

PLANNING JUSTIFICATION REPORT

Application for Zoning By-law Amendment
Part of Lots 31 and 32, Concession 2
860 19th Sideroad
Township of King – Region of York

Prepared for:

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Section 1 INTRODUCTION

1.1 Background

Thorstone Consulting Services Inc. was retained by Sarah and William Gairdner in April 2022 to assist with the Zoning By-law Amendment process for the subject property and provide professional planning advice and project management services.

The subject application applies to a large parcel of land located on the north side of 19th Sideroad in King Township (refer to Figure 1). The subject property is currently designated **Natural Heritage System** on Schedule A and **Oak Ridges Moraine Natural Core Area** on Schedule B to the Township of King Official Plan and is zoned **Rural General (RU1)** as per the Township of King Zoning By-law 74-53. The proposal is to construct a new one-storey residential dwelling and convert the existing dwelling for a farm manager residence via a Zoning By-law Amendment application.

As part of our assignment for the subject application, we have undertaken the following activities:

- Conducted a site inspection of the subject property;
- Consulted with municipal planning staff to discuss the proposed site-specific zoning amendment application process and confirm matters outlined in the Pre-Consultation meeting held on July 13, 2022 (refer to Appendix B); and,
- Reviewed the applicable land use policies which apply to the subject property.

1.2 Purpose of Report

The purpose of this Report is to:

- Provide a detailed description of the proposed rezoning including an analysis of existing site conditions and surrounding land uses;
- Provide a review and analysis of applicable land use planning and policy instruments that apply to the development of the subject lands with a particular focus on the following:
 - Provincial Policy Statement (2020);
 - Provincial Growth Plan (2020);
 - Region of York Official Plan (2016);
 - Township of King Official Plan (2019);
 - Township of King Zoning By-law 74-53; and,
 - draft new Township of King Zoning By-law for the Countryside (2022).
- Provide a review and consideration of more recent provincial studies and reports dealing with affordable housing and changes to the Planning Act; and,
- Provide a professional planning opinion and recommendations with respect to the application for the proposed Zoning By-law Amendment.

This Report also addresses the matters discussed during a Pre-Consultation meeting between the applicant, Thorstone Consulting and Township staff. The Pre-Consultation application was submitted to the Township on May 13th, 2022 and a Pre-Consultation meeting was held virtually

on July 13th, 2022. As of August 24, 2022, Pre-Consultation notes have not been provided by the Township and therefore Appendix B – Pre-Consultation Notes is empty.

1.3 Existing Site Characteristics and Surrounding Land Use

As shown on the Air Photograph (Figure 1), the subject property is located on the north side of 19th Sideroad and west of Old Bathurst Street. The legal description of the subject property is Part of Lots 31 and 32, Concession 2 and is municipally known as 860 19th Sideroad. The subject property is approximately 21.36 hectares (52.78 acres) in area and contains a single detached dwelling of approximately 158 square metres (1,700 square feet) and two existing outbuildings.

The subject property is located in a rural residential area and is immediately surrounded by existing rural residential dwellings and agricultural uses.



Photograph 1: Existing Detached Dwelling to be Converted for a Farm Manager Residence

1.4 Proposal Summary

The proposal is to construct a one-storey residential building with a ground floor area of 474 square metres (5,100 square feet) on the subject property (refer to Figure 5 – Site Plan). The existing 158 square metres (1,700 square feet) dwelling would be converted for accommodation for the full-time farm manager. Due to the size of the subject property being approximately 53 acres, there are many items around the property that requires help to be addressed for maintenance including assistance with agricultural work. Some of the items include:

- 1) Annual farm crop harvest work and coordination
- 2) Managed forest coordination, logging harvest, and annual thinning
- 3) Access and recreational trail maintenance
- 4) Tractor, and miscellaneous machine maintenance and repair work
- 5) Outbuilding maintenance
- 6) Harvesting of hardwood for heating purposes throughout the winter months
- 7) Orchard planning, maintenance, and harvesting
- 8) Seasonal Spraying for invasive plant species
- 9) 1 km of gravel road repairs and maintenance work
- 10) 1 km of snow removal for residential and farm access
- 11) Hydro Line clearing of dead-fall and arborist work
- 12) Perimeter fence maintenance and repair
- 13) Security due to agency to Newmarket and related trespassing issues
- 14) Maple syrup harvesting and processing work

A Farm Manager Letter has been prepared by the property owners and is attached to this Report as Appendix D.

Section 2 PLANNING CONTEXT & ANALYSIS

2.1 Introduction

This section focuses on the evaluation of the application within a context established by applicable land use planning policies, sound planning principles, and site characteristics.

2.2 Provincial Policy Statement (PPS) 2020

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest relating to land use planning and development. The PPS was recently updated by the Province on May 1, 2020.

The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. Section 3 of **The Planning Act** establishes that matters of provincial interest will be set out in policy statements issued from time to time and that municipal decisions must be consistent with these policy statements.

