

Request for Decision

Vale Canada Ltd. - Applications for rezoning and subdivision approval in order to create a plan of subdivision with 22 lots and 2 blocks for public purposes, with the remainder of the lands to be rezoned “OSC”, Open Space Conservation and “R1-5”, Low Density Residential One, O’Neil Drive, Garson

Presented To:	Planning Committee
Presented:	Monday, Dec 11, 2017
Report Date	Monday, Nov 20, 2017
Type:	Public Hearings
File Number:	751-3/17-4 & 780-3/17002

Resolution

Resolution regarding the Rezoning Application:

THAT the City of Greater Sudbury approves the application by Vale Canada Ltd. to amend Zoning By-law 2010-100Z by changing the zoning classification from "FD", Future Development to "R1-5", Low Density Residential One, "P", Park and "OSC", Open Space Conservation on lands described as Part of PINs 73495-0581 & 73495-1307, Parts 1 to 6, Plan 53R-20738 in Lots 6 & 7, Concession 2, Township of Garson, as outlined in the report entitled “Vale Canada Ltd.”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of December 11, 2017 subject to the following conditions:

1. That the owner provide the Development Approvals Section with a registered survey plan outlining the lands to be rezoned to enable the preparation of an amending zoning by-law.
2. That the lands comprising the draft plan of subdivision be rezoned as follows:
 - i) Lots 1 to 22 be zoned as “R1-5”, Low Density Residential One;
 - ii) Block 23 be zoned as “OSC”, Open Space Conservation; and,
 - iii) Block 24 be zoned as “P”, Park;
3. That the remainder of the lands be rezoned as follows:
 - i) The northerly remainder identified as All of Parts 1, 4 & 5 and Part of Parts 2, 3 & 6, Plan 53R-20738 be zoned as “OSC”, Open Space Conservation;
 - ii) The southerly remainder identified as Part of Part 6, Plan 53R-20738 be zoned as “R1-5”, Low Density

Signed By

Report Prepared By

Mauro Manzon
Senior Planner
Digitally Signed Nov 20, 17

Manager Review

Eric Taylor
Manager of Development Approvals
Digitally Signed Nov 20, 17

Recommended by the Division

Jason Ferrigan
Director of Planning Services
Digitally Signed Nov 20, 17

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed Nov 22, 17

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed Nov 22, 17

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
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Residential One.

4. Conditional approval shall lapse on December 12, 2019 unless condition #1 above has been met or an extension has been granted by Council.

Resolution regarding the Draft Plan of Subdivision:

THAT the City of Greater Sudbury's delegated official be directed to issue the draft approval for the subject plan of subdivision not sooner than fourteen (14) days following the date of the public meeting in accordance with the requirements of Section 51 (20) of the Planning Act from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of December 11, 2017 subject to the following conditions:

1. That this draft approval applies to the draft plan of subdivision of Part of PINs 73495-0581 & 73495-1307 in Lots 6 & 7, Concession 2, Township of Garson as shown on a plan of subdivision prepared by Terry Del Bosco, O.L.S., and dated February 27, 2017.

2. Final approval for registration may be issued in phases to the satisfaction of the Director of Planning Services, provided that:

i. Phasing is proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure and other essential services; and

ii. All agencies agree to registration by phases and provide clearances, as required, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.

3. That the owner shall have completed all major outstanding infrastructure deficiencies that are critical to the overall function of the subdivision in previous phases of the plan that have been registered, or have made arrangements for their completion, prior to registering a new phase of the plan, to the satisfaction of the General Manager of Growth and Infrastructure.

4. That the street(s) shall be named to the satisfaction of the Municipality.

5. That any dead-ends or open sides of road allowances created by this plan of subdivision shall be terminated in 0.3 metre reserves, to be conveyed to the Municipality and held in trust by the Municipality until required for future road allowances or the development of adjacent land. 6. That prior to the signing of the final plan, the Planning Services Division shall be advised by the Ontario Land Surveyor responsible for preparation of the final plan, that the lot areas, frontages and depths appearing on the final plan do not violate the requirements of the Restricted Area By-laws of the Municipality in effect at the time such plan is presented for approval.

6. That the subdivision agreement be registered by the Municipality against the land to which it applies, prior to any encumbrances.

7. That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.

8. That the owner agrees in writing to satisfy all the requirements, financial and otherwise, of the City of Greater Sudbury, concerning the provision of roads, walkways, street lighting, sanitary sewers, watermains, storm sewers and surface drainage facilities.

9. That the subdivision agreement contain provisions whereby the owner agrees that all the requirements of the subdivision agreement including installation of required services be completed within three (3) years after registration.

10. That this draft approval shall lapse three (3) years from date of draft plan approval.

11. The final plan shall be integrated with the City of Greater Sudbury Control Network to the satisfaction of the Coordinator of the Surveying and Mapping Services. The survey shall be referenced to NAD83(CSRS) with grid coordinates expressed in UTM Zone 17 projection and connected to two (2) nearby City of Greater Sudbury Control Network monuments. The survey plan must be submitted in an AutoCAD compatible digital format. The submission shall be the final plan in content, form and format and properly geo-referenced.

12. That 5% of the land included in the plan of subdivision be dedicated to the City for parks purposes to the satisfaction of the City Solicitor in accordance with Section 51.1 (1) of the Planning Act.

13. The property will require a subdivision agreement and during that process, based on anticipated quantities of removal of rock through blasting, the following conditions will be imposed:

a) The developer will be required to provide a geotechnical report on how the work related to blasting shall be undertaken safely to protect adjoining structures and other infrastructure. The geotechnical report shall be undertaken by a blasting consultant defined as a professional engineer licensed in the Province of Ontario with a minimum of five (5) years experience related to blasting.

b) The blasting consultant shall be retained by the developer and shall be independent of the contractor and any subcontractor doing blasting work. The blasting consultant shall be required to complete specified monitoring recommended in a report of vibration levels and provide a report detailing those recorded vibration levels. Copies of the recorded ground vibration documents shall be provided to the contractor and contract administration weekly or upon request for this specific project.

c) The geotechnical report will provide recommendations and specifications on the following activity as a minimum but not limited to:

i) Pre-blast survey of surface structures and infrastructure within affected area;

ii) Trial blast activities;

iii) Procedures during blasting;

iv) Procedures for addressing blasting damage complaints;

v) Blast notification mechanism to adjoining residences;

vi) Structural stability of exposed rock faces. d) The above report shall be submitted for review to the satisfaction of the Chief Building Official prior to the commencement of any removal of rock by blasting.

e) Should the developer's schedule require to commence blasting and rock removal prior to the subdivision agreement having been signed, a site alteration permit shall be required under the City of Greater Sudbury's By-law #2009-170 and shall require a similar geotechnical report as a minimum prior to its issuance.

14. A soils report prepared by a qualified geotechnical professional shall be submitted for review to the satisfaction of the Chief Building Official, documenting construction parameters for residential structures such as soil bearing capacity, frost cover for foundations, and groundwater table characteristics effecting sub-soil foundation drainage and sump pump design.

15. The owner shall complete to the satisfaction of the Director of Planning Services of the City of Greater Sudbury and Canada Post:

a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:

i) That the home/business mail delivered will be from a designated Community Mail Box.

ii) That the developers/owners be responsible for officially notifying the purchasers of the Community Mail Box locations prior to the closing on any home sales.

b) The owner further agrees to:

i) Install concrete pads in accordance with the requirements of, and in locations to be approved by, Canada Post to facilitate the placement of Community Mail Boxes. Canada Post will need to be informed when the pads are in place.

ii) Identify the pads above on the engineering servicing drawings. The pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision. Provide curb depressions at the community mailbox site location(s). These are to be 2 metres in width and no higher than 25 mm.

iii) Determine the location of all centralized mail facilities in cooperation with Canada Post and to post the location of these sites on appropriate maps, information boards and plans.

16. Draft approval does not guarantee an allocation of sewer or water capacity. Prior to the signing of the final plan, the Director of Planning Services is to be advised by the General Manager of Growth and Infrastructure, that sufficient sewage treatment capacity and water capacity exists to service the development.

17. Prior to the submission of servicing plans, the owner/applicant shall, to the satisfaction of the Director of Planning Services, provide an updated geotechnical report prepared, signed, sealed, and dated by a geotechnical engineer licensed in the Province of Ontario. Said report shall, as a minimum, provide factual information on the soils and groundwater conditions within the proposed development. Also, the report should include design information and recommend construction procedures for storm and sanitary sewers, stormwater management facilities, watermains, roads to a 20-year design life, the mass filling of land, surface drainage works, erosion control, slope stability, slope treatment and building foundations. Included in this report must be details regarding removal of substandard soils (if any) and placement of engineered fill (if required) for the construction of new homes. The geotechnical information on building foundations shall be to the satisfaction of the Chief Building Official and Director of Planning Services. A soils caution agreement shall be registered on title, if required, to the satisfaction of the Chief Building Official and City Solicitor. The owner shall be responsible for the legal costs of preparing and registering the agreement.

18. Prior to the submission of servicing plans, the owner/applicant shall have a stormwater management report and plan prepared, signed, sealed, and dated by a professional engineer with a valid certificate of authorization. Said report shall establish how the quantity and quality of stormwater will be managed within the subdivision development and assess the impact of stormwater runoff from this developed subdivision on abutting lands, on the downstream storm sewer outlet systems and on downstream water courses. The report shall deal with the control of the 1:5, 1:100 and Regional Storm events, so as to limit the volume of flow generated on the site to pre-development levels. The Regional Storm flow path is to be set out on the plan(s). The report shall set out any necessary improvements to downstream storm sewers and water courses. The civil engineering consultant shall meet with the Development Approvals Section prior to commencing the Stormwater Management Report.

19. The owner/applicant shall be responsible for the design of any required Stormwater Management Facility as part of the servicing plans for the subdivision and the owner shall dedicate the lands for the stormwater management facility as a condition of this development.

20. The owner/applicant shall be required to have all Stormwater Management Facilities constructed and approved by the City prior to initial acceptance of roads and sewers or at such time as the Director of Planning Services may direct.

21. Prior to initial acceptance of all storm sewers or sanitary works, camera inspections will be required on

any newly constructed works.

22. The owner/applicant will provide a utilities servicing plan, designed by a consulting engineer with a valid Certificate of Authorization from the Association of Professional Engineers of Ontario, for the lots being created, to the satisfaction of the General Manager of Growth and Infrastructure. The utilities servicing plan, as a minimum, shall show the location of all utilities including City services, Greater Sudbury Hydro Plus or Hydro One, Bell, Union Gas, Eastlink and Canada Post. This plan must be to the satisfaction of the Director of Planning Services and must be provided prior to construction for any individual phase. The owner/applicant shall be responsible for all costs associated with the installation of said services.

23. The owner/applicant shall provide a detailed lot grading and drainage plan prepared, signed, sealed, and dated by a professional civil engineer with a valid Certificate of Authorization from the Association of Professional Engineers of Ontario, to the satisfaction of the General Manager of Growth and Infrastructure for the proposed lots, as part of the submission of servicing plans. This plan must show finished grades around new houses, retaining walls, side yards, swales, slopes and lot corners. The plan must show sufficient grades on boundary properties to mesh the lot grading of the new site to existing properties. A lot grading agreement shall be registered on title, if required, to the satisfaction of Director of Planning Services and City Solicitor. The owner/applicant shall be responsible for the legal costs of preparing and registering the associated lot grading agreement.

24. The owner shall provide such drainage easements as may be required for drainage purposes on the lots to be created. All legal and survey costs shall be borne by the owner/applicant.

25. The owner shall provide sodded rear yard drainage swales as a condition of initial acceptance of the subdivision infrastructure to the satisfaction of the Director of Planning Services.

26. As part of the submission of servicing plans, the owner/applicant shall have rear yard slope treatments designed by a geotechnical engineer licensed in the Province of Ontario incorporated into the plans at locations required by the General Manager of Growth and Infrastructure. Suitable provisions shall be incorporated in the Subdivision Agreement to ensure that the treatment is undertaken to the satisfaction of the General Manager of Growth and Infrastructure.

27. The owner/applicant shall provide, as part of the submission of servicing plans, a Siltation Control Plan detailing the location and types of sediment and erosion control measures to be implemented during construction. Said plan shall be to the satisfaction of the General Manager of Growth and Infrastructure and the Nickel District Conservation Authority. The siltation control shall remain in place until all disturbed areas have been stabilized. All sediment and erosion control measures shall be inspected daily to ensure that they are functioning properly and are maintained and/or updated as required. If the sediment and erosion control measures are not functioning properly, no further work shall occur until the sediment and/or erosion problem is addressed.

28. The owner will be required to provide permanent silt and erosion control drainage works to the subdivision's stormwater outlet to the satisfaction of the General Manager of Growth and Infrastructure.

29. The proposed internal subdivision roadways are to be built to urban standards, including curbs, gutters, new asphalt binder course, storm sewers and related appurtenances to the City of Greater Sudbury Engineering Standards at the time of submission.

30. The owner will be required to ensure that the corner radius for all intersecting streets is to be 9.0 metres.

31. The owner shall provide a 1.8-metre wide asphalt pedestrian walkway on Block 24 to Lorne Brady Park to the satisfaction of the General Manager of Growth and Infrastructure Services.

32. Streetlights for this subdivision will be designed and constructed by Greater Sudbury Hydro Plus Inc. at

the cost of the owner.

33. The owner/applicant is to provide proof of sufficient fire flow in conjunction with the submission of construction drawings for each phase of construction. All costs associated with upgrading the existing distribution system to service this subdivision will be borne totally by the owner.

34. The owner/applicant is to provide proof of sufficient sanitary sewer capacity in conjunction with the submission of construction drawings for each phase of construction.

35. That the Subdivision Agreement contain provisions whereby the owner agrees to replace approximately 90 metres of 200mm diameter sanitary sewer and 200 metres of 300mm diameter trunk sanitary sewer from MH 10-007 to O'Neil Drive Lift Station to the satisfaction of the General Manager of Growth and Infrastructure.

36. The owner/applicant shall provide the required soils report, stormwater, water, sanitary sewer and lot grading master planning reports and plans to the Director of Planning Services prior to the submission of servicing plans for any phase of the subdivision.

37. That in accordance with Section 59(4) of the Development Charges Act, a notice of agreement shall be registered on title to ensure that persons who first purchase the subdivided land after registration of the plan of subdivision are informed, at the time the land is transferred, of all development charges related to development.

Relationship to the Strategic Plan / Health Impact Assessment

The applications for draft plan of subdivision and rezoning are operational matters under the Planning Act to which the City is responding.

Report Summary

Applications for rezoning and subdivision approval have been submitted in order to extend Parkview Drive, Garson and create a plan of subdivision with 22 lots for single residential use, 1 park block to be consolidated with abutting Lorne Brady Park, and 1 block for stormwater management. The northerly remainder of the land is to be retained by the owner and zoned as Open Space Conservation. The southerly remainder on O'Neil Drive West is to be retained by the owner as a residential lot and zoned R1 5 for single residential use.

