

Environmental and Ecological Planning Advisory Committee

Report

The 2nd Meeting on the Environmental and Ecological Planning Advisory Committee
February 20, 2020
Committee Rooms #1 and #2

Attendance PRESENT: S. Levin (Chair), E. Arellano, I. Arturo, A. Bilson-Darko, A. Cleaver, S. Esan, P. Ferguson, L. Grieves, S. Hall, S. Heuchan, B. Krichker, I. Mohamed, S. Sivakumar, R. Trudeau and M. Wallace and H. Lysynski (Clerk)

ALSO PRESENT: M. Fabro, S. Hudson, J. MacKay, L. McDougall and B. Verscheure

ABSENT: L. Banks, A. Boyer, R. Doyle, J. Khan, K. Moser, B. Samuels and I. Whiteside

The meeting was called to order at 5:01 PM

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that M. Wallace disclosed a pecuniary interest in clause 4.1, having to do with the Working Group comments relating to the properties located at 7098 and 7118 Kilbourne Road, by indicating that the proponent of the application is a member of the London Development Institute, his employer.

2. Scheduled Items

None.

3. Consent

3.1 1st Report of the Environmental and Ecological Planning Advisory Committee

That it BE NOTED that the 1st Report of the Environmental and Ecological Planning Advisory Committee, from its meeting held on January 16, 2020, was received.

3.2 Municipal Council resolution adopted at its meeting held on January 28, 2020, with respect to the 1st and 2nd Reports of Animal Welfare Advisory Committee

That it BE NOTED that the Municipal Council resolution adopted at its meeting held on January 28, 2020, with respect to the 1st and 2nd Reports of the Animal Welfare Advisory Committee, were received.

3.3 Letter of Resignation - C. Dyck

That it BE NOTED that the resignation of C. Dyck was received with regret.

4. Sub-Committees and Working Groups

4.1 7098 and 7118 Kilbourne Road

That the attached Kilbourne Road Working Group comments BE FORWARDED to the Civic Administration for consideration.

5. Items for Discussion

5.1 Proposed Amendments to the Dog Brochure

That the attached, revised, "You, Your Dog and Nature" brochure BE APPROVED; it being noted that a previous version of the brochure was approved by the Municipal Council in 2019.

5.2 Attendance at Go Wild Grow Wild Event - April 18, 2020

That the Animal Welfare Advisory Committee BE ADVISED that A. Cleaver and S. Sivakumar will be in attendance for the 2020 Go Wild Grow Wild event.

5.3 (ADDED) 2019 Work Plan

That, the attached, revised, 2020 Environmental and Ecological Planning Advisory Committee Work Plan BE FORWARDED to the Municipal Council for consideration; it being noted that the proposed attached. "London's Bird Friendly Skies" brochure, related to a Work Plan item, was provided at the meeting.

6. Adjournment

The meeting adjourned at 5:52 PM.

7098 & 7118 Kilbourne Road –

<http://www.london.ca/business/Planning-Development/land-use-applications/Pages/39CD-19518.aspx>

Review of EIS, Geotechnical and Hydrogeological Reports, and Stormwater Management Plan

Received at EEPAC at its January 16, 2020 meeting and reported to its February 20, 2020 meeting

Reviewed by B. Krichker, P.Eng., S. Levin, I. Whiteside

Recommendation 1: EEPAC recommends the City not accept the EIS.

RATIONALE

EEPAC points out that in the Environmental Management Guidelines, p. 122, a minimum 10 m buffer from valleylands in a topographically well-defined site is recommended. The submitted material confirms that the site meets this condition. However, none of the reports define where the valleyland ends. Nor do the reports identify any ecological buffer.

The EIS states on page 24, “The ESA should be delineated by the erosion hazard setback or the forest community (Vegetation Community 2 FOD 7), whichever is greater.” However, EEPAC notes the EIS does not use the boundary delineation process as required in the Official Plan 15.3.6.ii – as such, the EIS is incomplete.