The subject property is considered as Rural as defined by the PPS due to its location. The following policies are applicable to the subject application.

- 1.1.4.1 Healthy, integrated and viable *rural* areas should be supported by:**
 a) building upon rural character, and leveraging rural amenities and assets;
 h) conserving biodiversity and considering the ecological benefits provided by nature;

- 1.1.5.2 On *rural lands* located in municipalities, permitted uses are:**

- c) residential development, including lot creation, that is locally appropriate;
- d) *agricultural uses*, agriculture-related uses, *on-farm diversified uses* and *normal farm practices*, in accordance with provincial standards;
- g) other rural land uses.

1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

On rural lands, agricultural uses are permitted under Section 1.1.5.2 of the PPS. Within the PPS, **agricultural uses means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.**

The proposed conversion of the existing residential dwelling to be used for a farm manager residence meets the policies of the PPS as it is compatible with the rural landscape and is an appropriate rural land use. The proposed new primary residential dwelling also conforms to the PPS as residential development is permitted within rural lands.

2.3 Growth Plan for the Greater Golden Horseshoe (2020)

The Growth Plan for the Greater Golden Horseshoe (GGH) was prepared under the Places to Grow Act, 2005. The Plan develops a framework to implement the Government of Ontario's vision for building stronger, prosperous communities by better managing growth in the Greater Golden Horseshoe. The Plan guides decisions related to transportation, infrastructure, planning, land-use planning, urban form, housing, natural heritage and resource protection in the interest of promoting economic prosperity. The Plan provides growth management policy direction for the GGH, but works in conjunction with municipal plans and key initiatives such as the PPS and the Greenbelt Plan.

The Growth Plan includes policies for municipalities to incorporate the *Natural Heritage System for the Growth Plan* as an overlay in official plans. The Township of King has identified the subject property as being within the Natural Heritage System. Section 4.2.2 of the Growth Plan outlines policy direction regarding the Natural Heritage System in the GGH. Section 4.2.2.3 discusses new development and existing uses as follows:

4.2.2.3 Within the *Natural Heritage System for the Growth Plan*:

4.2.2.3 a) new development or site alteration will demonstrate that:

- i. **there are no negative impacts on key natural heritage features or key hydrologic features or their functions;**
- ii. **connectivity along the system and between key natural heritage features and key hydrologic features located within 240 metres of each other will be maintained or, where possible, enhanced for the movement of native plants and animals across the landscape;**

- iii. the removal of other natural features not identified as key natural heritage features and key hydrologic features is avoided, where possible. Such features should be incorporated into the planning and design of the proposed use wherever possible;
- iv. except for uses described in and governed by the policies in subsection 4.2.8, the disturbed area, including any buildings and structures, will not exceed 25 per cent of the total developable area, and the impervious surface will not exceed 10 per cent of the total developable area;
- v. with respect to golf courses, the disturbed area will not exceed 40 per cent of the total developable area; and
- vi. at least 30 per cent of the total developable area will remain or be returned to natural self-sustaining vegetation, except where specified in accordance with the policies in subsection 4.2.8; and

4.2.2.3 b) the full range of existing and new agricultural uses, agriculture-related uses, on-farm diversified uses, and normal farm practices are permitted. However, new buildings or structures for agricultural uses, agriculture-related uses, or on-farm diversified uses are not subject to policy 4.2.2.3 a), but are subject to the policies in subsections 4.2.3 and 4.2.4.

The proposed new primary residential dwelling meets the policies of the Growth Plan as the proposed building location is removed from the woodlands to the north which are a Key Natural Heritage Feature. A setback greater than 30 metres to the woodlands to the north was designed for the new residence to avoid disturbance to the feature. The conversion of the existing dwelling to a farm help residence use also conforms to the policy direction of the Growth Plan as it is not a new development. The Growth Plan is consistent with the PPS in terms of both permissions and definition for agricultural uses which includes accommodation for full-time farm labour.

2.4 Region of York Official Plan (2010)

The subject property is designated as **Rural Area** within Map #8 of the Region of York Official Plan (see Figure 2). Section 6.4 of the Region of York Official Plan outlines policies for the Rural Area. The following policy outlines the permitted uses within the Rural Area:

6.4.3 That existing and new *agricultural uses, agriculture-related uses, normal farm practices, forestry, conservation, land extensive recreational uses, and resource-based commercial and industrial uses* are permitted in the Rural Area, consistent with the policies of the Provincial Plans and local municipal official plans and zoning by-laws.

The Region of York Official Plan's definition of agricultural uses is consistent with the PPS and the Growth Plan in that agricultural uses includes accommodation for full-time farm labour. The proposal to convert the existing residence for a full-time farm labour accommodation conforms to the Region of York Official Plan.