The development does not encroach into a designated flood plain and wetland area and there are no concerns from Nickel District Conservation Authority. Matters related to Species at Risk have been evaluated through field surveys to the satisfaction of Environmental Planning Initiatives and the Ministry of Natural Resources and Forestry. The standard draft plan conditions related to subdivision development have been applied, addressing such matters as stormwater management, the construction of roads and sewer and water services, and the installation of utilities. Leisure Services advised that the size and alignment of the parkland dedication needs further refinement to create the best connectivity with Lorne Brady Park. Other commenting departments and agencies have provided their standard comments related to draft plan approvals.

The proposed single residential use is consistent with the existing character of the surrounding neighbourhood. The application conforms to Official Plan policies related to land use compatibility, the rounding out of existing development in a serviced area, housing objectives, flood plain designations and Species at Risk. A minimum 30-metre buffer is to be maintained between the proposed development and the area identified as potential turtle habitat.

Staff recommend approval subject to the conditions outlined in the Resolution section of this report.

Financial Implications

If approved, staff estimates approximately \$74,000 in taxation revenue, based on the assumption of 22 single family detached dwelling units at an estimated assessed value of \$300,000 per dwelling at the 2017 property tax rates.

In addition, this development would result in total development charges of approximately \$355,000 based on assumption of the number and type of dwelling units and based on the rates in effect as of this report.

Once development has occurred and the subdivision infrastructure has been transferred to the City, there will be additional on-going costs for future annual maintenance and capital replacement of the related infrastructure (ie. roads, water/wastewater linear pipes, etc).

Title: Vale Canada Ltd.

Date: November 17, 2017

STAFF REPORT

Applicant:

Vale Canada Ltd. (Agent: Dalron Construction Ltd.)

Location:

Part of PINs 73495-0581 & 73495-1307, Parts 1 to 6, Plan 53R-20738 in Lots 6 & 7, Concession 2, Township of Garson (O'Neil Drive, Garson)

Official Plan and Zoning By-law:

The subject property is designated as Living Area 1 and Parks and Open Space. The Parks and Open Space designation includes a designated flood plain adjacent to Junction Creek, as well as surrounding lands that are private open space. Flood plain boundaries are indicated on Schedule 4, Hazard Lands, and are also illustrated on the location map as an overlay.

Living Area policies

In Living Area I, rezoning applications are reviewed based on the following criteria under Section 3.2.1 of the [Official Plan](#):

- suitability of the site to accommodate the proposed density and building form;
- physical compatibility with the surrounding neighbourhood in terms of scale, massing, height, siting and setbacks;
- adequate on-site parking; and,
- traffic impact on local streets.

Other matters under review include the availability of municipal sewer and water, and the proximity to community services, employment areas and public transit. This is balanced with the need to expand the range of housing options throughout the community.

Housing policies

The Official Plan establishes housing targets intended to provide a mix of low, medium and high density housing throughout the City. These policies are consistent with Section 1.4.3 of the [Provincial Policy Statement](#), which states that municipalities shall provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents.

Furthermore, new housing shall be directed towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs. Both the Official Plan and the PPS place a special emphasis on achieving housing targets through residential intensification including infill projects.

Phasing policies

In order to promote the efficient use of land and achieve the desired land use pattern, phasing policies are established to guide new development in designated growth areas. Within areas designated Living Area 1, emphasis will be given to intensification, redevelopment and infill opportunities.

1. New development in Living Area I will occur adjacent to existing built-up urban areas. Emphasis shall be placed on achieving a mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.
2. Where expansion onto vacant undeveloped lands is proposed, the following phasing policies shall be considered at the time of application review:
 - a. the proposed development represents a contiguous expansion within the Living Area I designation;
 - b. the proposed development represents a logical utilization of existing municipal and social infrastructure;
 - c. the proposed development completes or rounds out existing neighbourhood plans with respect to road connections, waterline looping, and public service facilities such as schools and recreation facilities; and,
 - d. the area is experiencing growth pressure as evidenced by adjoining development, and the available supply of lots/units in existing registered and draft approved plans of subdivision/condominium.

Flood plain policies

The Parks & Open Space designation includes a flood plain associated with the Upper Junction Creek Watershed, as well as adjacent private open space lands. Flood plain boundaries are illustrated on Schedule 4, Hazard Lands, and are also delineated on the draft plan. Private lands with natural hazards are generally not suitable for development. The policies of Section 10.2, Flooding Hazards are applied as follows:

1. Because flooding and related hazards may cause loss of life and may result in damage to property, development in Flood Plains is generally restricted. In addition, no development is permitted within 15 metres of the Flood Plain boundaries illustrated on Schedule 4, Hazard Lands. Only uses that by their nature must locate within the Flood Plain including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows are permitted.
2. Severances, subdivisions, changes in land use, permanent new buildings and structures and private sewage disposal systems will not be permitted within the Flood Plain, except those severances for passive non-structural uses associated with roads, drainage, erosion control, utilities, flood protection, agriculture, forestry and outdoor recreation.
3. Any alterations to the terrain within the Flood Plain which may have an effect on drainage and the erection of any structures must first receive the approval of the Nickel District Conservation Authority and, where applicable, from the Ministry of Natural Resources and Forestry.

Species at Risk

The lands have been identified as potential habitat for Species at Risk. The policies of Section 9.2.2, Significant Habitat of Endangered Species and Threatened Species, are therefore applied:

Title: Vale Canada Ltd.

Date: November 17, 2017

- Development and site alteration are not permitted in significant habitat of endangered species and threatened species;
- Development and site alteration are not permitted on lands adjacent to significant habitat of endangered species and threatened species unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural feature or their ecological functions. Adjacent lands are considered to be within at least 50 metres of significant habitat of endangered species and threatened species. This area can be modified if justified by a study.

Conformity with the Official Plan is based on a review of the above noted considerations.

Site Description & Surrounding Land Uses:

The subject property forms a large vacant parcel located north of O'Neil Drive West in Garson. The area is fully serviced by municipal water and sanitary sewer. Parkview Drive is a Local Road that is constructed to a partial urban standard (curb and gutter but no sidewalks). O'Neil Drive West is designated as a Collector Road and is also built to a similar standard (no sidewalks). Public transit is located on Falconbridge Highway to the south, with the closest transit stop at Metcalfe Avenue, approximately 900 m from the subject lands.

Total site area is 8.26 ha, with 20 metres of frontage on O'Neil Drive West. The land subject to the draft plan of subdivision has a total area of 3.153 ha. A remnant portion of the parcel between the school and the park has an approximate area of 0.2 ha and 20 metres of frontage. A one-foot reserve implemented as a condition of consent approval restricts access from O'Neil Drive West.

The lands are currently vacant and present a variety of site conditions. The southerly portion of the property is well treed but shows signs of disturbance, most notably informal trails that traverse the land and some cleared areas. Junction Creek and adjacent wetland areas comprise the northerly portion, part of which is a designated flood plain. The flood elevation is 280.4 metres as delineated on the draft plan.

Parkview Drive is situated to the west and is predominantly comprised of single detached dwellings. École St-Augustin directly abuts to the south. Lorne Brady Park abuts the subject lands to the east. The City's park encroaches onto the subject land.

Applications:

1. To amend [By-law 2010-100Z](#) being the City of Greater Sudbury Zoning By-law from "FD", Future Development to "R1-5", Low Density Residential One, "P", Park and "OSC", Open Space Conservation.
2. To subdivide the southerly portion of the subject property into 22 lots for single residential use, 1 block for park use, and 1 block for stormwater management, as shown on the attached subdivision sketch.

Proposal:

Applications for rezoning and subdivision approval have been submitted in order to create a plan of subdivision with 22 lots, comprising the following:

- 22 lots zoned R1-5 for single detached dwellings;
- 1 park block to be consolidated with abutting Lorne Brady Park; and,
- 1 block for stormwater management.

Title: Vale Canada Ltd.

Date: November 17, 2017

The northerly remainder of the land is to be retained by the owner and zoned as Open Space Conservation. The southerly remainder on O'Neil Drive West is to be retained by the owner as a residential lot and zoned R1-5 for single residential use.

Departmental/Agency Circulation:

Development Engineering have outlined the standard requirements related to subdivision development, including conditions related to stormwater management, the construction of roads and sewer and water services, the installation of utilities and other matters. Based on sanitary sewer modeling results, upgrades to the collection system will be required. Condition #35 of draft approval as set out in the Resolution Section of this report addresses this matter.

Leisure Services advised that the size and alignment of the parkland dedication needs further refinement to create the best connectivity with Lorne Brady Park.

Environmental Planning Initiatives confirmed that the Environmental Impact Study prepared by the applicant has been reviewed in coordination with MNRF and found to be satisfactory. Nickel District Conservation Authority has no concerns as the development does not encroach into the designated flood plain.

Other commenting departments and agencies have provided their standard comments related to draft plan approvals.

Neighbourhood Consultation:

The statutory notice of the public hearing was provided by newspaper along with a courtesy mail-out to property owners and tenants within a minimum of 120 metres of the property.

The applicant was advised of the City's policy recommending that applicants consult with their neighbours, ward councillor and key stakeholders to inform area residents on the application prior to the public hearing.

The applicant advised that a neighbourhood meeting (open house) was conducted on November 13, 2017 at École St-Augustin, with an approximate attendance of 20 to 25 persons.

As of the date of this report, four (4) phone calls have been received by Planning Services concerning this file. There have been no written submissions.

Background:

In 2015 an application for consent was submitted by the owner to sever the southerly portion of the parent parcel (File B0097/2015). The application was approved and a certificate was issued on November 7, 2016. As a condition of approval, a one-foot reserve along the O'Neil Drive West frontage was transferred to the City. The final plan of survey subsequently confirmed that the total area of the severed land is 8.26 ha.

Planning Considerations:

The subdivision proposal is viewed as an infill project that will round out existing development. Although the entire parcel is zoned for future development, only the southerly portion can be developed due to environmental constraints. The remainder of the land will be zoned as "OSC", Open Space Conservation. A remnant portion of the parcel on O'Neil Drive West between the school and the park is proposed to be rezoned for single residential use.

Title: Vale Canada Ltd.

Date: November 17, 2017

Land use compatibility

There are no issues related to land use compatibility given the proposed single residential use, which is consistent with the surrounding neighbourhood. The residential lots will be zoned R1-5, similar to the current zoning on Parkview Drive. The same zoning provisions related to use, height, lot coverage, setbacks and other matters will be applied.

From a traffic perspective, Roads and Transportation staff advised that there are no concerns due to the small number of lots, which represents 22 potential dwelling units. A Traffic Impact Study is not required as a condition of draft approval.

Stormwater management

Stormwater control related to both quantity and quality is to be addressed on-site, as per the requirements of Drainage Section. The applicant has accordingly included land for a stormwater management pond, identified as Block 23 on the draft plan. The proposed pond is located outside of the designated flood plain. A more detailed stormwater management report will be required as a condition of draft approval.

Parkland dedication

As illustrated on the draft plan, part of a baseball diamond in Lorne Brady Park encroaches onto the subject land. Leisure Services advised that the encroachment shall be addressed through the transfer of land as part of the parkland dedication for the subdivision.

Accordingly, the draft plan includes Block 24 along the easterly limit of the land, which will incorporate a pedestrian walkway linking the future cul-de-sac to Lorne Brady Park. Block 24 is 0.0934 ha, which comprises 2.96% of the land subject to the draft approval, whereas the City is entitled to 5% of the land under Section 51.1(1) of the [Planning Act](#).

The size and composition of the parkland dedication is to be determined by the Director of Leisure Services. Options include the following:

- expand the amount of transferred land to equate to a minimum 5%; or,
- require a payment in lieu of land for the remaining 2%.

It is recommended that the standard condition related to parkland be included in the draft plan conditions. This will allow Leisure Services an opportunity to address the above noted matters with the developer, including the best alignment of the pedestrian connection to the park. The standard draft plan condition related to parkland reads as follows:

“That 5% of the land included in the plan of subdivision be dedicated to the City for parks purposes to the satisfaction of the City Solicitor in accordance with Section 51.1 (1) of the Planning Act.”

Flood plain designation

The development does not encroach into the designated flood plain on the northerly portion of the property, which comprises part of the Upper Junction Creek Watershed. Through the pre-consultation process, the proponents were advised of the physical constraints to development associated with Junction Creek and adjacent wetland areas.

Title: Vale Canada Ltd.

Date: November 17, 2017

As a result, there is a minimum 30-metre buffer between the proposed development and lands which comprise a flooding hazard, as delineated by a flood elevation of 280.4 metres on the draft plan. Block 23 containing the proposed stormwater pond is not located within the flood plain or wetland areas. Nickel District Conservation Authority advised that there are no concerns related to this application.

Species at Risk

The applicant was required to submit an Environmental Impact Study as part of a complete application. The following reports were provided by FRi Ecological Services in support of the proposal:

- Scoped Environmental Impact Study (February 2017);
- Addendum related to Blanding's Turtle habitat (May 2017);
- Eastern Whip-poor-will and Bat Habitat Survey: Addendum Report (September 2017).

Key findings are summarized as follows:

- Field surveys determined that there is no Eastern Whip-poor-will habitat within 120 metres of the proposed development;
- Proposed development does not encroach onto lands identified as potential Blanding's Turtle habitat (Category 1 and 2 habitat);
- Lands subject to development do not represent a movement corridor for turtles due to existing development to the east, west and south, as well as the lack of wetland habitat in these areas;
- No suitable bat roost habitat was found based on a comprehensive survey of trees on the property.

The reports have been reviewed by the Ministry of Natural Resources and Forestry and there are no concerns from Environmental Planning Initiatives. As a result, it is not necessary to include a draft plan condition that requires clearance from MNRF.

Remainder of the lands

The northerly portion of the land, comprising more than 61% of the entire holdings, will remain undeveloped and is proposed to be rezoned "OSC", Open Space Conservation. This area encompasses Junction Creek and the adjacent wetland. These lands are not being transferred to the City and will remain in private ownership.

The remnant portion fronting onto O'Neil Drive West between the school and the park is proposed to be rezoned "R1-5", Low Density Residential One. There are no concerns related to land use compatibility, as the single residential use is consistent with adjacent housing. However, a one-foot reserve restricting access was implemented at the consent stage, which will require the owner to apply to the City to lift the reserve in order to obtain access to the lot.

The applicant is advised that a plan of survey is required in order to rezone the lands as set out in the draft plan of subdivision.

Phasing policies

The proposal presents general conformity with phasing policies based on the following observations:

- The draft plan represents a contiguous expansion of residential uses within a built-up urban area designated as Living Area 1, with existing developed areas located to the east, west and south;

Title: Vale Canada Ltd.

Date: November 17, 2017

- The proposal completes and rounds out existing neighbourhood plans through the extension of Parkview Drive and represents a logical extension of services to accommodate infill development;
- The site offers close proximity to commercial uses and community services including schools and public transit.

Consistency with the PPS

The proposal is consistent with the Provincial Policy Statement (2005), most notably Section 1.1.3.7, which directs new development to designated growth areas adjacent to existing built-up areas, thereby allowing the efficient use of land, infrastructure and public service facilities.

Planning Services recommends that the applications for rezoning and draft plan of subdivision be approved subject to the conditions outlined in the Resolution section of this report.

Appendix 1

Departmental & Agency Comments

File: 780-3/17002
751-3/17-4

RE: Applications for Draft Plan of Subdivision and Rezoning – Vale Canada Ltd. (Agent: Dalron Construction Limited)
Part of PINs 73495-0581 & 73495-1307, Parts 1 to 6, Plan 53R-20738 in Lots 6 & 7, Concession 2, Township of Garson (O'Neil Drive, Garson)

Development Engineering

The proposed extension of Parkview Drive will be accessed from the west at the existing cul-de-sac, with a walking path east to Lorne Brady Park.

