need for a separate SLSR. It is MTE's understanding that no separate SLRS is required given the area has been studied with updated land use designations guided by the London Plan and Southwest Area Plan (SWAP)."

However, Patch 10070 was not studied during SWAP. As highlighted below, the "Draft" Southwest Area Plan – Natural Heritage Study" by AECOM, dated March 12, 2010 clearly noted on page 26 and 27 that landowner permission was not granted for AECOM to study the feature (section highlighted by ECAC).

2.6.1.2 Lambeth Area

*The Lambeth Planning Area occupies a total of 696.26 hectares within our study area. It is located south of the Talbot Planning Area, bordered to the north by patch No.10069, to the east by Bostwick Rd and Dingman Creek to the south and west. There are three unevaluated patches designated on Schedule A of the Official Plan within the Lambeth Planning area making up a total of 91.52 ha of forested area. This represents approximately 13.14% of forested land within the Lambeth Planning area. They are identified as patches No. 10051, No. 10070, and No. 10075, on the Candidate Environmentally Significant Areas and Subwatershed Features Map of the City's Official Plan. **Field investigations were completed for***

only patch No. 10075 as we did not obtain landowner approvals for patches No. 10051 or No. 10070. A portion of the Lower Dingman Corridor ESA occurs along the western boundary of the Lambeth Planning Area (patch no. 10003).

ALL OF PATCH 10070 is a SIGNIFICANT WOODLAND

ECAC is of the opinion that all of Patch 10070 is a Significant Woodland based on the presence of hydrological features within the feature. As noted in the following extracts from the 2010 AECOM work, when considered in its entirety, all of Patch 10070 meets the criteria (one High) for being designated as a Significant Woodland. The following information from pages 18, 26, and 27 of AECOM and air photos of the entire Patch, provide more complete information than the EIS, particularly page 13 which states:

“No surface water features have been identified within or adjacent to the Subject Lands to consider downstream fish habitat.”

AECOM page 18

“Anguish Drain conveys surface and possibly ground water from the area of woodland patch 10070 in a southwest direction to Dingman Creek. Property owner consent allowed field investigations to be conducted from Colonel Talbot Road to the Lower Dingman Corridor ESA on June 12 and 24, 2009. At the Colonel Talbot Road area, Anguish Drain flowed through landscaped residential properties. Mean wetted width was 1.2m and mean wetted depth was 0.15m with 90% flats and 10% riffles. The substrate in the flats was mainly silt and detritus and the riffles consisted mainly of small cobbles and gravels. Bank slumping is common and is likely due to lack of woody riparian plants and high seasonal and rain event flow variations. Watercress, skunk cabbage and cyprinids were observed throughout this area. According to UTRCA mapping, the upper reaches of Anguish Drain have an undetermined flow status. The middle reaches were reported to be intermittent and the lower reaches west of Colonel Talbot Road are permanent warmwater. Fish sampling by UTRCA from 2005 to 2009 at Colonel Talbot Road resulted in captures of creek chub and brook stickleback, two intermediately tolerant, coolwater species.”

This meets the Woodland Evaluation Guideline as High for the criterion “Presence of hydrological features within or contiguous with the patch.” (See page 3-4, 3-5 of the EMG 2021). This means all of Patch 10070 is a Significant Woodland.

AECOM pages 26 – 27

Patch No. 10070 - Patch No. 10070 is located within the western portion of the study area, east of Colonel Talbot Road & west of Bostwick Road near Anguish Drain and is approximately 18.4 hectares in size. It occupies approximately 2.64% of the total 13.14% of forested land within the Lambeth area. On November 25th 2009, roadside investigations were completed to compliment the desktop analysis. The canopy is at least 60% with edge species comprised of ash (*Fraxinus* sp), sugar maple, beech, and basswood with an average diameter at breast height (DBH) of 15-20 centimetres. The patch seemed to be fairly homogenous in composition with edge tree species having small driplines. Also apparent from recent aerial photography and visible from the road were two clear-cut areas (6.08 ha), creating areas susceptible to windthrow. These two areas however create an excellent opportunity for restoration within the patch. There also exists an opportunity to connect patches No. 10070 and No. 10069 via the agricultural field separating the two patches.

A desktop application of the City of London’s Woodland Evaluation Guidelines and ESA guidelines were conducted and resulted in patch No. 10070 as being a **significant** component of the natural heritage system. If development should occur within the vicinity of this patch a woodland evaluation using the City guidelines should be completed conducting appropriate field work to confirm results of the desktop application.

Coupled with the EIS conclusion for the “slice” of the Patch studied (EIS page 16 noted in italics in the next paragraph), further study is only required to delineate the entire Significant Woodland, not to determine whether or not it is significant.