The subject property is also located within the limits of the **Regional Greenlands System** of the Region of York Official Plan Map #1 (Regional Structure). Section 2.1 of the Region of York Official Plan (2010) deals specifically with the Regional Greenlands System:

2.1.9 That *development* and *site alteration* be prohibited within the Regional Greenlands System and that *development* and *site alteration* applications within 120 metres of the Regional Greenlands System shall be accompanied by an *environmental impact study*. The requirement for, content and scope of the study will be determined through the pre-consultation meeting and a terms of reference shall be submitted to the approval authority early in the application process. The *environmental impact study* shall also address any requirements of the local municipality. Within the Oak Ridges Moraine, the Greenbelt and the *Lake Simcoe watershed*, *environmental impact studies* shall meet the requirements of those Plans.

2.1.10 That notwithstanding policy 2.1.9, within the Regional Greenlands System, the following uses may be permitted subject to meeting the requirements of applicable Provincial Plans:

- a. stormwater management systems/facilities, and passive recreational uses, such as non-motorized trails and community gardens in accordance with an approved *environmental impact study* which demonstrates that they can be constructed without negative impact, and a Greenlands System Plan, as required in policy 2.1.11 of this Plan;
- b. legally existing land uses, that conform with in-force local official plans, zoning by-laws and *Ministerial Zoning Orders*, at the time this Plan is approved, may be permitted to continue to the extent provided for in local official plans, zoning by-laws and *Ministerial Zoning Orders*;
- c. the full range of existing and new *agricultural, agricultural-related* and *secondary agricultural uses* and *normal farm practices* is permitted;
- d. new buildings or structures for *agriculture, agricultural-related* and *secondary agricultural uses* subject to Section 2.2 of this Plan; and,

2.1.20 To ensure that within the portions of the Regional Greenlands System that are identified as the Natural Heritage System of the Protected Countryside within the Greenbelt:

- a. the full range of existing and new *agricultural, agricultural-related* and *secondary agricultural uses* and *normal farm practices* is permitted;
- b. new buildings or structures for *agriculture, agricultural-related* and *secondary agricultural uses* are not subject to policy 2.1.20.c, but are subject to Section 2.2 of this Plan;
- c. new *development* or *site alteration* permitted by the Greenbelt Plan shall demonstrate that:
 - i. there will be no negative effects on key natural heritage features or key hydrologic features or their functions;
 - ii. connectivity between *key natural heritage features* and *key hydrologic features* is maintained or where possible, enhanced for the movement of native plants and animals across the landscape;
 - iii. the removal of other natural features not identified as key natural heritage features and key hydrologic features should be avoided. Such features should be incorporated into the planning and design of the proposed use wherever possible; and,

- iv. the disturbed area of any site does not exceed 25 per cent, and the impervious surface does not exceed 10 per cent, of the total developable area, except where otherwise permitted within the Greenbelt Plan. With respect to golf courses, the disturbed area shall not exceed 40 per cent of the site.
- d. where permitted non-agricultural uses are proposed within the Natural Heritage System of the Protected Countryside, applicants shall demonstrate that:
 - i. at least 30 per cent of the total developable area of the site will remain or be returned to natural self-sustaining vegetation;
 - ii. connectivity between *key natural heritage features* or *key hydrologic features* located within 240 metres of each other is maintained or enhanced; and,
 - iii. buildings or structures do not occupy more than 25 per cent of the total developable area and are planned to optimize the compatibility of the project with the natural setting.

The policies of the Region of York Official Plan requires that development within 120 metres of the Regional Greenlands System shall be accompanied by an Environmental Impact Study. A scoped Natural Heritage Evaluation (NHE) has been prepared by Birks Natural Heritage Consultants dated September 2021. The NHE found that the subject property does contain candidate Key Natural Heritage Feature (KNHF) and functions. However, the location of the proposed new residential dwelling was designed to avoid the KNHF. The NHE included general mitigation measures to ensure that any potential negative ecological impacts would be mitigated. The residential use is a legally existing use and therefore the proposed new principle dwelling is permitted under the Region of York Official Plan. The conversion of the existing residential dwelling into a farm help residence would also meet the policies of the Region of York Official Plan as it is a permitted Agricultural Use.

2.5 Township of King Official Plan (2019)

The “Our King” Official Plan was adopted by Council in September 2019 and approved by the Region of York in September 2020. The Plan was subject to several appeals which have largely been resolved through decisions of the Ontario Land Tribunal. The subject property is designated as **Natural Heritage System** on Schedule ‘A’ and **Oak Ridges Moraine Natural Core Area** on Schedule ‘B’ to the Township of King Official Plan (refer to Figure 2). Section 6.5 of the Official Plan outlines policies regarding development for the Oak Ridges Moraine Natural Core Area designation. **Section 6.5.2** outlines the permitted uses within the ORM Natural Core Area as follows:

1. **Fish, wildlife and forest management;**
2. **Conservation projects and flood and erosion control projects;**
3. ***Agricultural uses;***
4. ***Infrastructure uses,* in accordance with Section 8 of this Plan;**
5. **Home businesses;**
6. ***Home industries;***
7. ***Bed and breakfasts,* in accordance with Section 3.8.4 of this Plan;**