A watermain connection to the existing 200mm diameter water distribution main, located within the Parkview Drive right-of-way, will be made to service this development. A fire flow analysis indicates that the subdivision lands meet the required pressures and fire flow requirements for this development.

The proposed municipal gravity sanitary system for this subdivision will discharge to the existing 200mm sanitary sewer located on Parkview Drive, connecting at MH 10-007. A sanitary model analysis indicates that under present conditions, capacity issues were noted from MH 10-006 onward. Based on the modeling results, the pipes are currently surcharging and are at capacity. All costs associated with upgrading the existing collection system, from MH 10-007 to O'Neil Drive Lift Station will be born totally by the owner. The City of Greater Sudbury will bear the cost of upgrading the O'Neil Drive lift station and any required downstream improvements.

As a condition of approval, the owner/applicant shall be responsible to have a Stormwater Management Report prepared to assess how the quality and quantity of stormwater will be managed for the subdivision development. The report shall establish how the quantity of stormwater generated within the subdivision will be controlled to pre-development levels for the 1:5, 1:100 and Regional Storm events. The owner/applicant shall be required to submit a comprehensive drainage plan of the subject property.

The following draft plan conditions apply:

1. Draft approval does not guarantee an allocation of sewer or water capacity. Prior to the signing of the final plan, the Director of Planning Services is to be advised by the General Manager of Growth and Infrastructure, that sufficient sewage treatment capacity and water capacity exists to service the development.
2. Prior to the submission of servicing plans, the owner/applicant shall, to the satisfaction of the Director of Planning Services, provide an updated geotechnical report prepared, signed, sealed, and dated by a geotechnical engineer licensed in the Province of Ontario. Said report shall, as a minimum, provide factual information on the soils and groundwater conditions within the proposed development. Also, the report should include design information and recommend construction procedures for storm and sanitary sewers, stormwater management facilities, watermains, roads to a 20-year design life, the mass filling of land, surface drainage works, erosion control, slope stability, slope treatment and

building foundations. Included in this report must be details regarding removal of substandard soils (if any) and placement of engineered fill (if required) for the construction of new homes. The geotechnical information on building foundations shall be to the satisfaction of the Chief Building Official and Director of Planning Services.

3. Prior to the submission of servicing plans, the owner/applicant shall have a stormwater management report and plan prepared, signed, sealed, and dated by a professional engineer with a valid certificate of authorization. Said report shall establish how the quantity and quality of stormwater will be managed within the subdivision development and assess the impact of stormwater runoff from this developed subdivision on abutting lands, on the downstream storm sewer outlet systems and on downstream water courses. The report shall deal with the control of the 1:5, 1:100 and Regional Storm events, so as to limit the volume of flow generated on the site to pre-development levels. The Regional Storm flow path is to be set out on the plan(s). The report shall set out any necessary improvements to downstream storm sewers and water courses. The civil engineering consultant shall meet with the Development Approvals Section prior to commencing the Stormwater Management Report.
4. The owner/applicant shall be responsible for the design of any required Stormwater Management Facility as part of the servicing plans for the subdivision and the owner shall dedicate the lands for the stormwater management facility as a condition of this development.
5. The owner/applicant shall be required to have all Stormwater Management Facilities constructed and approved by the City prior to initial acceptance of roads and sewers or at such time as the Director of Planning Services may direct.
6. Prior to initial acceptance of all storm sewers or sanitary works, camera inspections will be required on any newly constructed works.
7. The owner/applicant will provide a utilities servicing plan, designed by a consulting engineer with a valid Certificate of Authorization from the Association of Professional Engineers of Ontario, for the lots being created, to the satisfaction of the General Manager of Growth and Infrastructure. The utilities servicing plan, as a minimum, shall show the location of all utilities including City services, Greater Sudbury Hydro Plus or Hydro One, Bell, Union Gas, Eastlink and Canada Post. This plan must be to the satisfaction of the Director of Planning Services and must be provided prior to construction for any individual phase. The owner/applicant shall be responsible for all costs associated with the installation of said services.
8. The owner/applicant shall provide a detailed lot grading and drainage plan prepared, signed, sealed, and dated by a professional civil engineer with a valid Certificate of Authorization from the Association of Professional Engineers of Ontario, to the satisfaction of the General Manager of Growth and Infrastructure for the proposed lots, as part of the submission of servicing plans. This plan must show finished grades around new houses, retaining walls, sideyards, swales, slopes and lot corners. The plan must show sufficient grades on boundary properties to mesh the lot grading of the new site to existing properties. A lot grading agreement shall be registered on title, if required, to the satisfaction of Director of Planning Services and City Solicitor. The owner/applicant shall be responsible for the legal costs of preparing and registering the associated lot grading agreement.
9. The owner shall provide such drainage easements as may be required for drainage purposes on the lots to be created. All legal and survey costs shall be borne by the owner/applicant.

10. The owner shall provide sodded rear yard drainage swales as a condition of initial acceptance of the subdivision infrastructure to the satisfaction of the Director of Planning Services.
11. As part of the submission of servicing plans, the owner/applicant shall have rear yard slope treatments designed by a geotechnical engineer licensed in the Province of Ontario incorporated into the plans at locations required by the General Manager of Growth and Infrastructure. Suitable provisions shall be incorporated in the Subdivision Agreement to ensure that the treatment is undertaken to the satisfaction of the General Manager of Growth and Infrastructure.
12. The owner/applicant shall provide, as part of the submission of servicing plans, a Siltation Control Plan detailing the location and types of sediment and erosion control measures to be implemented during construction. Said plan shall be to the satisfaction of the General Manager of Growth and Infrastructure and the Nickel District Conservation Authority. The siltation control shall remain in place until all disturbed areas have been stabilized. All sediment and erosion control measures shall be inspected daily to ensure that they are functioning properly and are maintained and/or updated as required. If the sediment and erosion control measures are not functioning properly, no further work shall occur until the sediment and/or erosion problem is addressed.
13. The owner will be required to provide permanent silt and erosion control drainage works to the subdivision's stormwater outlet to the satisfaction of the General Manager of Growth and Infrastructure.
14. The proposed internal subdivision roadways are to be built to urban standards, including curbs, gutters, new asphalt binder course, storm sewers and related appurtenances to the City of Greater Sudbury Engineering Standards at the time of submission.
15. The owner will be required to ensure that the corner radius for all intersecting streets is to be 9.0 metres.
16. The owner shall provide a 1.8-metre wide asphalt pedestrian walkway on Block 24 to Lorne Brady Park to the satisfaction of the General Manager of Growth and Infrastructure Services.
17. Streetlights for this subdivision will be designed and constructed by Greater Sudbury Hydro Plus Inc. at the cost of the owner.
18. The owner/applicant is to provide proof of sufficient fire flow in conjunction with the submission of construction drawings for each phase of construction. All costs associated with upgrading the existing distribution system to service this subdivision will be born totally by the owner.
19. The owner/applicant is to provide proof of sufficient sanitary sewer capacity in conjunction with the submission of construction drawings for each phase of construction.
20. That the Subdivision Agreement contain provisions whereby the owner agrees to replace approximately 90 metres of 200mm diameter sanitary sewer and 200 metres of 300mm diameter trunk sanitary sewer from MH 10-007 to O'Neil Drive Lift Station to the satisfaction of the General Manager of Growth and Infrastructure.
21. Final approval for registration may be issued in phases to the satisfaction of the Director of Planning Services, provided that:

- i) Phasing is proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure and other essential services; and
 - ii) All agencies agree to registration by phases and provide clearances, as required, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.
22. That the owner shall have completed all major outstanding infrastructure deficiencies that are critical to the overall function of the subdivision in previous phases of the plan that have been registered, or have made arrangements for their completion, prior to registering a new phase of the plan, to the satisfaction of the General Manager of Growth and Infrastructure Services.
23. The owner/applicant shall provide the required soils report, stormwater, water, sanitary sewer and lot grading master planning reports and plans to the Director of Planning Services prior to the submission of servicing plans for any phase of the subdivision.

Roads and Transportation

No concerns.

Leisure Services

Lots proposed at the southern portion of the proposed subdivision abut an existing baseball field at Lorne Brady Park. Historically, there have been issues with properties (homes) in close proximity to baseball fields, which has often lead to requests for protective netting and other measures to prevent balls from damaging private property.

Additionally, the proposed parkland (Block 24) is proposed as a walkway. The walkway doesn't connect in a logical way to the Lorne Brady complex, ending past the outfield at the far end of the complex.

Building Services

- 1) We have no objection to the application to amend By-law 2010-100Z to permit the "R1-5" Low Density Residential One, "P" Park, and "OSC" Open Space Conservation land uses. The site will be subject to the Zoning By-law requirements of each new classification, for review with later development submissions.
- 2) We have no objection to the subdivision of the subject property into the proposed residential lots and blocks, with the following considerations:
 - a) The property shall require a subdivision agreement, and during that process, based on the anticipated quantities of rock removal through blasting, the following conditions will be imposed:
 - The developer will be required to provide a geotechnical report on how the work related to blasting shall be undertaken safely to protect adjoining structures and other infrastructure. The geotechnical report shall be undertaken by a blasting consultant defined as a professional engineer licensed in the Province of Ontario with a minimum of five (5) years experience related to blasting.

- The blasting consultant shall be retained by the developer and shall be independent of the contractor and any subcontractor doing the blasting work. The blasting consultant shall be required to complete specific monitoring recommended in a report of vibration levels and provide a report detailing those recorded vibration levels. Copies of the recorded ground vibration documents shall be provided to the contractor and contract administration weekly or upon request for this specific project.
 - The geotechnical report will provide recommendations and specifications on the following activity as a minimum but not limited to:
 - Pre-blast survey of surface structures and infrastructure within affected area
 - Trial Blast activities
 - Procedures during blasting
 - Procedures for addressing blasting damage complaints
 - Blast notification mechanism to adjoining residences
 - Structural stability of exposed rock faces
 - The above report shall be submitted for review to the satisfaction of the Chief Building Official prior to commencement of any removal of rock by blasting.
 - Should the developer's schedule require to commence blasting and rock removal prior to a subdivision agreement having been signed, a site alteration permit shall be required under the City of Greater Sudbury's By-law #2009-170 and shall require a similar geotechnical report as a minimum prior to its issuance.
- b) A soils report prepared by a qualified geotechnical professional shall be submitted for review to the satisfaction of the Chief Building Official, documenting construction parameters for residential structures such as soil bearing capacity, frost cover for foundations, and groundwater table characteristics effecting sub-soil foundation drainage and sump pump design.

Environmental Planning Initiatives

Environmental Planning Initiatives has reviewed the report entitled "Eastern Whip-poor-will (*Antrostomus vociferus*) and Bat Habitat Survey – Addendum Report" dated September 2017 that was prepared by FRi Ecological Services to address comments provided by the MNRF Sudbury District on the Scoped Environmental Impact Study for the proposed Parkview subdivision (West Parcel).

Based on the review of the findings and recommendations outlined in the Addendum Report, MNRF's comments have been appropriately addressed and, as such, there are no concerns relating to the proposed subdivision.

Nickel District Conservation Authority

Please be advised that the Nickel District Conservation Authority has reviewed the above noted application and has no concerns or objection to same.

Greater Sudbury Transit

The road extension is approximately 900 metres from the nearest bus route. The nearest bus route is located at the intersection of Metcalfe Avenue and Falconbridge Hwy (Route 303 - Garson/Falconbridge).

The walking distance to Route 303 exceeds the maximum 400 metre distance under transit service standards. This development is therefore not compliant with transit service standards and would require additional operating funds to provide a transit routing within 400 metres of the proposed subdivided lots.

The cul-de-sac should have adequate room for a Handi-Trans bus to turn around (approximate 10-metre turning radius).

Greater Sudbury Fire Services

Greater Sudbury Fire Services has reviewed the drawings for the above noted application and has no comments.

Bell Canada

Subsequent to review of the above noted development by our Engineering Department, it has been identified that Bell Canada will require a 3-metre wide easement corridor over the frontage of the proposed lots.

Since the easements are required in order to provide service and access to this development, all costs associated with this transfer will be the Owner's responsibility and compensation will be set at a nominal \$2 for the acquisition of the easement rights. Bell also requires postponement from any mortgagees and certification of title.

Canada Post

Service type and location:

1. Canada Post will provide mail delivery service through centralized Community Mail Boxes (CMBs).
2. The exact number and location of CMB sites will be determined when a finalized subdivision plan or composite utility plan becomes available for commenting.

Municipal requirements:

1. Please update our office if the project description changes so that we may determine the impact this may have upon mail delivery.
2. Should this subdivision application be approved, please provide notification of the new civic addresses as soon as possible.