EIS p. 16

“Significant Woodland Evaluation

Once the boundary is delineated, the patch can be evaluated for different significant natural heritage features. Based on the EMG Woodland Evaluation criteria (City of London, 2021), Community 1 (FOD5-2) in the east edge of Patch 10070 qualifies as a Significant Woodland because it is a mature wooded community and is within a Significant Groundwater Recharge Area (SGRA). Both of these characteristics give the woodland a ‘high’ score, qualifying the woodland as significant according to the EMGs (2021). Community 1 will be treated as a Significant Woodland in this EIS, but further study is needed to delineate and then evaluate the remainder of Patch 10070.”

BUFFERING

It was clearly noted in the June 10, 22 Proposal meeting:

“The EIS must be completed in accordance with provincial guidelines and standards, including the Provincial Policy Statement, Natural Heritage Reference Manual, the London Plan and the Environmental Management Guidelines, (EMG’s) (2021).”

A 30 m buffer is required. An exception, as contemplated in Section 5.3 of the EMGs has not been convincing. The buffer must be designated and zoned Green Space / OS5. The EIS states on page 18:

“This development proposal provides a buffer that ranges from 2 to 33m from the rear lot lines of the single-family lots, with an additional 6 metres of rear yard lawn before any hard surfaces.”

First off, in no way is a 2 m buffer (from figure 10 it appears the proposed buffers range from 1.6 m to a max of 26.5 in the south portion of the site) from the rear lot lines sufficient even where less than the minimum buffer is contemplated in the EMGs. Construction impacts are highly likely and as shown in the recent work done for the City by Dougan, the worst impacts of encroachment are within the first 10 m from a lot line (also found in many studies of developments in SW Ontario by McWilliam – see citation at end – and others). Secondly, to suggest that rear yards can function as buffer is not supportable as individual homeowners are never permanent and the success of “education” has been less than sterling.

RECOMMENDATION 1: The development proposal be changed to provide the buffering required under the EMG for a Significant Woodland.

ECAC does note positively, Recommendation 28 on page 23 of the EIS regarding the posting of educational signage.

RECOMMENDATION 2: The educational signage proposed in recommendation 28 must be included in the conditions of development and/or site plan approval.

ECAC agrees that fencing with no gates (as required by the City anyway) adjacent to the Significant Woodland is a given.

An invasive species management is a positive recommendation, ECAC wonders why the proponent is not managing invasive species in the rest of the Significant Woodland?

RECOMMENDATION 3: If the city can require invasive species management in all of Patch 10070 as part of the development agreement for this application, it should be included.

MONITORING PLAN

On page 24 of the EIS it is noted that:

“Encroachment into the adjacent Significant Woodland should be monitored for two years post-construction (e.g., litter present in natural features, informal trail creation, creation of fence gates, mowing/gardening in the buffer) and additional strategies should be implemented if required.”

ECAC believes that if the reduced buffering is accepted, that it is almost certain, based on Dougan’s recent work for the city, encroachment will affect the Significant Woodland. It is unclear what “additional strategies” can be implemented after habitation (rather than construction) that would reverse gates in fencing, mowing/gardening in the buffer (especially the proposed rear yard areas as “buffer”) and informal trail creation given the lack of a trail plan for the Significant Woodland. Nor is ECAC aware of any means by which the city can hold the proponent to remediate these issues.

RECOMMENDATION 4: if this part of the monitoring plan is accepted by the city, the trigger point be two years after assumption, not two years post-construction.

RECOMMENDATION 5: The cored areas of Patch 10070 must be designated Green Space and zoned OS5.

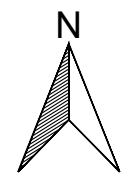
p.15 of EIS

“Community 2 is being maintained as agricultural croplands and is surrounded on all sides by deciduous forest in Patch 10070. However, it is larger than 1ha and therefore does not technically qualify for patch inclusion. Community 2 should be more fully evaluated if any future development is proposed adjacent to this section of Patch 10070.”

ECAC does not recall that the sections of 10070 that were cored illegally were permitted to be used for agricultural. Although outside the true scope of the development application, to allow development to take place where illegal clearing took place is to reward bad behaviour and must not be permitted. The current land owner knows the history of the site.