8. ***Agriculture-related uses and on-farm diversified uses*** are permitted, subject to Section 3.8.1 and 3.8.2 respectively, but only in the ORM Natural Core Areas that are also within *Prime Agricultural Areas*, as shown on Schedule E of this Plan;
9. **Low-intensity recreational uses;**
10. **Unserviced parks; and**
11. **Accessory uses, buildings and structures to the foregoing permitted uses.**

As noted under Section 6.5.2.3, agricultural uses are permitted within the ORM Natural Core Area designation. The Township of King Official Plan defines Agricultural use as: **the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agri-forestry; maple syrup production; and associated on-farm buildings and structures, including accommodation for fulltime farm labour where the size and nature of the operation requires additional employment.** This definition for Agricultural use is consistent with the Provincial Policy Statement, Growth Plan, and the Region of York Official Plan.

Section 3.8.3 of the Township of King Official Plan outlines policies regarding farm help accommodation and individual responses are provided as follows:

3.8.3 Where farm help accommodation is permitted in accordance with Sections 5 and 6 of this Plan, it is the policy of Council:

1. **That a farm help dwelling shall only be permitted if it is exclusively devoted to accommodating full-time farm labour and it is demonstrated that the nature of the farm operation requires the additional accommodation to be located on-farm.**

The farm help dwelling is proposed to accommodate a full-time farm manager. The subject property is 21 hectares and includes a large number of items that need to be taken care of by a farm manager. See Appendix D – Farm Manager Residence for a detailed list of typical items to be addressed by the farm manager. The property owners are unable to care for the agricultural aspect of the property as they both have full-time employment as well. A large portion of the subject property is rented out to a hay farmer, however once approvals for the farm help dwelling is in place, the farm manager would take over the task of growing and harvesting hay. The subject property had a derelict apple orchard left by the previous property owner. The property owners have purchased additional apple trees to revitalize the apple orchard as part of the tasks of the farm manager.

2. **That a farm help dwelling may consist of:**
 - a. **A second dwelling unit within an existing building;**
 - b. **A separate building or structure including but not limited to a portable dwelling unit; or**
 - c. **An existing dwelling that is part of the extended farm operation.**

The existing residence is proposing to be converted into the farm help dwelling and therefore meets the criteria as set above.

3. **To generally direct the farm help dwelling to utilize a shared driveway with the principal dwelling where possible and to cluster the farm help dwelling with other farm buildings and structures on the lot.**

No additional driveway is needed for the converted farm help dwelling. The principal dwelling will share the same driveway as the farm help dwelling.

4. That the severance of land for a farm help dwelling is not permitted.

Acknowledged, the farm help dwelling will not be severed from the subject property.

5. To apply the Township of King's guidelines for farm help accommodations.

The Township of King's guidelines for farm help accommodations have been reviewed in detail and the proposed farm help dwelling meets the policies within the Guideline. The Guideline is attached to this Report as Appendix C.

6. That the farm help dwelling not be located in an area of the site that is in a hazardous site or within hazardous lands such as a floodplain.

The proposal is to convert the existing residence into a farm help dwelling. There is no site alteration being proposed as part of the conversion.

7. That the farm help dwelling unit is not located in an area that would be rendered inaccessible to people and vehicles due to natural hazards unless it is demonstrated that the site has safe access.

The proposed converted farm help dwelling is accessed by an existing gravel driveway.

8. That farm help accommodation in a building that is separate from the principal residence may be subject to site plan control and standards in the zoning by-law.

There is no site alteration proposed as part of the converted farm help dwelling. The Site Plan does not include dimensioned setbacks from the existing dwelling. However, we are fairly confident that the existing structure satisfies the minimum setbacks for all yards and meets the standards as identified in the Township's Zoning By-law.

The Township of King Official Plan permits residential use on the subject property as it is a legally existing use and therefore the new residential dwelling would be permitted subject to the approval of the existing residence being converted to a farm help dwelling. The large acreage of the subject lands, as well as the many items required to be taken care of, necessitates a farm manager and therefore accommodations for the farm manager is justified and permitted on the property subject to a site-specific Zoning By-law Amendment.

Section 3.8.3.5 of the Township of King Official Plan requires that Township of King's guidelines for farm help accommodations be applied for farm help accommodation proposals. The Policy Guidelines for an Additional Residence for Full-Time Farm Help have been evaluated in detail and responded to as follows:

1. An additional residence shall be permitted only for help employed full-time on the property.

Acknowledged, the additional residence will only be used for the full-time farm manager.