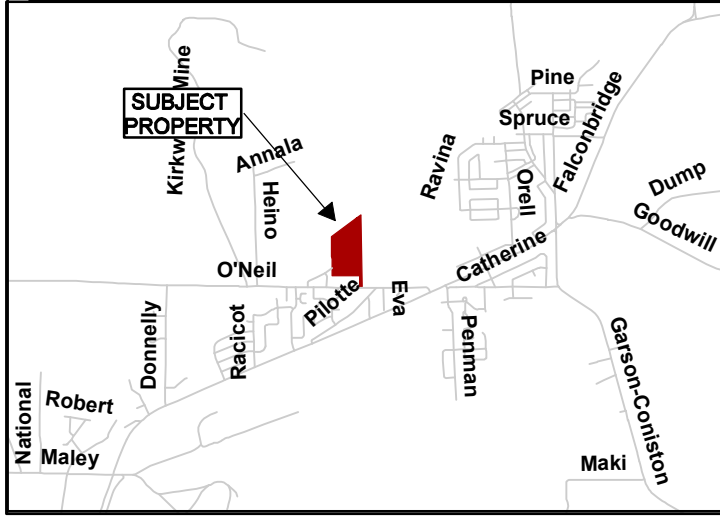
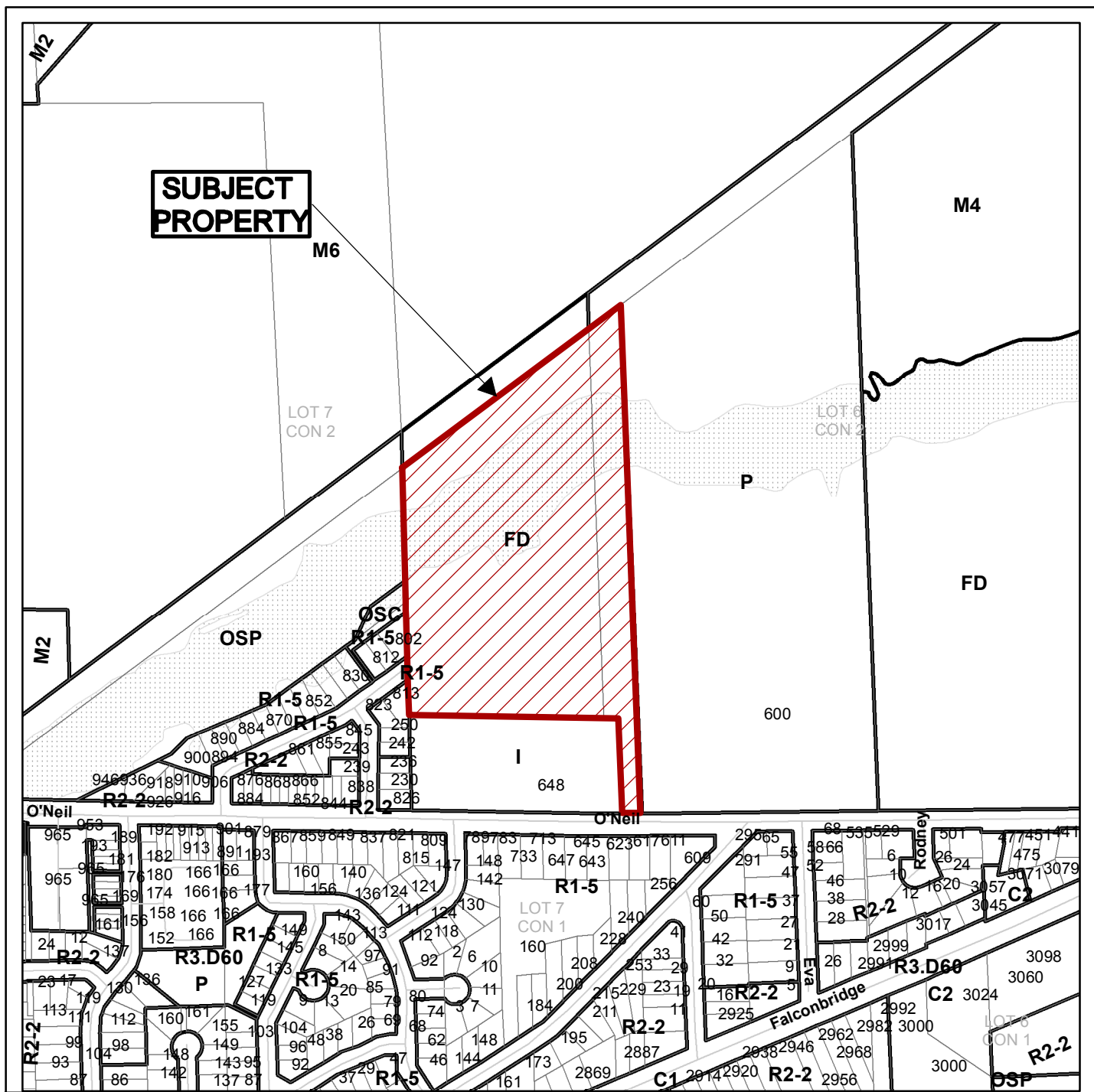
Developer timeline and installation:

1. Please provide Canada Post with the excavation date for the first foundation/first phase as well as the date development work is scheduled to begin. Finally, please provide the expected installation date(s) for the CMB(s).

Additional Developer Requirements:

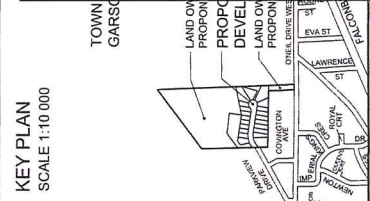
- The developer will consult with Canada Post to determine suitable permanent locations for the Community Mail Boxes. The developer will then indicate these locations on the appropriate servicing plans.
- The developer agrees, prior to offering any units for sale, to display a map on the wall of the sales office in a place readily accessible to potential homeowners that indicates the location of all Community Mail Boxes within the development, as approved by Canada Post.

- The developer agrees to include in all offers of purchase and sale a statement which advises the purchaser that mail will be delivered via Community Mail Box. The developer also agrees to note the locations of all Community Mail Boxes within the development, and to notify affected homeowners of any established easements granted to Canada Post to permit access to the Community Mail Box.
- The developer will provide a suitable and safe temporary site for a Community Mail Box until curbs, sidewalks and final grading are completed at the permanent Community Mail Box locations. Canada Post will provide mail delivery to new residents as soon as the homes are occupied.
- The developer agrees to provide the following for each Community Mail Box site and to include these requirements on the appropriate servicing plans:
 - Any required walkway across the boulevard, per municipal standards
 - Any required curb depressions for wheelchair access, with an opening of at least two metres (consult Canada Post for detailed specifications).



Growth and Development Department	
Subject Property being Part of PINs 73495-0581 & 73495-1307, Parts 1 to 6, Plan 53R-20738, Lots 6 & 7, Concession 2, Township of Garson, O'Neil Drive, Garson, City of Greater Sudbury	
NTS Sketch 1	751-3/17-4 & 780-3/17002 Date: 2017 03 22

KEY PLAN
SCALE 1:10 000



R1-5 (22 Lots)

R1-5 (For Future Single Lot)

Open Space Conservation (OSC)

Park (P)

LEGEND

1:750 (METRIC UNITS)

Dalton

J.R. Richards
J.R. Richards & Associates Inc.
www.jrichards.ca

TULLOCH
TULLOCH ENGINEERING
1842 RECENT STREET, SUDBURY, ONTARIO
N1T 1Y9

CITY OF GREATER SUDBURY

DESIGN: DAN VANISH	CHECKED: DNV	DATE: 2/20/2017
DRAWN: DNV	CHECKED: DNV	DATE: 2/20/2017
1		



DRAFT PLAN OF SUBDIVISION
PART OF LOTS 6 & 7
CONCESSION 2
PART OF PIN 73495-0581 &
PART OF PIN 73495-1307
GEOGRAPHIC TOWNSHIP OF GARSON
CITY OF GREATER SUDBURY
DISTRICT OF SUDBURY

AGENT:
DALTON CONSTRUCTION LIMITED 130 ELM STREET
SUDBURY, ONTARIO P3C 1H6

AGENTS' CERTIFICATE:
I HEREBY CERTIFY TO THE MANNER IN WHICH THE LAND SHOWN ON THIS PLAN IS PROPOSED TO BE SUBDIVIDED AND THE APPROVAL OF THE CITY OF GREATER SUDBURY.

DATE: Feb 27/2017
DATE: Feb 27/2017

DATE: Feb 27/2017
DATE: Feb 27/2017

ONTARIO LAND SURVEYOR:
TERRY DELBOSCO O.L.S. 1942 RECENT STREET, UNIT 1
SUDBURY, ONTARIO P3E 5V5

SURVEYOR'S CERTIFICATE:
I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN ON THIS PLAN.

DATE: Feb 27/2017
DATE: Feb 27/2017

DATE: Feb 27/2017
DATE: Feb 27/2017

ADDITIONAL INFORMATION:
AS REQUIRED BY SECTION 51(7) OF THE PLANNING ACT
AREA OF APPLICATION = 31535 HECTARES

BOUNDARIES ARE AS SHOWN
A) BOUNDARIES ARE AS SHOWN
B) ROADS AND HIGHWAYS ARE AS SHOWN
C) LOT 1-22: R1-5 SINGLE FAMILY RESIDENTIAL
BLOCK 23: SWP ACCESS & POND, DRAINAGE COURSE & DRAINAGE COURSE
D) NORTH: UNDEVELOPED LANDS & CITY OF GREATER SUDBURY
E) NORTH: UNDEVELOPED LANDS & CITY OF GREATER SUDBURY
F) NORTH: UNDEVELOPED LANDS & CITY OF GREATER SUDBURY
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U) NORTH: UNDEVELOPED LANDS & CITY OF GREATER SUDBURY
V) NORTH: UNDEVELOPED LANDS & CITY OF GREATER SUDBURY
W) NORTH: UNDEVELOPED LANDS & CITY OF GREATER SUDBURY
X) NORTH: UNDEVELOPED LANDS & CITY OF GREATER SUDBURY
Y) NORTH: UNDEVELOPED LANDS & CITY OF GREATER SUDBURY
Z) NORTH: UNDEVELOPED LANDS & CITY OF GREATER SUDBURY

LAYOUT AND DIMENSIONS OF PROPOSED LOTS ARE AS SHOWN
A) NATURAL AND ARTIFICIAL FEATURES ARE AS SHOWN
B) NATURAL AND ARTIFICIAL FEATURES ARE AS SHOWN
C) NATURAL AND ARTIFICIAL FEATURES ARE AS SHOWN
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Y) NATURAL AND ARTIFICIAL FEATURES ARE AS SHOWN
Z) NATURAL AND ARTIFICIAL FEATURES ARE AS SHOWN



PHOTO 1 O'NEIL DRIVE WEST, GARSON – VIEW OF BASEBALL
DIAMOND ABUTTING SUBJECT LAND TO THE EAST



PHOTO 2 O'NEIL DRIVE WEST, GARSON – VIEW OF SUBJECT LAND
WHERE IT ABUTS O'NEIL DRIVE EAST OF ELEMENTARY SCHOOL

780-3/17002 & 751-3/17-4
PHOTOGRAPHY AUGUST 25, 2017



PHOTO 3 O'NEIL DRIVE WEST, GARSON – SINGLE DETACHED DWELLINGS ON O'NEIL DRIVE OPPOSITE SUBJECT LAND AND SCHOOL



PHOTO 4 O'NEIL DRIVE WEST, GARSON – VIEW OF ECOLE ST-AUGUSTIN ELEMENTARY SCHOOL ABUTTING SUBJECT LAND TO THE SOUTH

780-3/17002 & 751-3/17-4
PHOTOGRAPHY AUGUST 25, 2017



PHOTO 5 PARKVIEW DRIVE, GARSON – VIEW OF PARKVIEW DRIVE
CUL-DE-SAC FACING EAST



PHOTO 6 PARKVIEW DRIVE, GARSON – VIEW OF PARKVIEW
DRIVE FACING WEST

780-3/17002 & 751-3/17-4
PHOTOGRAPHY AUGUST 25, 2017

Introduction

A Scoped Environmental Impact Study was drafted in February 2017 for the proposed Parkview Development in Garson. The property is 8.4 hectares, 3.1 of which will be developed. It will be accessed by an extension of the existing Parkview Drive. Twenty-two (22) residential lots and a stormwater management pond are proposed.

The scoped EIS was submitted to the City of Greater Sudbury (CGS) who requested the Ministry of Natural Resources and Forestry’s (MNRF) opinion on whether the species at risk reporting and conclusions were appropriate. The scoped EIS was based largely on desktop information and some preliminary work that was conducted in 2016. It clearly stated that species-specific surveys were not conducted.

This addendum is intended to provide additional information as requested by the MNRF with respect to Blanding’s turtles and categorized habitat. Species and habitat specific surveys will be conducted for Eastern Whip-poor-will and bats in the 2017 field season following MNRF recommended protocols.

Blanding’s Turtle Habitat

On March 30, 2016, FRi submitted an email information request to the Sudbury District MNRF. The request included a map showing the outline of the Parkview parcel and a list of the available information for each of the five natural heritage categories which are considered in Ecoregion 5E.

The MNRF office provided a reply on April 4, 2016, indicating there was a confirmed 2014 Blanding’s turtle occurrence somewhere nearby the property, presumably within 2 km, although no specific location was given. This occurrence was associated with Junction Creek which is to the north of the proposed development.

The ‘General Habitat Description for the Blanding’s Turtle (*Emydoidea blandingii*)’ published by MNRF, was used to delineate and assess potential impacts to Blanding’s turtle habitat. Figure 1 shows the habitat as delineated both in the field based on the wetland boundary delineation in 2016, and subsequent categorized habitat based on the description and mapping in ArcGIS.

Category 1 & 2 habitat is represented by the Mineral Meadow Marsh ecosite associated with Junction Creek. Category 1 habitat is defined as either nesting or overwintering sites and the area within 30 metres. Junction Creek and the floodplain (G142N Mineral Meadow Marsh

ecosite) itself does not provide nesting habitat; and it is unknown if it provides over-wintering habitat for turtles. To note, there is a sunny, south-facing, well-drained sandy slope to the north and east of the proposed development which could provide suitable nesting for turtles. (see Figure 2)

Regardless, suitable wetland complexes within 2 km of a confirmed occurrence are considered Category 2 habitat. Category 2 habitat is defined as the suitable wetlands and waterbodies as well as the area within 30 metres. All of the Category (1) and 2 habitats have been excluded from the developed area.

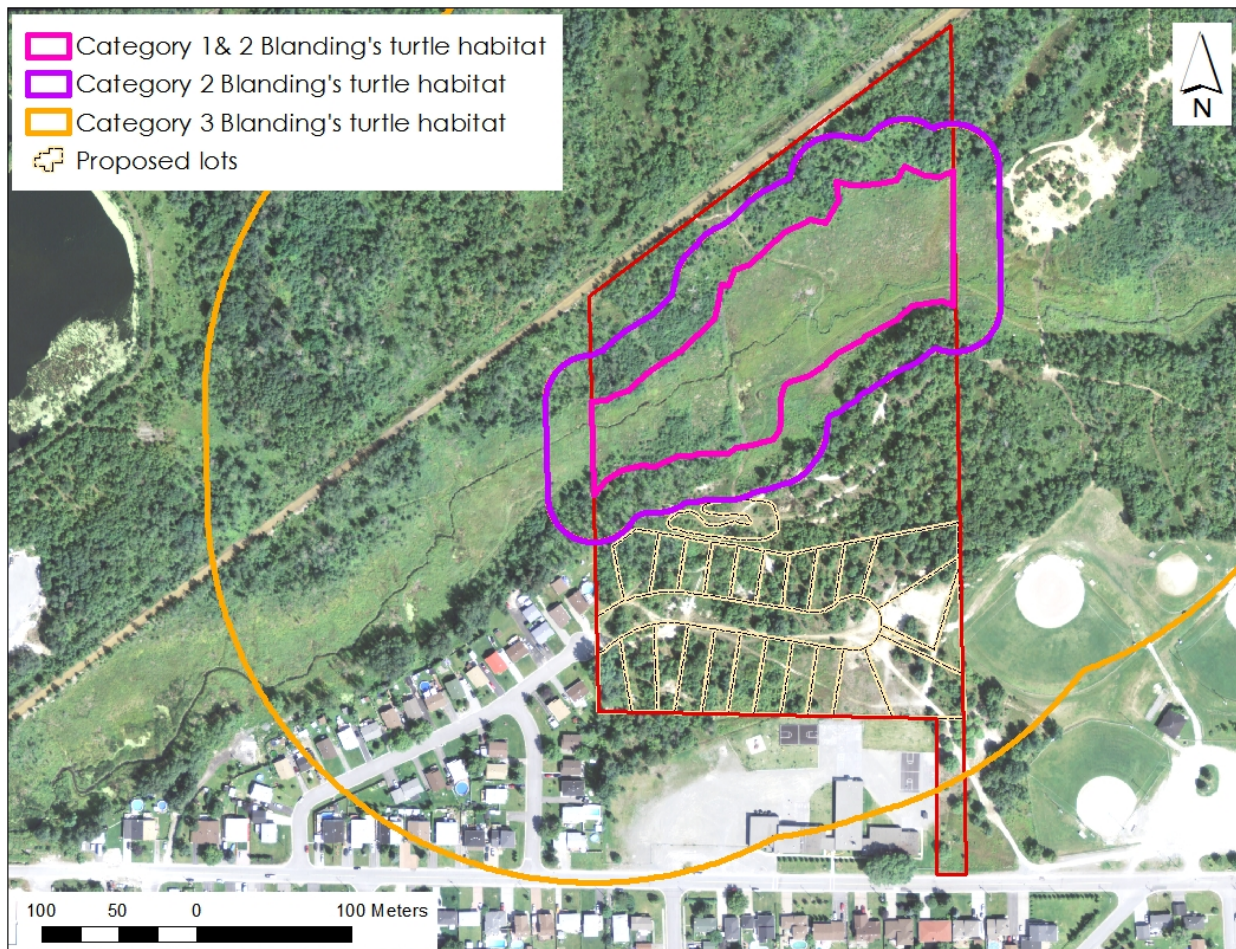


Figure 1: Blanding's turtle habitat delineated and categorized as it relates to the proposed Parkview subdivision development.