McWilliam, Eagles, Seasons and Brown, *Arboriculture & Urban Forestry* 2010. 36(6): 253-260

ELC NUMBER	ELC CODE	Description
1	FOD5-2	Dry-Fresh Sugar Maple-Beech Deciduous Forest (2.03ha)
2		Agricultural - includes W (0.56ha)
3	SWD4-1	Willow Mineral Deciduous Swamp Type
AG		Agricultural (6.26ha)
W		Wet Depression - seasonal (0.08ha)



LEGEND

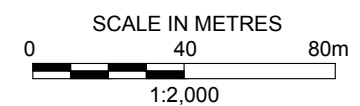
- SUBJECT LANDS
- STUDY AREA (120m around Subject Site)
- LIMIT OF DEVELOPMENT
- PERMANENT FENCE
- ① VEGETATION COMMUNITY
- VEGETATION COMMUNITY (Wet Depression Inclusion Area)
- EAST PATCH 10070 DELINEATED BOUNDARY
- SIGNIFICANT WOODLAND
- NATURALIZED BUFFER

REFERENCES

CITY OF 2021 LONDON PARCEL AND AERIAL IMAGERY, OPEN DATA SET; AND STANTECT DRAFT PLAN OF SUBDIVISION, PROJECT No. 161403241, DRAWING No. 1, MARCH 9 - 2023.

NOTES

THIS FIGURE IS SCHEMATIC ONLY AND TO BE READ IN CONJUNCTION WITH ACCOMPANYING TEXT.
 ALL LOCATIONS ARE APPROXIMATE.