- 2. For agricultural uses, the minimum lot area necessary for granting permission to establish an additional residence shall be 20 hectares (50 acres). At least seventy-five per cent (75%) of the land should be used for agricultural purposes. In certain instances where the farm operation is labour intensive, such as that occurring in the Holland Marsh, or the operation of large greenhouses, an additional residence may be permitted on lots of less than 20 hectares (fifty acres). In all cases, the applicant shall be required to provide information regarding the nature and productive capability of his operation.**

The subject property is 21.36 hectares in lot area. It appears that approximately half of the land area is utilized for crop production. As noted in Appendix D, the duties and responsibilities of the farm manager include woodlot management and other agricultural activities.

- 3. The minimum floor area for an additional residence should be 58 square metres (+620 square feet).**

The proposed farm manager residence has a floor area of 158 square metres.

- 4. All residences on the property should be served by one entrance to the property.**

The proposed new residential dwelling to the rear of the subject property as well as the proposed farm manager residence will be served by the one existing entrance to the property.

- 5. An additional residence shall be permitted only where safe access to a public road can be obtained, that is, a traffic hazard shall not be created because of limited sight lines on grades or curves.**

The proposed farm manager residence will continue to use the existing driveway which has access to a public road.

- 6. An additional residence shall be permitted only when it has been established that:**
 - (a) soil and drainage conditions are suitable to permit such a residence;**
 - (b) private sewage disposal system and private well have been or can be made available to the satisfaction of the Township Building Department.**

The proposed farm manager residence is an existing residence that is being proposed to be converted for the farm manager accommodation. A private septic system and well will continue to be used for the proposed farm manager residence. There is no site alteration being proposed as part of the conversion of use.

- 7. The additional residence should be located in close proximity to existing farm buildings.**

The proposed farm manager residence is located in close proximity to the agricultural outbuildings.

- 8. Where it is intended that a mobile home is to be used as the additional residence, such home should be located not closer to the street than the rear of the main dwelling.**

The additional residence is not a mobile home and is an existing dwelling.

9. The use of the land for agricultural purposes must be established prior to the granting of permission for a second residence.

The subject property is being used for a variety of agricultural activities such as hay harvesting, forest management, and orchard planning and maintenance.

Through a detailed evaluation of the Policy Guidelines for an Additional Residence for Full-Time Farm Help, we conclude that the proposed conversion of the existing residence into a full-time farm help accommodation meets the policy guidelines and therefore conforms to the Township of King Official Plan.

2.6 Township of King Zoning By-law 74-53

The subject property is zoned **Rural General (RU1)** to the Township of King Zoning By-law 74-53. Section 22.1 of the Zoning By-law outlines the permitted uses within the Rural General (RU1) Zone:

Permitted uses within the Rural General (RU1) Zone are:

- Agricultural produce storage facilities;
- Animal hospitals, kennels, riding and/or boarding stables;
- Nurseries or commercial greenhouses;
- An agricultural or forestry use but not a specialized farm use, together with residential accommodation for the owner or resident staff;
- Uses, buildings and structures accessory to the foregoing uses.

To permit the farm help dwelling, a site-specific Zoning By-law Amendment is required to amend Section 6.30 of the Zoning By-law. Section 6.30 of the Zoning By-law permits only one (1) single family detached dwelling to be erected on any lot. Section 6.30 ii) outlines site-specific exceptions approved for an additional single family detached dwelling for the use of persons employed on the property. Since the Township of King Zoning By-law 74-53 has been in place, the Zoning By-law has been amended on numerous occasions, to be specific, 68 times from 1975 to 1991. There has been more amendments to the Zoning By-law to this Section, however the office consolidation available online only included amendments until April 1991. The request for a site-specific Zoning By-law Amendment to permit a farm help dwelling is appropriate and justified for the amount of tasks required to be undertaken by a farm manager.

2.7 Draft Township of King Zoning By-law for the Countryside (2022)

The Township of King has been undergoing a review of the Zoning By-law for the Countryside. A final draft of the Zoning By-law for the Countryside was released in June 2022 and the Zoning By-law for the Countryside is expected to be adopted by Council in the fall. The subject property is zoned **Oak Ridges Moraine Natural Core and Linkage (ORL)** and **Oak Ridges Moraine Feature Protection (ORF)** to the draft Township of King Zoning By-law for the Countryside. Section 8.2 of the draft Zoning By-law outlines the permitted uses within the Oak Ridges Moraine zones.

A single detached dwelling is permitted within all of the Oak Ridges Moraine zones subject to Section 8.5 of the draft Zoning By-law. Agricultural uses are also permitted within all of the Oak Ridges Moraine zones.

Table 8.2 of the draft Zoning By-law permits a single detached dwelling in the ORF zone as well as a variety of agricultural uses including forestry management but it does not specifically permit a farm help dwelling. The definition of agricultural use in draft Zoning By-law is more restrictive than the PPS and other senior planning documents in that it does not include additional accommodation for full-time farm help. As such, the draft new Zoning By-law is structured in such a way that any additional dwelling units for farm help may be provided for only through a Zoning By-law Amendment application.