Category 3 habitat is defined as the area between 30 metres and 250 metres around suitable wetland and waterbodies; specifically, those identified as Category 2 habitat.

The entire property proposed for development is within Category 3 habitat. The GHD indicates that Blanding’s turtles depend on category 3 habitat as movement corridors between wetlands, and that this habitat category will be considered to have the highest tolerance to alteration.

Considering that the category 3 habitat is used primarily for movement between wetland habitats, the proposed development was considered in this context. To the west of the proposed Parkview development there is an existing residential development. To the immediate south is St. Augustine school and to the east are ball fields and tennis courts that are part of the CGS’s parks system. There are no wetlands to the east, west or south of the development that would be accessed by turtles. Figure 2 provides context for the rationale that the category 3 habitat likely does not represent movement habitat for turtles.

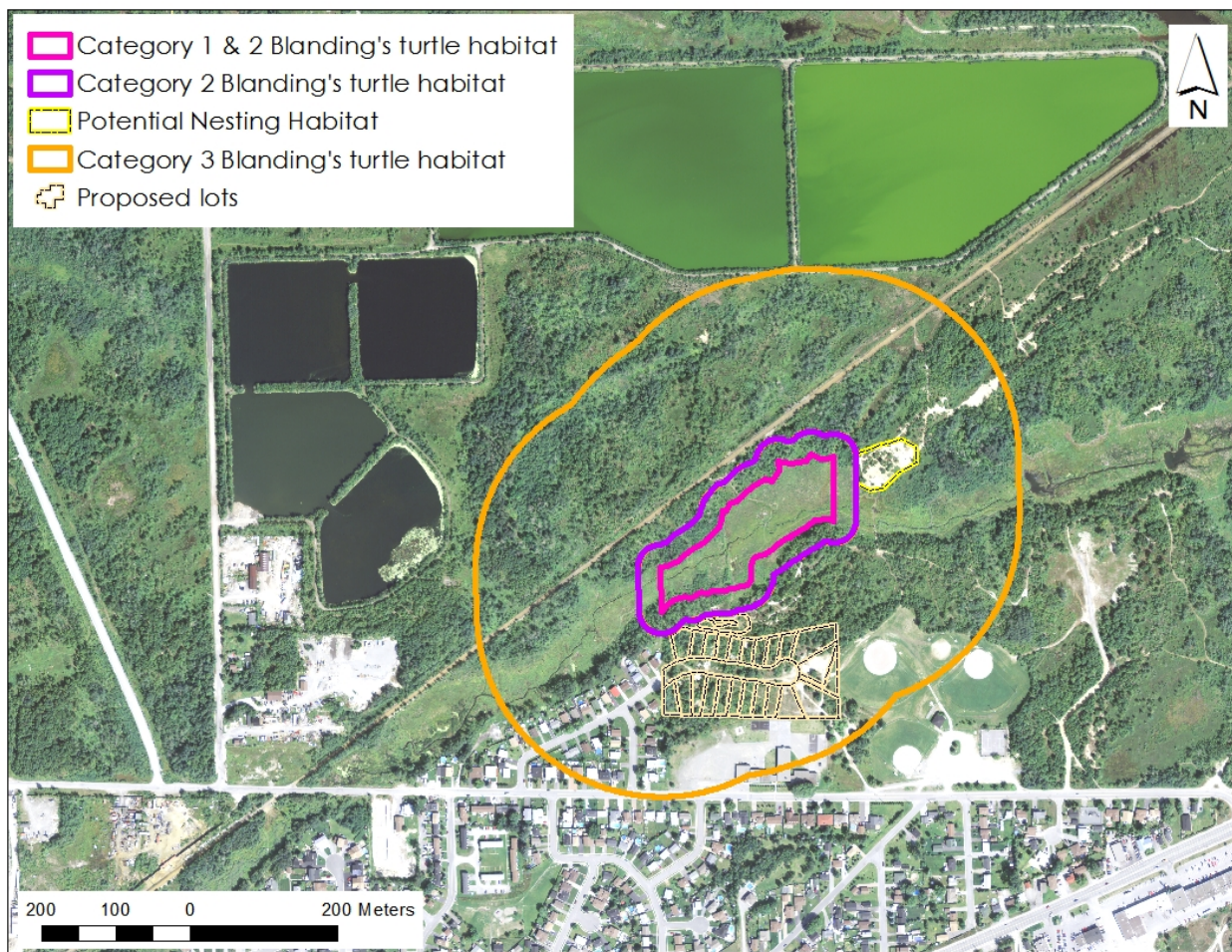


Figure 2: Landscape context showing existing development west, south and east of the proposed subdivision; supporting that the area of Category 3 habitat is likely not used for movement between wetlands since there are no wetlands or other suitable habitat to access in these areas because of existing development.

Junction Creek and the associated floodplain wetland are not within the developed area and no part of the proposed development impedes or impairs access to or from the wetland from other wetland areas. There are wetlands and sewage lagoons to the north which are likely suitable aquatic habitat. Access to these will not be impacted by the proposed development.

In summary, it is our opinion, that while a portion of category 3 habitat as defined by the GHD overlaps the development area; Blanding's turtles are likely not using the property as a movement corridor because there is nowhere to go. The adjacent areas on three sides are already developed and do not offer any suitable habitat for turtles. For this reason, it is our opinion that the proposed small-scale development can proceed because the category 3 habitat is not presently useful as a movement corridor.

Respectfully submitted,

Rebecca Geauvreau
Biologist, FRi Ecological Services

May 2017

Eastern Whip-poor-will (*Antrostomus vociferus*) and Bat Habitat Survey Addendum Report

Proposed Parkview Subdivision, Part of Lot 6, Concession 2, Geographic Township of
Garson, City of Greater Sudbury (West Parcel)



September 2017

Introduction

A Scoped Environmental Impact Study was drafted in February 2017 for the proposed Parkview Development in Garson. The property is 8.4 hectares, 3.1 of which will be developed. It will be accessed by an extension of the existing Parkview Drive. Twenty-two (22) residential lots and a stormwater management pond are proposed (Figure 1).

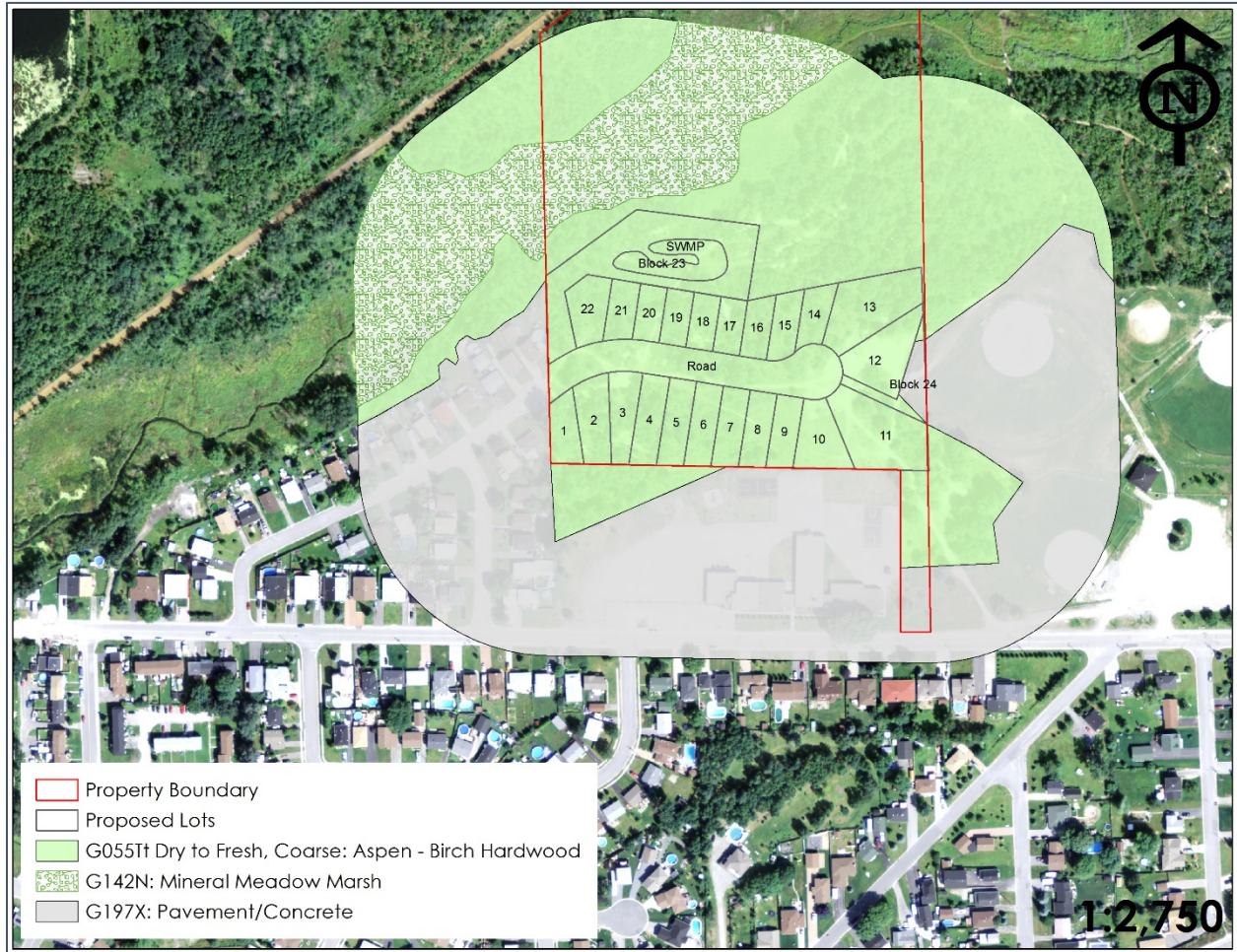


Figure 1: Proposed Parkview development, 22 single residential lots; ecosites for property and surrounding information area

The scoped EIS was submitted to the City of Greater Sudbury (CGS) who requested the Ministry of Natural Resources and Forestry's (MNRF) opinion on whether the species at risk reporting and conclusions were appropriate. The scoped EIS was based largely on desktop information and some preliminary work that was conducted in 2016. It clearly stated that species-specific surveys were not conducted.

An addendum was prepared in May 2017 with respect to Blanding's turtles and categorized habitat which MNRF subsequently reviewed and indicated met the additional information requirements as expressed to the City of Greater Sudbury. The following addendum addresses MNRF's concerns with respect to Eastern Whip-poor-will and the species at risk bats (Little Brown Myotis, Northern Myotis) and their habitats. It summarizes species-specific surveys that were conducted during the 2017 field season according to MNRF protocols and current advice.

Eastern Whip-poor-will Surveys

Eastern Whip-poor-will surveys were conducted following the most recent MNRF draft protocol¹ and advice from the Sudbury District MNRF received this April with respect to the most appropriate timing based on the June and July lunar phases (see Correspondence in Appendix A).

A single whip-poor-will survey station was established at approximately the centre of the property. It was chosen because it was both central and represents the highest point on the property (Figure 2). The entire developed area is within 175 metres of the survey station.



¹ Ontario Ministry of Natural Resources. 2013. Survey Protocol for Eastern Whip-poor-will (*Caprimulgus vociferus*) in Ontario. Ontario Ministry of Natural Resources, Species at Risk Branch, Peterborough. iii + 10 pp.

Figure 2: Whip-poor-will survey station; highest elevation & central to the proposed development
Three surveys were conducted; June 7th, 13th and July 4th when the moon was visible, 50% full or more and environmental conditions were appropriate. No Whip-poor-wills were heard during any of the surveys. Based on the surveys, there are no breeding whip-poor-wills or whip-poor-will habitat as described in the General Habitat Description² within 120 metres of the Parkview Drive property.

Table 1 shows the conditions and timing of the three surveys. All surveys were consistent with the draft protocol and the advice for 2017 received from the Sudbury District MNRF.

Table 1: Field notes Eastern Whip-poor-will Surveys June & July 2017

Visit	Date	Time	Air Temperature	Precipitation	Cloud Cover (%)	Moon Illumination (%)	Wind Speed	Whip-poor-will Detected?
1	June 7 th	10:35 pm	18°C	None	5%	95%	<1km/hr	No
2	June 13 th	12:10 am	13°C	None	0%	80%	<1km/hr	No
3	July 4 th	12:11 am	15°C	None	0%	85%	<1km/hr	No

* Note: For each survey night, Whip-poor-wills were heard calling from the Garson – Coniston Road (Regional Road 90), just north of the intersection of Highway 17. The presence of calling birds on each survey night, further confirms the suitability of conditions.

Bats & Bat Habitat: Little Brown Myotis, Northern Myotis and (Tricolored Bat)

Field surveys following MNRF's 2015 Technical Note³ were conducted for the tree-roosting species at risk bats. Little Brown and Northern Myotis are generally known in the Greater Sudbury Area. Tricolored bats, to-date have not been documented in the area based on publicly available information.

The Technical Note outlines steps 1 through 6 beginning with Ecological Land Classification, followed by snag density calculations, detailed snag/cavity tree mapping and acoustic monitoring if necessary.

² Ontario Ministry of Natural Resources. 2012. General Habitat Description for Eastern Whip-poor-will (*Caprimulgus vociferus*) in Ontario. 4 pp.

³ Technical Note, Species at Risk (SAR) Bats, Little brown myotis and Northern myotis. Regional Operations Division, June 2015.

There are three ecosites within and adjacent the property, one of which (G055Tt/TI) is listed in the Technical Note as having potential to contain roost habitat (Figure 1). Most of the developed area falls within this forested ecosite. The property was surveyed on May 11, 2017; 20 metre transects were followed moving north-south for the entirety of the site following 'Step 5: Detailed Mapping of Snag/Cavity Trees' of the Technical Note.

Each tree that was greater than 10 cm DBH was assessed for its potential to provide bat roost habitat for the cavity roosting species; Little Brown Myotis and Northern Myotis. The criteria listed in 'Step 3: Selection of Acoustic Monitoring Locations' were referenced and each tree that met at least one of the criteria were marked, georeferenced location and photographed. The tree species, DBH, tree-height relative to the canopy height, % loose bark, % openness, cavity presence and type, decay class (Watt & Caceres, 1999) and a visual assessment of whether the tree was hollow were recorded. For trees with DBH 10 - 25 cm that display one or more of the listed criteria, they would have been noted. However, for the West Parcel, there were no trees with DBH less than 28 cm that displayed other criteria for consideration as a candidate roost. Figure 3 shows the location of the candidate trees.