*15.3.6(ii) The location, width, composition and use of ecological buffers necessary to protect natural heritage areas from the impacts of development on adjacent lands will be specified through application of the Council approved Guidelines for Determining Setbacks and Ecological buffers as part of a secondary plan and/or an environmental impact study.
(Clause ii) amended by OPA 438 Dec. 17/09)*

EEPAC also feels the EIS is incomplete as it leaves the monitoring plan to the detail design phase (page 29). It also lacks a fall flora inventory – the data collection date indicated in the report is not fall.

An additional reason for a consistent min 10 m setback from top of slope is because grading will need to be very sensitive to the top of slope and erosion hazard. It is unclear how some of the “backyards” of the proposed units can be graded during construction without encroaching into the proposed set back. Grading changes risk the loss of slope stability. It is also unclear to EEPAC, without a grading plan, where grading would take place. Given the number of trees in the “backyards” of units (particularly 5-9), it is unclear to us which dripline is proposed as the limit of grading. For example, to build Unit 4, there appears to be a complete removal of trees, **and these are trees connected to the ESA.**

Recommendation 2: There should be no permanent infrastructure, including pavement, beyond the setback from the top of the stable slope as grade changes risk the loss of slope stability.

RATIONALE

EEPAC notes a retainable butternut tree (protected as an endangered species) is within the proposed “backyard” of Unit 10. The trees at the “back” of the proposed unit 10 must be retained as this will clearly keep grading outside the 25 m radius of the butternut. Under the Endangered Species Act, to

protect the tree's current and future rooting area, no change should occur to the site (e.g. fill, compaction or excavation) within 25 metres of the tree. This information must be communicated to the proponent's contractors in writing to avoid contravention of the Act.

Recommendation 3: EEPAC supports the idea of the condominium corporation retaining the ESA lands as common area subject to the following conditions:

- The corporation allow the city bikeway to use the private road
- The proposed Natural Heritage Condominium Declaration (recommendation 8 on page 26 of the EIS) be a condition of approvals and part of the legal condominium documents. It must include the requirement that the corporation and owners work with a City Ecologist and EEPAC on a management and stewardship plan within 6 months of the first occupancy (instead of Recommendation 23 on page 28).
- This should be expressed in the rezoning recommendation from staff that the OS5 zone including a special provision deleting multi use pathways as a permitted use.

Another reason for this is that the post construction water balance calculation result is less than 80% of existing conditions. Additional non permeable surface would bring this down even further.

Recommendation 4: The City needs to ensure that prior to final approvals, the developer/ consultant will confirm that the water balance for the subject site under the post development condition will meet the pre development conditions;

RATIONALE

EEPAC is concerned with the comment on page 25 of the EIS under Water Balance and Seeps which states "It is not expected that basements will impact the groundwater flow on site (Englobe, 2019). The basements of the proposed development are approximately 2.44m below ground surface. The minimum depth of the groundwater measured on site is below this level and was measured at 2.69 m below ground level at its shallowest. Given the difference is 1 foot, EEPAC is not sure how the basements will be created without dewatering. Where the water will be directed during construction must be away from the ESA.

Recommendation 5: EEPAC recommends no basements

RATIONALE

While EEPAC agrees with recommendation 4 (page 26 of the EIS) regarding hydrogeological monitoring of the seepage areas post construction to check on groundwater flow, there is no consequence indicated if groundwater flow has been interrupted. If compensatory mitigation is required, post construction, EEPAC is unaware of how it would be provided by the proponent. Avoidance, thru abundance of caution is recommended. Hence EEPAC recommends no basements.

Recommendation 6: EEPAC supports the recommendation that the condo corporation limit its use of salt as the groundwater already exceeds salt minimums. However, we are unclear how such a recommendation can be enforced.