Section 3.14 of the draft Zoning By-law outlines policies for Farm Help Dwelling as follows:

3.14 Where permitted by this By-law, a *farm help dwelling* shall be provided in accordance with the following provisions:

- a) A farm help dwelling shall only be permitted as accessory to an agricultural use.
- b) A farm help dwelling shall only be permitted in a detached additional residential unit and shall be subject to Section 3.3.d).
- c) The minimum floor area of a farm help dwelling shall be 58.0 m².
- d) Notwithstanding Section 3.3.d), the maximum floor area of a farm help dwelling shall be 182.0 m².
- e) A farm help dwelling shall not be permitted in the principal residence of the owner or operator of the agricultural use.
- f) Access to a farm help dwelling shall be from a shared driveway.
- g) In the Agricultural (A) and Greenbelt Natural Heritage (GNH) zones, a *farm help dwelling* shall only be permitted on a *lot* with a minimum *lot area* of 20.0 ha.
- h) A minimum of 75% of the *existing lot area* shall be utilized for *agricultural uses*.
- i) A minimum distance of 6.0m shall be required between a *farm help dwelling* and the nearest point of any other *building or structure*.
- j) *Parking* shall be provided in accordance with Part 4 of this By-law.
- k) A *farm help dwelling* shall only be permitted on a *lot* legally existing on the date of passing of this By-law.
- l) A *farm help dwelling* shall be subject to an approved *site plan*.

Section 3.14.b) references Section 3.3.d) of the draft Zoning By-law as follows:

3.3.d) An *additional residential unit* permitted in a *detached accessory building* shall comply with the following provisions:

- i) The *accessory building* containing the *additional residential unit* shall comply with the minimum *setback* requirements for *accessory buildings* as established by Section 3.2.2.
- ii) The *gross floor area* of the *additional residential unit* shall not exceed 50% of the *gross floor area* of the *principal dwelling*, or 85.0 m², whichever is less.
- iii) The *accessory building* shall not be permitted to be located within a *front yard or exterior side yard*.

- iv) A 1.2 m wide unobstructed pedestrian access shall be provided to the entrance of the *additional residential unit* unless access is provided directly from a *street* or lane.
- v) The maximum *height* of the *accessory building* shall be in accordance with Section 3.2.3 of this By-law.
- vi) Notwithstanding any other provisions of this By-law, no *additional residential unit* shall be permitted within a *building* that is *used* to keep livestock.

Through a review of both Section 3.14 and 3.3.d) of the draft Zoning By-law, the proposed conversion of the existing residence to a farm help accommodation meets the intent of the Township of King draft Zoning By-law for the Countryside. The farm help accommodation has a gross floor area of 158 square metres which is permitted under Section 3.14 of the draft Zoning By-law regarding farm help dwellings. The proposed converted farm help accommodation meets all performance standards of the draft Zoning By-law.

Section 8.5 of the Zoning By-law outlines the Oak Ridges Moraine Conservation Plan Area Special Provisions as follows:

8.5.1 b) On lands located within the *Oak Ridges Moraine Conservation Plan Area* nothing in this By-law shall prevent the *use, erection, or location* of a *single detached dwelling* and *accessory buildings* thereto provided:

- i) The *use, erection* and location would have been permitted by the applicable zoning by-law on November 15, 2001.
- iii) Site Plan Approval is obtained under Section 41 of the Planning Act if the *single detached dwelling* is comprised of *major development* or proposed within an *ORM zone*, the area of *influence* or a *landform conservation area* demonstrating that, to the extent possible, the *use* will not adversely affect the ecological integrity of the *Oak Ridges Moraine Conservation Plan Area*.

8.5.1 l) A *use, building or structure* with a *ground floor area* greater than 500.0 m² per *lot* and that is proposed on lands within an Oak Ridges Moraine zone shall not be permitted unless it is in accordance with a *site plan* prepared under Section 41 of the Planning Act and approved by Council.

8.5.3 a) No development, *site alteration* or change of *use* shall take place within the Area of Influence boundaries shows on Schedule “C-1” unless it is in accordance with a *site plan* prepared under Section 41 of the Planning Act and approved by *Council*.

8.5.3 a) No development, *site alteration* or change of *use* shall take place within the areas shown as Landform Conservation Area (Category 1) and Landform Conservation Area (Category 2) on Schedule “C-2”, as applicable, unless it is in accordance with a *site plan* prepared under Section 41 of the Planning Act and approved by Council. Where development or *site alteration* comprises an *expansion* to an existing *institutional use*, the applicable provisions of subsection 8.5.1 h) shall apply.

- ii) Where development or site alteration comprises previously authorize dwellings and accessory buildings thereto, the applicable provisions of subsection 8.5.1 b) shall apply.

8.5.3.b) On lands shown as Landform Conservation Area (Category 1), the area of *impervious surface* shall not exceed 15% of the area so identified within the subject property, and the proportion of the area so identified within the subject property that is disturbed through grading or other construction activity shall not exceed 25%.