Figure 3: Candidate bat habitat trees identified during transects and detailed mapping in May 2017

The following table (Table 2), includes the seven trees that met at least one of the listed criteria in the Technical Note. Please note that the consideration of these seven (7) trees does not mean they were confirmed suitable bat roosts or even suitable roost habitat; simply that they had potential based on the listed technical note criteria.

Table 2: Detailed mapping of the candidate snag/cavity trees, Garson West Parcel

Tree #	Species	DBH	Height (relative to canopy)	Loose Bark (%)	Openness (%)	Cavity	Decay Class	Hollow?	Date	Comment
1	Po	50	Above	5	0	None	2 - declining live tree, part of canopy lost	No	11/05/2017	two multi-stemmed trees, bit of loose bark
2	Po	50	Above	10	0	Crack, Scar, Knothole	3 - very recently dead, no canopy, bark intact, branches intact	No	11/05/2017	Not on property; on adjacent school property, hybrid poplar, not hollow
3	Bw	32	Above	None	0	None	1 - healthy live tree	No	11/05/2017	no holes
4	Bw	31	Above	None	0	None	2 - declining live tree, part of canopy lost	No	11/05/2017	not hollow
5	Po	33	In	None	1	Crack, Scar, Knothole	2 - declining live tree, part of canopy lost	No	11/05/2017	not hollow
6	Po	28	Above	None	0	None	1 - healthy live tree	No	11/05/2017	healthy tree hybrid poplar
7	Bw	28	In	None	1	Scar	2 - declining live tree, part of canopy lost	No	11/05/2017	not hollow

Only Tree #5 had the potential to be hollow (Figures 4 & 5) based on a visual assessment. It was confirmed to be solid (not hollow) following field investigations with an endoscope camera (Figure 6).



Figure 4: Tree #5, visual assessment observed longitudinal scar and knothole, suggesting candidate habitat. From the field assessment, tree appeared to have potential to be hollow and an excellent entrance/exit hole.



Figure 5: Close-up of knothole, still appears to have potential to be partially hollow and/or space between bark and interior tree.



Figure 6: Endoscope picture of inside knothole; note the tree is solid, with some beginnings of decay (left side of photo) however there was no space for bats to roost. The endoscope was used to 'probe' as well, confirming the absence of hollow space.

Based on the field investigations, including detail mapping of snag/cavity trees as candidate bat roost habitat and endoscopy of trees that appeared to be hollow (Tree #5), there were no suitable roosts on or within 120 metres of the property that are expected to be impacted by the proposed subdivision development.

Conclusions & Recommendations

The species-specific surveys and field investigations for Eastern Whip-poor-will, Little Brown Myotis and Northern Myotis confirmed their absence and the absence of suitable maternity roost habitat on and within 120 metres of the proposed development.

It is our opinion that the proposed 22-lot development on the subject property can proceed while minimizing or eliminating potential impacts on the natural heritage features and functions on and adjacent the site. If the recommended mitigation measures from the '*Scoped Environmental Impact Study, February 2017, General Recommendations, Page 20*' are implemented, the proposed development is consistent with the Provincial Policy Statement, specifically Section 2.1 as it relates to Eastern Whip-poor-will and species at risk bats.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Geauvreau', with a stylized, cursive script.

Rebecca Geauvreau
Biologist, FRi Ecological Services

From: Enneson, Jean (MNRF)
To: rebecca.geauvreau@fricorp.com
Cc: [Hall, Mike \(MNRF\)](#); [Selinger, Wayne \(MNRF\)](#); [Boucher, Nikki \(MNRF\)](#); [Tremblay, Kim \(MNRF\)](#)
Subject: RE: Eastern Whip-poor-will Surveys
Date: April-18-17 9:28:25 AM
Attachments: [image002.png](#)

Hi Rebecca,

Sudbury District is advising the following for this year:

- Take advantage of the July lunar cycle (>50% illumination from July 1 to July 16), however, do the July survey date prior to or on July 10
This recommendation is based on moonrise/moonset times and the likelihood that calling rates will taper off the further you get into the breeding season.
- Two surveys should occur within the standard timing window (i.e. in the June lunar period) but plan to conduct the third (final) survey within the July lunar period.

We can only advise for surveys in our district.

Jean

From: Rebecca Geauvreau [<mailto:rebecca.geauvreau@fricorp.com>]
Sent: April-11-17 1:13 PM
To: Hall, Mike (MNRF); Enneson, Jean (MNRF); Tremblay, Kim (MNRF); Boucher, Nikki (MNRF)
Cc: rod.bilz@fricorp.com; Rich; 'Rebecca Geauvreau'
Subject: Eastern Whip-poor-will Surveys
Importance: High

Hello N.E. Region Biologists,

We've noted that there is only a single suitable moon phase this year during the May 18th – June 30th survey window for Whip-poor-will.

From the 2013 Draft Survey Protocol:

A minimum of three surveys should be completed during the breeding season so that sufficient data is obtained to determine breeding status and interpret territories. Ideally, two of the surveys should be completed in late May or the first week of June during a week preceding or just after a full moon, and a third survey in the next available full moon period which might be the middle/end of June. If it is necessary to conduct all three survey nights during one moon phase cycle, this should be confirmed with the OMNR. If a scheduled survey must be cancelled because of rain or clouds covering the moon, one survey but not more may be done in the period when the moon is <50% illuminated because some data will be obtained.

It's been our experience that surveys done in June are the most reliable in terms of predicting whether nesting is likely happening. As indicated in the above excerpt from the 2013 draft survey protocol, can MNRF please advise if it's okay to complete all three surveys during the suitable June moon phase? If not, when should the third survey take place?

Thank you

Rebecca

Rebecca for email





Scoped Environmental Impact Study

Part of Lot 6, Concession 2,
Geographic Township of Garson
City of Greater Sudbury

Prepared for:
Dalron Construction Limited

February 2017

Introduction

FRi Ecological Services (FRi) was retained by Dalron Construction Limited to conduct a scoped environmental impact study for the proposed Parkview development in Garson. The property is 8.4 hectares, 3.1 of which will be developed. It will be accessed by an extension of the existing Parkview Drive. Twenty-two (22) residential lots are proposed. The property is located directly behind Ecole St. Augustin, while Junction Creek is to the immediate north. The property is shown in Figure 1.

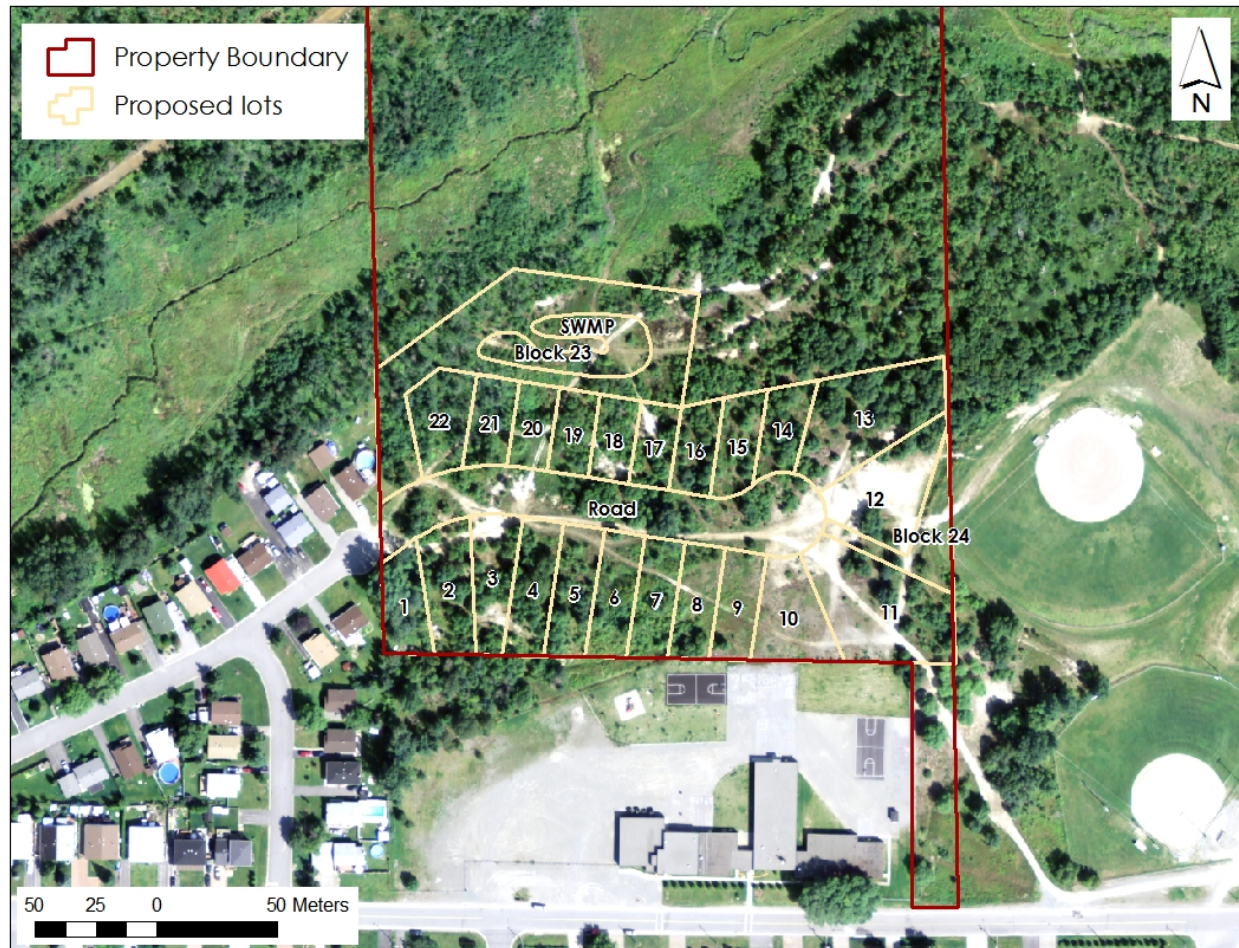


Figure 1: Location map and proposed lot layout for the Parkview Drive development

The majority of the property is heavily used by ATV's, cyclists, dog-walkers and for general recreation. This likely has an impact on the quality and value of any existing natural heritage features. Despite it's status as private property, there are well-establish trails connecting the existing Parkview Drive on the west with the baseball fields, the school, O'Neil Drive and Junction Creek. This regular, unstructured recreational use likely discourages or disrupts use by animals in general. Block 24, situated between proposed Lots 11 & 12, will facilitate continued connectivity of the subdivision with the ball fields for residents of the area.

A desktop review of the available information related to natural heritage values was conducted. The following sources were consulted:

- Natural Heritage Information Centre database
- Ministry of Natural Resources and Forestry, Sudbury District
- Make-a-Map, Ministry of Natural Resources and Forestry, Natural Heritage Values
- City of Greater Sudbury Official Plan
- e-Bird
- Atlas of the Breeding Birds of Ontario
- Ontario Nature Reptile and Amphibian Atlas

In addition, the Ministry of Natural Resources and Forestry were contacted for any additional information they might have that was relevant to the property. Five natural heritage categories were considered to complete a scoped environmental impact study that is consistent with the Provincial Policy Statement (2014). The categories are:

- Habitat of Endangered and Threatened Species
- Significant Wetlands,
- Significant Wildlife Habitat,
- Significant Areas of Natural & Scientific Interest, and
- Fish Habitat.

This scoped EIS focuses on species and habitat that are known to be in the area and which may be impacted by the proposed small-scale residential development. It does not include species-specific surveys; however, it includes a risk assessment and recommendations for avoiding impacts based largely on a desktop exercise.

Ecological Land Classification

Ecological land classification or ecosites are determined by assessing the soil and vegetation characteristics of a site. To assess the presence of potential habitat and natural heritage features, the ecosite(s) on and adjacent the property were determined.

There is a single ecosite overlapping the proposed development area; G055Tt/Tl Dry to Fresh, Course: Aspen – Birch Hardwood, and a wetland ecosite, G142N Mineral Meadow Marsh to the north. The remainder of the adjacent area is represented by residential development (Figure 2).

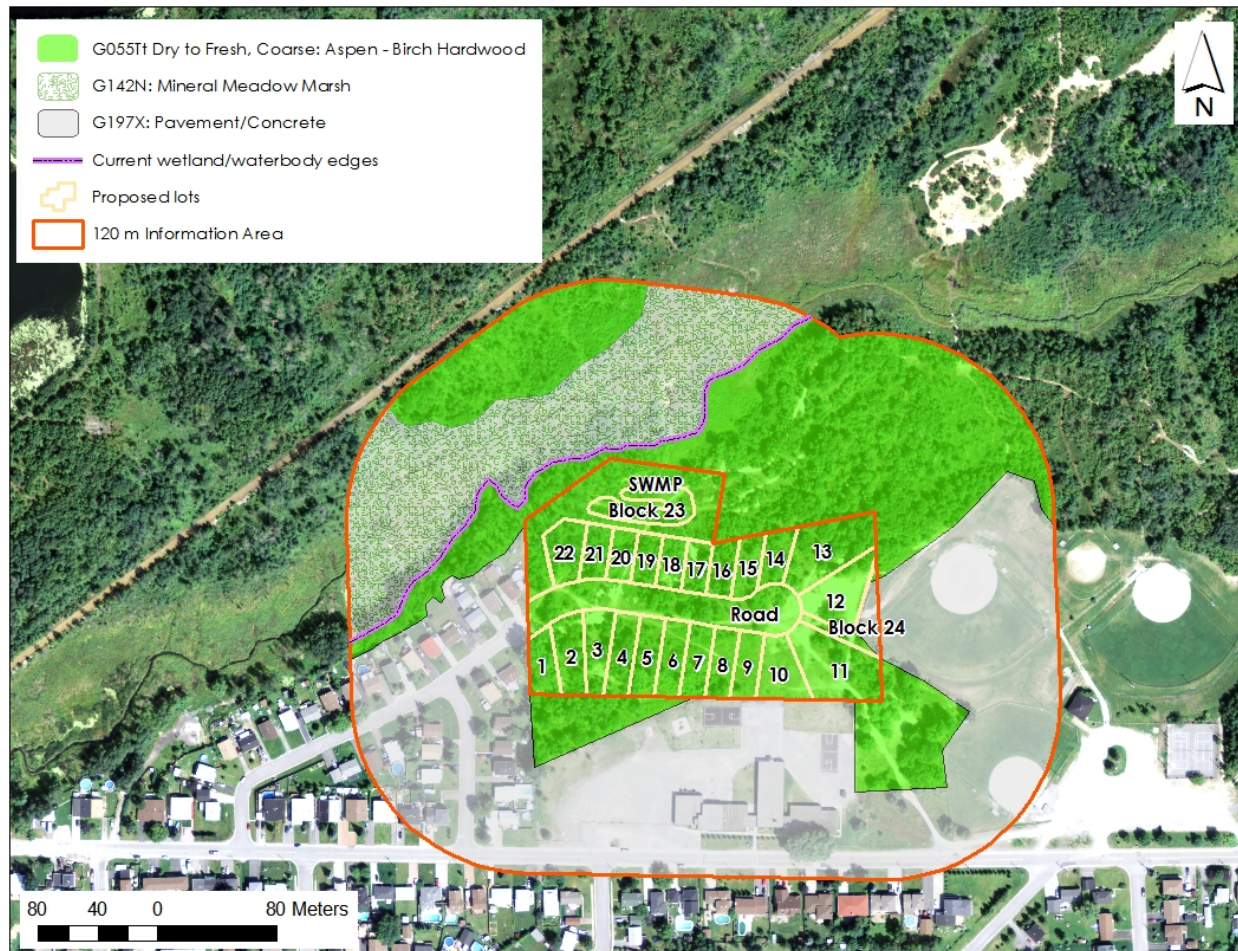


Figure 2: Ecosites on and within the adjacent 120 metres. The majority of the proposed developed area is represented by a combination tall-treed and low-treed aspen birch hardwood ecosite.