Recommendation 7:

Elevations in the final engineering drawings must show that stormwater beyond the 2 year storm will be discharged to either the pond to the north or the private road and not into the ESA. **(EEPAC also notes that the rainfall data used by the hydrogeology consultant stops at 2010.)**

Based on the information provided in this report, incorporating UDCSS SWM storage criteria and a very small development area, it appears the presented SWM design is adequate.

Recommendation 8: An ecologist must visit the site at least once a week to determine if the recommended grading, water taking and erosion and silt controls are functioning. Each visit must be on an unscheduled basis and reported to Development Service and the UTRCA. The contractor must inspect sediment and erosion control measures daily as per Recommendation 17 of the EIS. Further, the removal of this fencing noted in Recommendation 19, should not take place until Development Services has confirmed revegetation and site stabilization has taken place. However, the Recommendation does not provide clarity as to who determines when “adequate re-vegetation and site stabilization has occurred.” (page 28).

Recommendation 9: Prior to approvals there must be clarity as to what defines adequate re-vegetation and site stabilization.

Recommendation 10: EEPAC notes very large trees will be lost – compensatory mitigation as per the London Plan must be required. Cavity trees must be retained or bat boxes (approved by a City Ecologist) substituted (as indicated in Recommendation 13 of the EIS on page 27).

Recommendation 11: Recommendation 22 on page 28 should be reworded to say “All stormwater must be temporarily (we assume this means during construction) directed away from the natural heritage feature through a system of swales, ...”

Recommendation 12: Given the location adjacent to an ESA, EEPAC recommends the development conform to the Canadian Standards Association (CSA) A460:19, *Bird-friendly building design*.

Although not a requirement of the proponent, EEPAC urges City Council to direct staff to begin the Lower Dingman ESA Conservation Master Plan.

Misc

EEPAC repeats its concern that consultants are permitted to use different map scales even when showing similar material. For example, Figure 9 vs Figures 10 and 11.



You, Your Dog, & Nature in London



A guide to help you and
your dog enjoy and protect
nature in London

**Your dog must be on a
leash (max. 1.8m/6ft)
at all times.**

Parks and Recreation Area By-law PR-2
Dog Licensing and Control By-law PH-4

Natural areas, including **Environmentally Significant Areas (ESAs)**

**need to be protected by
minimizing human and pet
disturbance.**

For the safety of wildlife, visitors and your pet:

-  Keep your dog on a leash at all times.
-  Stay on marked trails.
-  Dispose of all pet waste in garbage bins or carry it out.
-  Be aware of dangers such as vehicles, other animals, ill-willed individuals, traps and snares, toxic products, algae blooms, poisons, sick animals, parasites, rabies, distemper and other diseases.

Wild Animals

A wide variety of mammals, birds, reptiles, and amphibians call our urban neighbourhoods and ESA's home. Almost all conflict situations between wildlife and dogs occur when dogs are off-leash.

Off leash dogs may injure, orphan or separate wildlife offspring from their family.

The mere presence of your dog can disrupt the feeding, foraging, mating, denning, and nesting of rare and endangered birds and animals.

Wildlife expend vital energy reserved for survival when chased by dogs.

Birds of prey may perceive small dogs as a potential food source.



Coyotes and other wildlife are highly protective of family members and perceive dogs as a threat, especially near nesting/den sites or established territory.

Coyotes may 'escort' or 'shadow' a dog walker out of an area when coyote pups or a den are nearby.

Plants

Off-leash dogs run, roll and dig in natural areas, damaging and destroying rare and endangered plant species. Many plants can cause seriously harm or kill your dog. Some include:

Poison Oak Poison Ivy
Poison Sumac Giant Hogweed



Safety Tips

Always obey by-laws or ordinances that apply to wild spaces you visit.

Be aware of the wildlife in areas where you walk your pets.



Keep a respectful distance from wildlife.

Never feed wildlife; this includes indirect feeding, such as leaving food waste in wild spaces. Feeding wildlife disrupts natural foraging behaviors and encourages unnatural proximity and tolerance to people.