The subject property is located within an Area of Influence as noted in Schedule C-1 and is also located within the Landform Conservation Area Category 1 in Schedule C-2 to the draft Zoning By-law for the Countryside. As the draft Township of King Zoning By-law for the Countryside has not been adopted by Council yet nor is it in force and effect, a Site Plan Approval is not necessary for the proposed residential dwelling.

Section 3 LAND USE PLANNING ASSESSMENT

3.1 Land Use and Farm Help Dwelling

As noted earlier, the subject property is located within an immediate area of rural residential uses, with some agricultural uses in the surrounding area. A residential dwelling currently exists on the subject property and therefore residential use is a legally existing use on the property. There are two existing outbuildings located to the north west of the existing residential dwelling. The existing residential dwelling is proposing to be converted to a full time farm manager residence and will continue to be accessed by a shared driveway with the proposed new residential dwelling which will be located in an open area to the north of the existing dwelling. The proposed farm manager residence is located in between mature vegetation and cannot be seen from the 19th Sideroad. The proposed residential dwelling is set further into the subject lands and will also not be able to be seen from the 19th Sideroad. As the proposed farm manager residence and the proposed residential dwelling will share a driveway, there will be no visible changes to the streetscape.

Farm help dwellings are a common use in the Township of King due to the amount of agricultural activity in the Township. The farm help dwelling would be used solely for the farm help manager.

The subject lands are comprised of 21.36 hectares with a large portion of the property being a managed forest to the north and east. The property owners are aiming to revitalize the existing derelict apple orchard and are waiting on the appropriate season to plant them in the ground. To grow the apple orchard, harvest the hay and manage the existing forest as a few tasks in the list of many as identified in the Farm Manager Letter attached as Appendix D to this Report, a full-time farm manager is required to assist the property owners in managing the property for a variety of agricultural purposes. A full-time farm help residence is required to provide accommodation for the farm manager.

3.2 Environmental Impact

Birks Natural Heritage Consultants was retained to prepare a scoped Natural Heritage Evaluation regarding the proposed residential development (see Appendix E). The scoped NHE assessed potential impacts associated with the proposed residential dwelling and provided mitigation measures to reduce any potential impact from the development. As the location of the proposed residential dwelling is within the open portion of the property, no tree removal is necessary. Any potential vegetation removal would occur outside of the 30 metre vegetation protection zoned. Birks concluded that the proposed development is not expected to result in a negative ecological impact as it relates to the removal of vegetation. Birks provided some mitigations measure under Section 7 of the scoped Natural Heritage Evaluation. The property owners will apply the mitigation measures to ensure that any potential impacts will be minimized.

Section 4 CONCLUSIONS AND RECOMMENDATIONS

Based on the discussion outlined in this Report, the following summarizes the planning justification for the conversion of the existing residence to a farm help dwelling and the proposed residential development.

The upper tier and lower tier planning documents permit the legally existing residential use and the conversion of the existing residence to a farm help dwelling conforms to the applicable policies. The subject property is currently used for both agricultural and rural residential uses and the property owners are proposing an increase in agricultural activity with revitalization of the apple orchards. Due to the size of the subject property, a farm manager is necessary to assist the property owners in the agricultural tasks and requires a farm help dwelling to accommodate the farm manager.

The proposed Zoning By-law Amendment application is supported by a scoped Natural Heritage Evaluation prepared by Birks Natural Heritage Consultants. The scoped NHE specifically addresses the key natural heritage features on the subject property and concluded that no impacts to the identified features are expected provided the mitigation measures are accordingly applied.

In summary, the proposed Zoning By-law Amendment application:

- Is consistent with the **Provincial Policy Statement (PPS) 2020**;
- Conforms to the **Growth Plan** and the **Oak Ridges Moraine Conservation Plan**;
- Conforms with the purpose, intent and policies of the **Region of York Official Plan**
- Conforms to the policies of the **Township of King Official Plan**;
- The proposed development satisfies the criteria set out under **Section 34 of the Planning Act for a Zoning By-law Amendment**; and,
- Represents good planning and is in the public interest.

It is recommended that the Zoning By-law Amendment application be approved.