G055Tt/TI Dry to Fresh, Course: Aspen – Birch Hardwood

This ecosite is a mix of tall-treed (greater than 10 m tall) and low treed (less than 10 m tall) even-aged white birch (*Betula papyrifera*), with occasional trembling aspen in the main canopy. There are a scattering of conifers in the understory including red pine (*Pinus resinosa*), scots pine (*Pinus sylvestris*) and Eastern white cedar (*Thuja occidentalis*). The understory is fairly sparse, there are pockets of sheep laurel in places, low-sweet blueberry and grasses. (Figure 3a, 3b)



Figure 3a: G055Tt/TI ecosite showing typical even-aged white birch dominated stand; occasional conifer below the canopy, sparse herbaceous understory; large open sandy area, heavy use by ATV's (April 2016)



Figure 3b: Typical white birch stand, heavily used trail; low plant species diversity in understory (April 2016)

G142N Mineral Meadow Marsh

This ecosite is within the larger property holdings but entirely outside of the proposed development area. The ecosite is closely associated with Junction Creek, and represents the floodplain of the same. It is between 35 and 100 metres wide; and experiences significant changes in wetness depending on the time of year and beaver activity. For example, during the April field visit, much of the wetland area was flooded due to recent beaver activity. (Figure 4). By July 2016, the wetted area was reduced to the creek only. (Figure 5a & b – google imagery)



Figure 4: G142N Mineral Marsh ecosite in the background (open water); represents flooded condition in April & May 2016

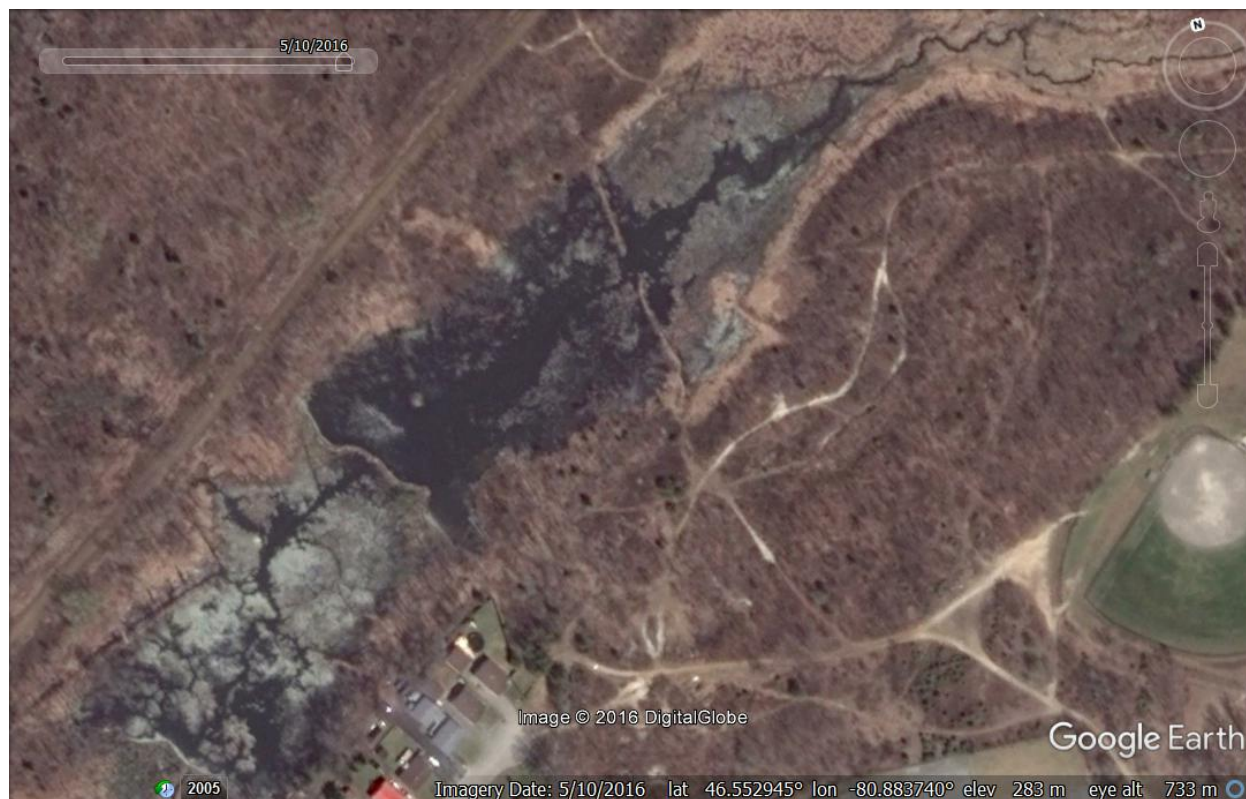


Figure 5a: Google earth imagery May 10th showing beaver dam and ponded water



Figure 5b: Google earth image July 25th showing greatly reduced water levels and absence of ponded water

Habitat of Endangered and Threatened Species

Based on a review of the available information, eight (8) species at risk and their habitats were considered. Bank Swallow, Barn Swallow, Little Brown Myotis, Northern Myotis, Eastern Small-footed Myotis, Tricolored Bat, Blanding's turtle and Eastern Whip-poor-will were considered. The presence of potential for species at risk habitat was assessed within the property boundary and the adjacent 120 metres to the extent possible.

Bank Swallow (*Riparia riparia*)

Bank Swallows are a small songbird that nest in colonies along riverbanks, streams and bluffs. They are also found in active sand and gravel pits where steep, eroding banks provide suitable nesting habitat. Similar to other swallows, they eat insects and have experienced significant population declines over the past decades.

Bank swallows forage over wetlands, open water, grasslands and agricultural areas, but tend to avoid densely forested habitats because of the scarcity of suitable nesting habitat. Males excavate nest burrows approximately 60 – 90 cm long then both the male and female build a nest using feathers, grasses, roots and other fine materials to build a small cup nest.¹

Potential for Bank Swallow

There is no suitable nesting habitat on or within 120 metres of the property for Bank Swallows. No impacts to Bank Swallow are expected as a result of the proposed development.

Barn Swallow (*Hirundo rustica*)

Barn swallows are an aerial insectivore, known to build nests on barns, bridges and other buildings especially in open areas near water. Open habitats including grasslands, fields, right-of-way's, shorelines and wetlands are particularly important for foraging. They live in close association with humans, building their cup-shaped mud nests almost exclusively on human-made structures. Swallows prefer structures with rough-surfaced ledges where they can build their nests. The cup-shaped mud nests are the critical habitat feature used for egg laying, incubation, feeding, resting and rearing of young. Barn swallows will use artificial nest cups and ledges; and are known to use the same nests in subsequent years. They are often found in colonies; breeding takes place from May through August.^{2 3 4}

¹ Garrison, Barrett A. 1999. Bank Swallow (*Riparia riparia*), The Birds of North America Online (A. Poole, Ed.). Ithaca: Cornell Lab of Ornithology; Retrieved from the Birds of North America Online: <http://bna.birds.cornell.edu/bna/species/414>

² COSEWIC. 2011. COSEWIC assessment and status report on the Barn Swallow *Hirundo rustica* in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. ix + 37 pp. (www.sararegistry.gc.ca/status/status_e.cfm).

³ http://www.mnr.gov.on.ca/en/Business/Species/2ColumnSubPage/MNR_SAR_BRN_SWLLW_EN.html

⁴ Ontario Ministry of Natural Resources. 2013. General Habitat Description for the Barn Swallow *Hirundo rustica*. http://www.mnr.gov.on.ca/stdprodconsume/groups/lr/@mnr/@species/documents/document/mnr_sar_ghd_brn_swllw_en.pdf

Potential for Barn Swallow

There are no records of barn swallow for the breeding bird atlas square nor were they reported on e-Bird. No barns or other similar suitable structure is present on the property. There is no suitable habitat for barn swallow nesting on or within 120 metres of the property.

Bats: Little Brown Myotis, Northern Myotis, Eastern Small-footed Myotis, & Tri-colored Bat (*Myotis leibii*, *Myotis lucifugus*, *Myotis septentrionalis*, *Perimyotis subflavus*)

Little Brown Myotis, Northern Myotis and Eastern Small-footed Myotis are three bats species that were recently listed as Endangered species at risk in Ontario. They are experiencing significant population declines because of a disease called white nose syndrome.

On June 15, 2016 a fourth bat was added to the Species at Risk list in Ontario, Tri-colored Bat (*Perimyotis subflavus*). It is, according to MNRF information, not typically found in the Sudbury area; however, it uses similar habitat to Little Brown and Northern Myotis for roosting and has been effectively considered.

During the active season, bats feed on insects at night and roost during the day. They roost either individually (males) or in groups (females with pups), usually in warm, elevated spaces. Bats often choose human-created roosts such as attics and abandoned buildings as these offer optimum habitat for summer roosts, usually close to water and open areas for foraging. Natural roosts include large hollow trees and spaces behind loose bark. All four species hibernate in caves and abandoned mines in October through April where temperatures remain above freezing and humidity levels are high.^{5 6}

The Ministry of Natural Resources & Forestry's recent *Species at Risk (SAR) Technical Note (2015)*⁷ lists a number of ecosites which have the potential to function as or contain bat habitat. The G055Tt/TI ecosite has the potential to qualify as 'candidate SAR bat habitat' according to the technical note.

Potential for Species at Risk Bats

While the G055Tt/TI forested ecosite theoretically has the potential to provide habitat for species at risk bats, it is highly unlikely that it does. The white birch stand is even-aged, quite young with very small diameter breast height (DBH); all of which make it unsuitable since cavities of sufficient size and thermal quality are unlikely to develop in such young, skinny trees.

Based on the author's experience surveying candidate bat roost trees coupled with acoustic monitoring of the same, the trees on the Parkview property do not provide habitat for the species

⁵ Dobbyn, S. 1994. Atlas of the Mammals of Ontario. Federation of Ontario Naturalists. 120 pp.

⁶ Ontario Ministry of Natural Resources. 2000. Significant Wildlife Habitat Technical Guide. Toronto: Queen's Printer for Ontario. 151pp.

⁷ Technical Note, Species at Risk (SAR) Bats, Little brown myotis and Northern myotis. Regional Operations Division, June 2015.

at risk bats. If the recommendations for vegetation clearing are followed, they respect the breeding season for migratory birds which is coincident with the active season for bats.

If vegetation clearing occurs outside of the active season for bats, no impacts to bats or bat habitat are expected.

Blanding's Turtle (*Emydoidea blandingii*)

The Blanding's turtle is a mostly aquatic turtle found in a variety of habitats, including lakes, ponds, marshes, ditches, creeks, rivers, and bogs. Within these habitats, the species generally prefers shallow water, organic substrates and dense submergent and/or emergent vegetation. Basking sites are a critical component of suitable habitat. These are characteristically floating vegetation mats, hummocks, partially submerged logs, rocks, bog mats, or suitable shoreline areas with access to full sunlight.

Blanding's turtles hibernate from October through April, usually in permanent bodies of water, often the same wetlands they utilize during the active season. Recent studies confirm seasonally isolated wet areas, ditches for example, are used for hibernacula in some years.

Blanding's turtles will travel up to 6 km or more to nesting sites that are usually within 250 m from the shore of some waterbody. Nesting activities generally occur at the end of June through the beginning of July. Nest sites are chosen in areas that offer suitable substrate for digging (e.g. loose soil), well-drained, open locations which increases the incubation temperatures because of sunlight exposure. This in turn increases nest success.

Upland areas adjacent wetlands can be used for nesting, basking and travel between summer activity areas. Turtles regularly move up to 1 km between wetlands and will chose a 'wetted' corridor, rather than a direct route.^{8 9 10 11 12}

Potential for Blanding's Turtles & Habitat

Initial field investigations determined suitable habitat for basking, nesting and over-wintering Blanding's turtles was not present on the portion of the subject property where the development is proposed. The mineral meadow marsh ecosite associated with Junction Creek and the creek itself have the potential to provide movement habitat for turtles.

⁸COSEWIC 2005. COSEWIC assessment and update status report on the Blanding's Turtle *Emydoidea blandingii* in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. viii + 40 pp. (www.sararegistry.gc.ca/status/status_e.cfm)

⁹ Edge, C. B. 2008. Multiple Scale Habitat Selection by Blanding's Turtles (*Emydoidea blandingii*). Master's Thesis. School of Graduate Studies, Laurentian University.

¹⁰ Ontario Ministry of Natural Resources. 2012. Survey Protocol: Blanding's Turtle (*Emydoidea blandingii*). Policy Division, Species at Risk Branch. 15pp.

¹¹ Seburn, D. C. 2007. Recovery Strategy for Species at Risk Turtles in Ontario. Ontario Multi-Species Turtles at Risk Recovery Team. 83pp.

¹² Ontario Ministry of Natural Resources. 2013. General Habitat Description for the Blanding's turtle (*Emydoidea blandingii*).

MNRF indicated that the creek area was general habitat because of a sighting within 2 km of Junction Creek. The developed area is at least 30 metres from the wetland edge (Category 2 habitat); a setback which will serve to protect any potential turtles using the habitat.

No Blanding's turtles or evidence of Blanding's turtle nests were observed during field investigations.

Recommended general mitigation is included below, recognizing the creek and associated wetland could provide a movement corridor for turtles. A minimum 30 metre setback is recommended. These setbacks will be effective in protecting turtles and the potential movement corridor habitat, as well as remaining consistent with relevant legislation and policies (Endangered Species Act, Provincial Policy Statement).

Eastern Whip-poor-will (*Antrostomus vociferus*)

Eastern Whip-poor-wills are found in a variety of open habitats and avoid areas where the forest canopy is extensive and closed. Breeding habitat is considered suitable when it contains features related to the following life processes: territory establishment, nesting, foraging and roosting. Whip-poor-wills typically select rock or sand barrens with scattered trees, savannahs, old burns, and open conifer plantations. These and other sites in a state of early to mid-forest succession are preferred for breeding.

Whip-poor-wills have been documented in a variety of semi-open habitats, usually near wetlands. Their eggs are laid directly on the ground in an area that provides sparse ground cover and offers shade and tree cover as well. Nest sites are usually close to open areas which are necessary for foraging. They are crepuscular insectivores, feeding predominantly on Lepidopterans (moths). Breeding is typically mid-May through mid-July.^{13 14 15 16}

Potential for Eastern Whip-poor-will

Whip-poor-wills seem to be almost ubiquitous within the City of Greater Sudbury. They are typically found on sites with rock barren and open patchy habitat. While there is an array of open

¹³ Desy, G. 2010. Habitat Description, Whip-poor-will (*Caprimulgus vociferus*): Threatened. Ontario Ministry of Natural Resources. 16 pp. DRAFT.