If a coyote is nearby, small dogs can be lifted and carried for safety. Do not run; leave the area slowly, keeping your dog close to you.

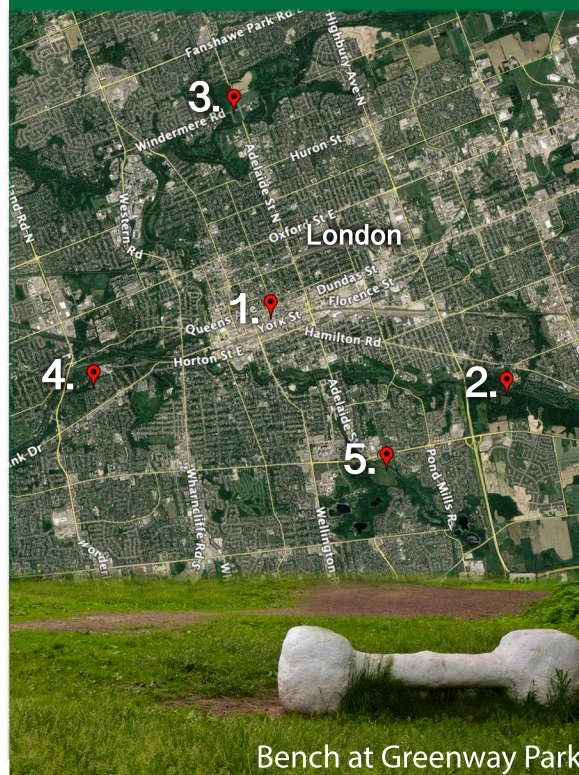
Ticks & Lyme Disease

There is a possibility that your dog may encounter infected ticks in almost all wooded or brushy areas in Ontario, including London.



There are 5 off-leash dog parks in London:

1. Campbell Memorial Park
2. Pottersburg Park
3. Stoney Creek Park
4. Greenway Park
5. Caesar Park



Need More Information?

City of London
519-661-2489
www.london.ca



Coyotes In
The City of London
www.london.ca/coyotes

London
CANADA

City Planning
Feeding of Wildlife Regulations
Public Nuisance By-law PH-18

Middlesex London Health Unit
519-663-5317
www.healthunit.com/lyme-disease

Upper Thames River
Conservation Authority
519-451-2800 ext. 281
www.thamesriver.on.ca

London Animal Care Centre
(PH-4 By-law Enforcement)
519-685-1330
www.accpets.ca

London Dog Owners' Association
www.ldoa.ca

London Humane
Society
519-451-0630



Prepared by the
Environmental and Ecological
Planning Advisory (EEPAC) and the
Animal Welfare Advisory Committee
(AWAC) of the City of London, and
with support from the London Dog
Owners' Association. ©2019

Advisory Committee Work Plan – 2020

March 2020

Activity	Background	Responsibility	Timeline	Strategic Plan Alignment
Environmental Management Guidelines	This document was created in 2007. Work has started on an updated version.	EEPAC will work with staff and the consultant and in cooperation with other stakeholders	staff have a goal to present the new version to PEC in 2020	Building a Sustainable City
Protecting Environmentally Significant Areas	Communicating why it is important that dogs are controlled in and around Environmentally Significant Areas (cats kept indoors, dogs on leash) with the assistance of Corporate Communications; EEPAC has worked with AWAC on an improved Dog Brochure	EEPAC	present updated brochure to PEC 2 and to distribute brochure	Building a Sustainable City
Collaboration with other Advisory Committees	Ongoing work with the Accessibility Advisory Committee to improve the process for accessible trails in ESAs	Chair and vice chair and Committee as a whole	As this involves staff, a timeline will be developed	Building a Sustainable City Strengthening our Community Leading in Public Service
Review of Environmental Impact Studies and Environmental Assessments submissions as part of Planning application and the <i>Environmental Assessment Act</i>	EEPAC is circulated and asked to review consultant submissions and provide input to City staff. In cases of significant disagreement, EEPAC advises PEC	Working Groups as required	As required, usually provide turnout in one meeting cycle	Building a Sustainable City