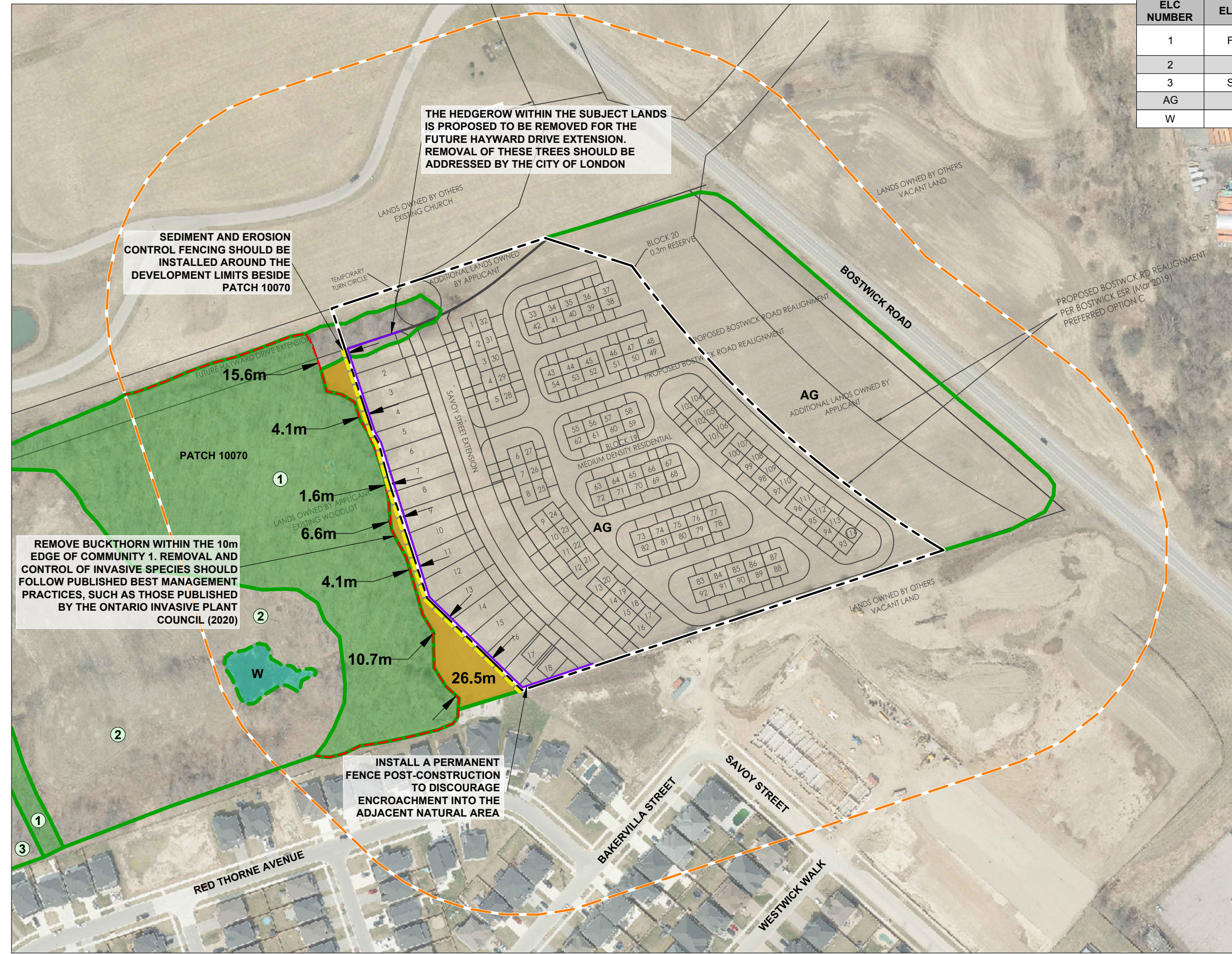


PROJECT
 ENVIRONMENTAL IMPACT STUDY
 COLONEL TALBOT SUBDIVISION EAST
 (HEALTHWOODS EAST)
 LONDON, ONTARIO

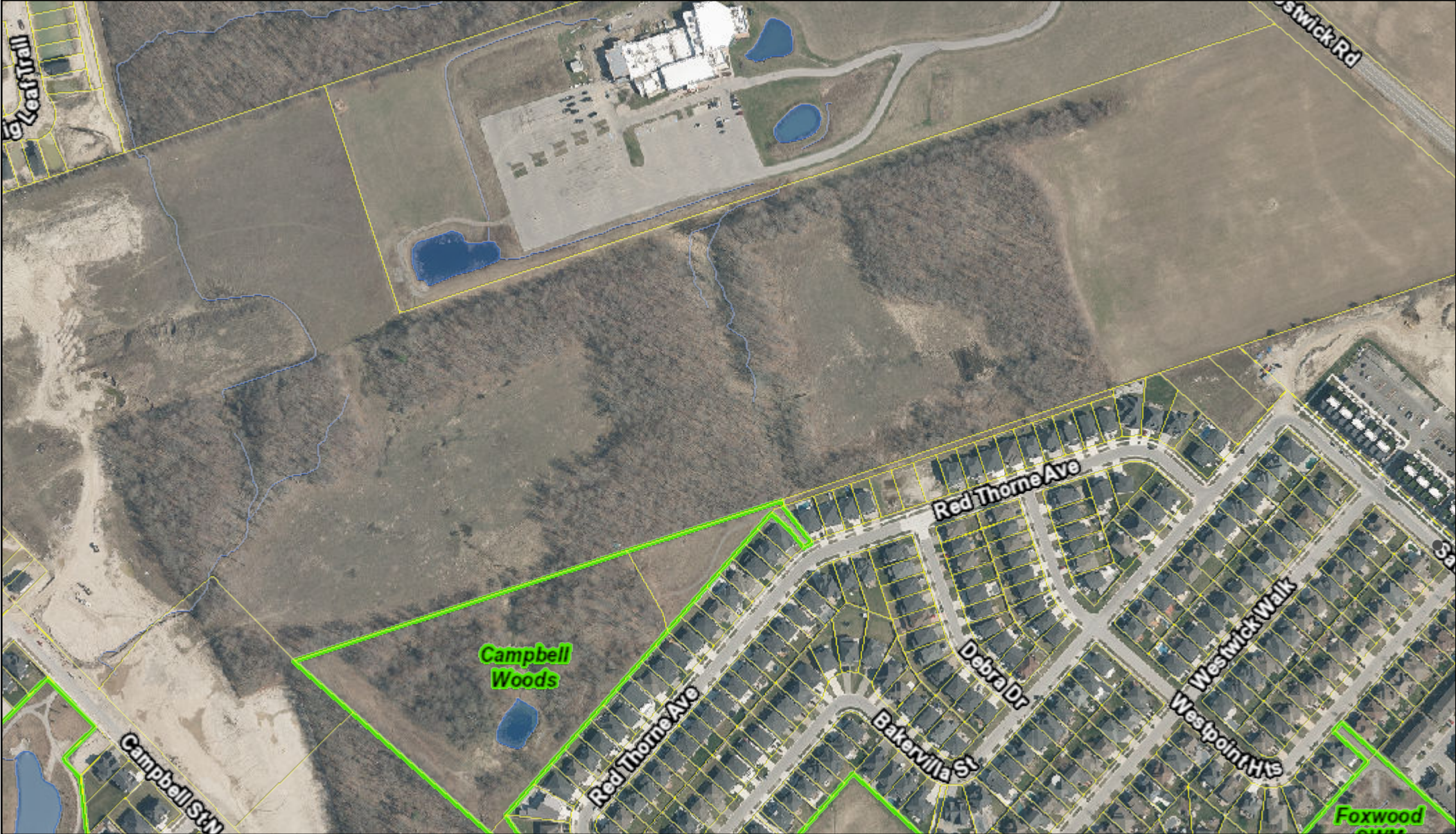
TITLE
 MITIGATION MEASURES

Drawn	DCH	Scale	AS SHOWN
Checked		Project No.	45761-102
Date	Mar 22/23	Rev No.	0

FIGURE 10



London City Map



2023-10-03, 1:48:37 p.m.