¹⁴ Ontario Ministry of Natural Resources. 2013. General Habitat Description for the Eastern Whip-poor-will (*Caprimulgus vociferus*)

¹⁵ COSEWIC. 2009. COSEWIC assessment and status report on the Whip-poor-will *Caprimulgus vociferus* in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. vi + 28 pp. (www.sararegistry.gc.ca/status/status_e.cfm).

¹⁶ Cink, Calvin L. 2002. Eastern Whip-poor-will (*Antrostomus vociferus*), The Birds of North America Online (A. Poole, Ed.). Ithaca: Cornell Lab of Ornithology; Retrieved from the Birds of North America Online: <http://bna.birds.cornell.edu/bna/species/620>

patchy areas connected by trails, the site lacks the rock barren habitat and absence of human disturbance necessary for Whip-poor-wills to establish a territory.

The City of Greater Sudbury maintains a citizen science reporting program for Whip-poor-wills; there are no records for the O'Neil – Parkview Drive area¹⁷. In addition, the breeding bird atlas square does not list Whip-poor-will as a species that was observed during those 5-year surveys.

Whip-poor-wills are not likely breeding on or within 120 metres of the proposed development. Regardless, the recommended vegetation clearing window respects whip-poor-will migration and breeding season. If this timing window is respected, no impacts to whip-poor-wills or their habitat is expected.

Significant Wetlands

There are no provincially significant wetlands as defined by the Provincial Policy Statement (2014) on or within 120 metres of the property. Ecosite determination concluded a single wetland ecosite associated with Junction creek which is not within the proposed development area. The wetland boundary was delineated, shown in Figure 2.

Wetland Delineation

The edge of the mineral meadow marsh wetland, ecosite G142N, was delineated using the '50% wetland vegetation' rule from the Ontario Wetland Evaluation System (OWES).¹⁸ The 50% rule is a guideline used for delineating the boundary between wetland and non-wetland areas.

In the case of the Parkview property, there is a well-defined 'treed edge' along the floodplain areas of the creek. This treed edge doesn't necessarily represent the wetland – non-wetland boundary in many instances. The boundary was delineated based on the presence of mostly upland or non-wetland indicator species. The frequent fluctuating water levels make delineation difficult, especially if a terrestrial area is under water. In April, much of the floodplain area was under water because of beaver activity. By July, most of it was not, and the growth of wetland indicator species was restricted to the true wetland areas only. Figure 2 shows the approximate wetland boundary (dashed purple line) as determined in the field, following the 50% wetland vegetation rule.

The proposed development area is more than 30 metres from this edge without exception. This respects the City of Greater Sudbury's Official Plan setbacks and the Category 2 Blanding's turtle habitat setback.

¹⁷<http://www.greatersudbury.ca/living/environmental-initiatives/biodiversity/citizen-ecological-surveys/whip-poor-will/>

¹⁸ Ontario Wetland Evaluation System, Northern Manual. 1st Edition, Version 1.3. 2014. 277pp.

Significant Wildlife Habitat

No significant wildlife habitat was identified during the desktop review of available information, specifically a review of the City of Greater Sudbury's official plan and associated mapping.

The property was assessed for potential significant wildlife habitat including seasonal concentration areas, rare vegetation communities and specialised habitat for wildlife, habitat of species of conservation concern and animal movement corridors. Significant wildlife habitat investigations are guided primarily by two documents, the Significant Wildlife Habitat Technical guide (SWHTG) (MNR 2000) and the Significant Wildlife Habitat Criteria Schedules for Ecoregion 5E (SWHCS-5E) (MNR 2015).

For each of the categories of SWH, the G055 and G142 ecosites were cross-referenced with potential significant wildlife habitats and the associated criterion for significance was assessed.

Seasonal Concentration Areas

Seasonal concentration areas are defined by the SWHTG as relatively small areas where species are concentrated at certain times of the year. For example, in the spring and fall, migratory species of birds and butterflies concentrate in stopover areas where they can rest and feed. Winter deer yards, reptile hibernacula and heronries are other examples of seasonal concentration areas that may be present at a relatively undisturbed site.

Raptor Wintering Area

Ecosite G055 has the potential to provide wintering habitat for raptors. In order to be significant the ecosite needs to provide mature forest for roosts with adjacent field ecosites for foraging. This version of G055 has no large trees and is not adjacent a suitable field ecosite.

Bat Maternity Colonies

Non-species at risk bats potentially present in the area include Hoary bats (*Lasiurus cinereus*), Eastern red bats (*Lasiurus borealis*), Silver-haired bats (*Lasionycteris noctivagans*) and Big brown bats (*Eptesicus fuscus*). All four species use trees for maternal roosts; hoary's and Eastern red bats are typically roosting in foliage of large deciduous trees, while Silver-haired and Big brown bats use furrowed bark and cavities in trees.

As noted in the 'Habitat of Endangered and Threatened Species' section, the early successional even-aged white birch stand does not offer suitable habitat. The trees are simply not large enough to have cavities which provide the thermal refuge required for female bats with pups; nor are the preferred hard wood leafy species present for the foliage roosting bats.

Based on analysis of the available treed habitat, there is little to no potential for maternal roosting bats within the area proposed for development.

Turtle Wintering Areas

The G142N Mineral Meadow marsh ecosite may provide suitable wetted habitat to accommodate overwintering turtles. The majority of the ecosite adjacent the property doesn't have persistent water with the exception of Junction Creek. It is possible turtles may hibernate in the creek; no impacts are expected to the creek or adjacent habitat nor to its ability to function as a potential overwintering site for turtles.

Rare Vegetation Communities and Specialized Habitats for Wildlife

Rare vegetation communities and specialised habitats for wildlife are defined by the SWHTG as areas that contain a provincially rare vegetation community and areas that support wildlife species that have highly specific habitat requirements or habitat that greatly enhances a species' survival respectively.

Old Growth Forest

Contiguous stands of more than 30 hectares of undisturbed forest, old growth forest are considered significant. The property is dominated by even-aged, early successional white birch. Old growth trees and forest are not present.

Turtle Nesting Areas

Turtles use well-drained, sandy – gravelly soils in sunny open areas for nesting. These sites are typically near water, specifically suitable summer aquatic habitat. The guide lists the G142 ecosite as one that has potential to provide nesting sites for turtles. The soils on and adjacent the site were described as very fine sands with some silt. Any potentially suitable nesting sites will be protected by the minimum 30 metre setback. No impacts are expected to turtle nesting habitat.

Amphibian Breeding Habitat G142

The G142N Mineral Meadow Marsh ecosites have suitable wetted habitat in adjacent Junction Creek only in areas where temporary isolated pools have formed. Based on the life history requirements of amphibians, the ecosite do not reliably provide suitable breeding habitat specifically. It is seasonally flooded (floodplain of the creek) and does not reliably offer any disconnected wet pools or other suitable wetted habitat.

Calling amphibians suggests the presence of amphibians, it is not a clear indication of breeding in suitable breeding habitat. Males are often heard calling from unsuitable habitat areas e.g. sandy shoreline of a large lake.

Regardless, the mineral marsh ecosite will be protected because of its association with Junction Creek and the setbacks for Blanding's turtles.

Habitat of Species of Conservation Concern

Special Concern Species

The following 'special concern' species at risk were initially considered including Canada Warbler, Common Nighthawk, Monarch, and Snapping turtle. The ecosite determination further scoped the list based on the actual habitats available at the site. The species include: Canada Warbler and Snapping turtle.

Canada Warbler (Cardellina canadensis)

Canada Warbler's are most often found in cool, wet, low-lying areas; including swamps, sphagnum bogs and moist forest edges and openings. They are often associated with sites that have a dense understory near open water, vegetation associations including alder and willow. Female Canada Warblers build a loosely constructed cup-shaped nest on or near the ground in early May. The nest is well-concealed, often in thickets or areas with dense ferns. These are typically wet, mossy areas within forest among ferns, stumps, and fallen logs. Nests have been documented in a variety of micro-habitats including within a recessed hole of upturned tree root mass, rotting tree stump or sphagnum moss hummock. They're less often reported within a clump of grass, at base of tree stump, tucked under overhanging bank, beside fallen log, in rock cavity, at base of sedge tussock, under leaf on forest floor, at base of moss-covered logs/rocks, or in brush pile. Eggs are laid at the end of May, fledglings leave the nest and are ready to migrate by the end of July, early August. Migration peaks at the end of August, beginning of September.

Potential for Canada Warbler

The wetland ecosite G142N along the riparian area of Junction Creek has low potential to provide suitable nesting and foraging habitat for Canada Warbler. No Canada Warblers were observed or heard during field investigations; based on field surveys the only suitable habitat is in the area adjacent the creek, in particular areas with alders or other dense shrubs. This shrub habitat is uncommon. Regardless, the areas with potentially suitable habitat for Canada Warblers is wholly within the setback area surrounding the creek.

No impacts to Canada Warblers are anticipated.

Snapping Turtle (Chelydra serpentina)

Snapping turtles are found in the shallow waters of lakes, rivers and ponds. Snapping turtles occasionally emerge from the water to bask. They are omnivorous and feed on various aquatic plants and invertebrates, as well as fish, frogs, snakes, small turtles, aquatic birds and relatively fresh carrion. Approximately 90 percent of their diet consists of dead animal and plant matter, and this species plays an important role in keeping lakes and wetlands clean. Adult snapping turtles have few natural enemies, but both hibernating and young adults are occasionally victims of opportunistic predation by otters and mink. Raccoons, foxes, skunks and opossums often eat

snapping turtle eggs.¹⁹ They occasionally move over land usually in search of suitable nest sites which are found in sunny, well-drained sandy locations.

Potential for Snapping Turtles

Snapping turtles were listed in the 10 km atlas square 17NM05. It's possible that Junction Creek and the associated wetland area provide habitat for turtles including snapping turtles.

The recommended setback for Blanding's turtles and the cold water fish setback will serve to protect the potentially suitable turtle habitats found along the creek and associated wetland area. No impacts to snapping turtles are expected.

Areas of Natural & Scientific Interest

There are no Areas of Natural & Scientific Interest on or within 120 metres of the subject property. Consultation available resources and the appropriate agencies confirmed the absence of ANSI's.

Fish Habitat

Junction Creek runs north of the proposed development area, through the identified mineral meadow marsh ecosite – both of which are entirely outside of the proposed development area. This section is confirmed cold water fish habitat by MNRF.

Respecting the cold water designation, a 30 metre setback was applied; however the Blanding's turtle setback will provide an even greater setback because it is measured from the wetland edge.

There are no other water features, direct or indirect fish habitat on or within 120 metres of the proposed development area. No impacts to fish or fish habitat are expected.

Natural Heritage Features Summary & Recommendations

The following table summarizes the findings and provides recommendations to move forward while ensuring the intent of the natural heritage sections of the 2014 Provincial Policy Statement (PPS) and the City of Greater Sudbury's Official Plan (OP) are met.

¹⁹ http://www.ontarionature.org/protect/species/reptiles_and_amphibians/snapping_turtle.php

Table 1: Natural Heritage Features Summary & Recommendations

Natural Heritage Category	Natural Heritage Feature	Species/Habitat	Recommendations	Impacts Expected?	Authorization Required?
Habitat of Endangered/Threatened Species	General habitat	Blanding's turtle	<ul style="list-style-type: none"> Minimum 30 metre setback on wetland habitat associated with Junction Creek Specific to construction – see below 	No	No
Fish Habitat	Cold water Stream Groundwater Inputs	Brook Trout (MNRF)	<ul style="list-style-type: none"> 30 metre setback on stream 30 metre setback on wetland edge, resulting in larger overall setback Erosion and sediment control during construction 	No	No

The following recommended mitigation acknowledges the potential for Blanding's turtles and other reptiles to be present in Junction Creek adjacent the site and seeks to eliminate or minimize the risk to each species.

Table 2: Recommended Mitigation to Eliminate or Minimize the Risk to Species at Risk Reptiles

PRE-CONSTRUCTION		
Potential Risk	Recommended Mitigation	Outstanding Risk
Turtles moving over land to access aquatic and terrestrial habitats	<ul style="list-style-type: none"> Isolate the work area along the wetland edge or nearer the development with temporary exclusion fencing when working during the active season 	<ul style="list-style-type: none"> If work areas are properly isolated, little to no risk of harm
Disturbance of recommended setbacks	<ul style="list-style-type: none"> Clearly delineate recommended setbacks on the ground to avoid confusion No temporary parking/storage or other use of setback areas 	<ul style="list-style-type: none"> If boundaries are clearly marked and setbacks are respected, very little to no risk of impairing or eliminating habitat
CONSTRUCTION		
Potential Risk	Recommended Mitigation	Outstanding Risk
Harm to individuals	<ul style="list-style-type: none"> As above, delineate work areas & setbacks Isolate work areas where appropriate; sediment fencing can function to isolate temporary features e.g. aggregate stockpile 	<ul style="list-style-type: none"> Turtles - Little to none – overland movements aren't frequent and tend to follow shortest, wettest path The area proposed for development is the least likely habitat to be used for movement

	<ul style="list-style-type: none"> Sweep the work area immediately prior to work Provide educational materials to on-site workers so they are aware of potential for encounter with species at risk 	<ul style="list-style-type: none"> Educational materials will provide workers context for minimizing any remaining risk
Creation of suitable nest sites through imported aggregate	<ul style="list-style-type: none"> Isolate any imported aggregate stockpiles to prohibit use by turtles - sediment fencing works well for this 'Fresh' aggregate should be dealt with at once e.g. graded/ installed/ covered, if not, it should be isolated as above 	<ul style="list-style-type: none"> Little to none No suitable nest sites were observed within the proposed development area; turtles demonstrate nest site fidelity so are less likely to use a 'new' site (recently placed aggregate)
POST CONSTRUCTION		
Potential Risk	Recommended Mitigation	Outstanding Risk
Road mortality	<ul style="list-style-type: none"> Culvert installations should consider sizing sufficient for reptile passage (where appropriate) 	<ul style="list-style-type: none"> Minimal Large roads are known to increase the potential for mortality of all reptiles, interior subdivision roads less likely because of slower speeds, smaller lanes, looped/dead-end

General Recommendations

The following general recommendations are included as a best practice approach to site clearing, vegetation removal and construction:

- To minimize impacts to wildlife, site clearing and vegetation removal are recommended September 15 through March 31 of any given year
 - Once site clearing and vegetation removal are completed, construction activities can proceed any time of the year
 - The timing restriction is intended to eliminate or reduce the risk of harm to breeding/active wildlife during the active season
 - Site clearing and vegetation removal may be permitted during the active season (April 1 through September 14); provided the site is 'swept' and confirmed clear of breeding birds and other wildlife by a qualified individual
- Erosion and sediment controls to mitigate temporary impacts of construction activities
- Delineation and isolation of natural heritage features prior to construction activities to ensure areas are maintained
- Temporary storage and excess materials during construction should be managed such that they do no impact e.g. infilling, piling, disposal the identified natural heritage features

Conclusions

It is our opinion that the proposed 22-lot development on the subject property can proceed while minimizing or eliminating potential impacts on the natural heritage features and functions on and adjacent the site. If the recommended mitigation measures are implemented, the proposed development is consistent with the Provincial Policy Statement, specifically Section 2.1 as it relates to natural heritage features and areas.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'R. Geauvreau', written in a cursive style.

Rebecca Geauvreau
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