Conservation Master Plans for Environmentally Significant Areas	Review Phase 1 Natural Heritage Inventory, participate in Phase 2	Working Groups and Committee	Depends on timing of information from staff. Currently have reviewed the Phase 1 Inventory for Meadowlily Woods Environmentally Significant Areas	Building a Sustainable City
Trail Advisory Group	EEPAC has a representative on this staff directed group. It reviews trail locations and potential new trails for compatibility with the Significant Wildlife Habitat, if any, in the area. Recent examples including Westminster Ponds/Pond Mills ESA, Medway Valley Heritage Forest ESA, Lower Dingman ESA.	Representative or alternative	As determined by staff	Building a Sustainable City Strengthening our Community
Wetland Relocation, Monitoring and Creation and Relocation of Wildlife	A Working Group has been established to do research on matters pertaining to wetland relocation. This has occurred in one location in the NW and is likely to be considered for the SW. There are no existing guidelines for this and how it should be included in development agreements.	R. Trudeau, S. Sivakumar, P. Ferguson	Have asked for it to be included in the updated EMG	Building a Sustainable City
Continue working with Staff and other stakeholders to implement London's Bird Friendly Skies	The City of London's Advisory Committee on the Environment (ACE), Environment and Ecological Protection Advisory Committee (EEPAC), and Animal Welfare Advisory Committee (AWAC), encourage efforts to create bird friendly communities through reduced light pollution and increased dark skies.	EEPAC/Staff	Ongoing	Building a Sustainable City



We can all work together to create a safer and more environmentally friendly experience for migrating birds.

Limiting our light at night, and transitioning to window treatments that stop birds from flying into buildings not only protects them, but cuts back on energy costs.

Did you know?

- 25 million birds die in Canada from crashing into windows each year.
- There are at least 23 bird species at risk that collide with buildings in Canada.
- In 2019, scientists reported a 29% decrease in birds since 1970.
- Visit birdsafeca.com for tips to protect birds at your home and office.

Source: FLAP Canada

london.ca/birdfriendly

London's Bird Friendly Skies

**Save Energy.
Save Birds.**



London
CANADA

Why does it matter?



Light pollution impacts the behaviour of animals, fish and bugs, which impacts ecological health locally and nationally.

Reducing wasted lighting energy is an easy and crucial way for the City of London to reduce its carbon footprint, lessen light pollution and save money.

Other Ontario municipalities have implemented outdoor lighting ordinances to save energy costs and to preserve local bird species with positive results, and now London is doing the same.

The City of London's Advisory Committee on the Environment (ACE), Environment and Ecological Protection Advisory Committee (EEPAC), and Animal Welfare Advisory Committee (AWAC), encourage efforts to create bird friendly communities through reduced light pollution and increased dark skies.

Bird friendly skies help to:



- Preserve local bird species
- Reduce the number of birds colliding with buildings
- Conserve your home or office's energy
- Redirect light more effectively away from skies and reduces light pollution

Help take Climate Action



In 2019, London City Council declared a Climate Emergency. Adapting to a changing climate requires taking action to protect our natural, built and social environments. The climate emergency is a call to action to combat and reduce greenhouse gas emissions and our impact on the environment.



New Lighting Design Criteria:

Through recent changes to the Site Plan Control By-law, development requiring Site Plan Approval (commercial and multi-family residential) are required to design and construct developments to do the following:

Direct lighting towards the area requiring illumination to reduce skyglow and light pollution which creates bird-friendly development

Provide full cut-off and have zero up lighting



For questions on the new lighting criteria for Site Plan contact **Development Services** (519) 661-3500 DevelopmentService@london.ca