Respectfully submitted,

THORSTONE CONSULTING SERVICES

Prepared and Recommended by:



Bonnie Tang, BES, LEED-GA
Planner
bonnie@thorstoneconsulting.ca

Reviewed by:



Dan Stone, MCIP, RPP, LEED-GA
Principal
dan@thorstoneconsulting.ca

APPENDIX A



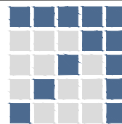
FIGURE 1

AIR PHOTOGRAPHY

860 19th Sideroad
Township of King
Regional Municipality of York

— Subject Lands - 21.36 ha

SOURCE OF AIR PHOTOGRAPHY: GOOGLE EARTH PRO 2018



Thorstone Consulting Services
Land Use Planning and Development
P.O. Box 116, Sutton, Ontario

PREPARED FOR:
GARLOCH
DATE:
APR 23, 2022
REVISION

SCALE: (m)

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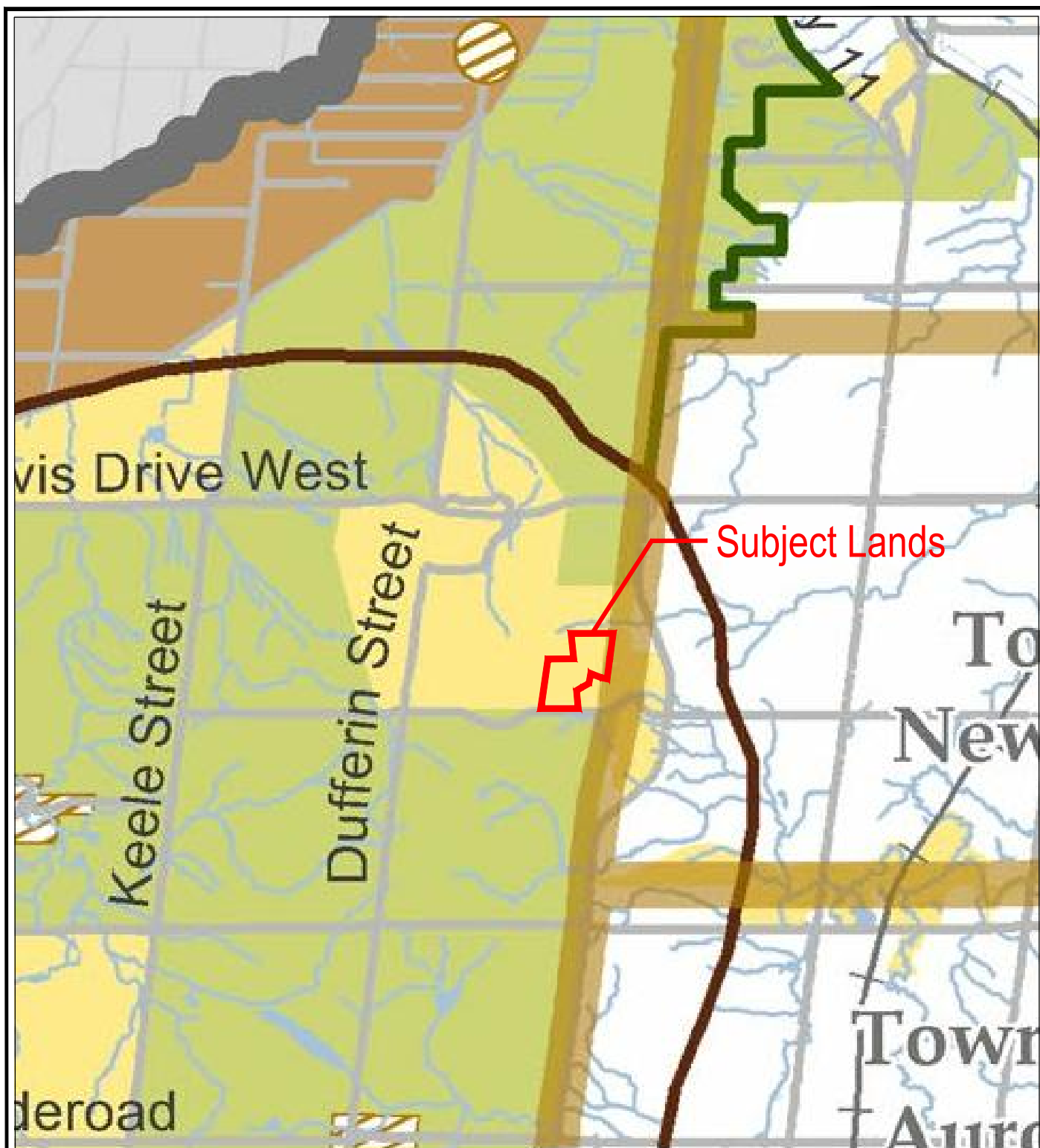


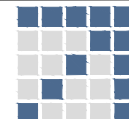
FIGURE 2

KING TOWNSHIP OFFICIAL PLAN
MAP 8

860 19th Sideroad
Township of King
Regional Municipality of York

- Rural Area
- Agriculture Area
- Holland Marsh Specialty Crop Area
- Towns and Villages
- Subject to Minister's Order February 3, 2015 and special provision policies 6.2.19 and 6.4.14
- Greenbelt Plan**
- Greenbelt Plan Boundary
- Hamlet

- Oak Ridges Moraine Conservation Plan (ORMCP)**
- ORMCP Boundary
- Hamlet
- Provincial Highways**
- Controlled Access Highways
- Controlled Access Highways (Under Construction)
- Other Provincial Highways
- Municipal Boundaries**



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AUG 16, 2022
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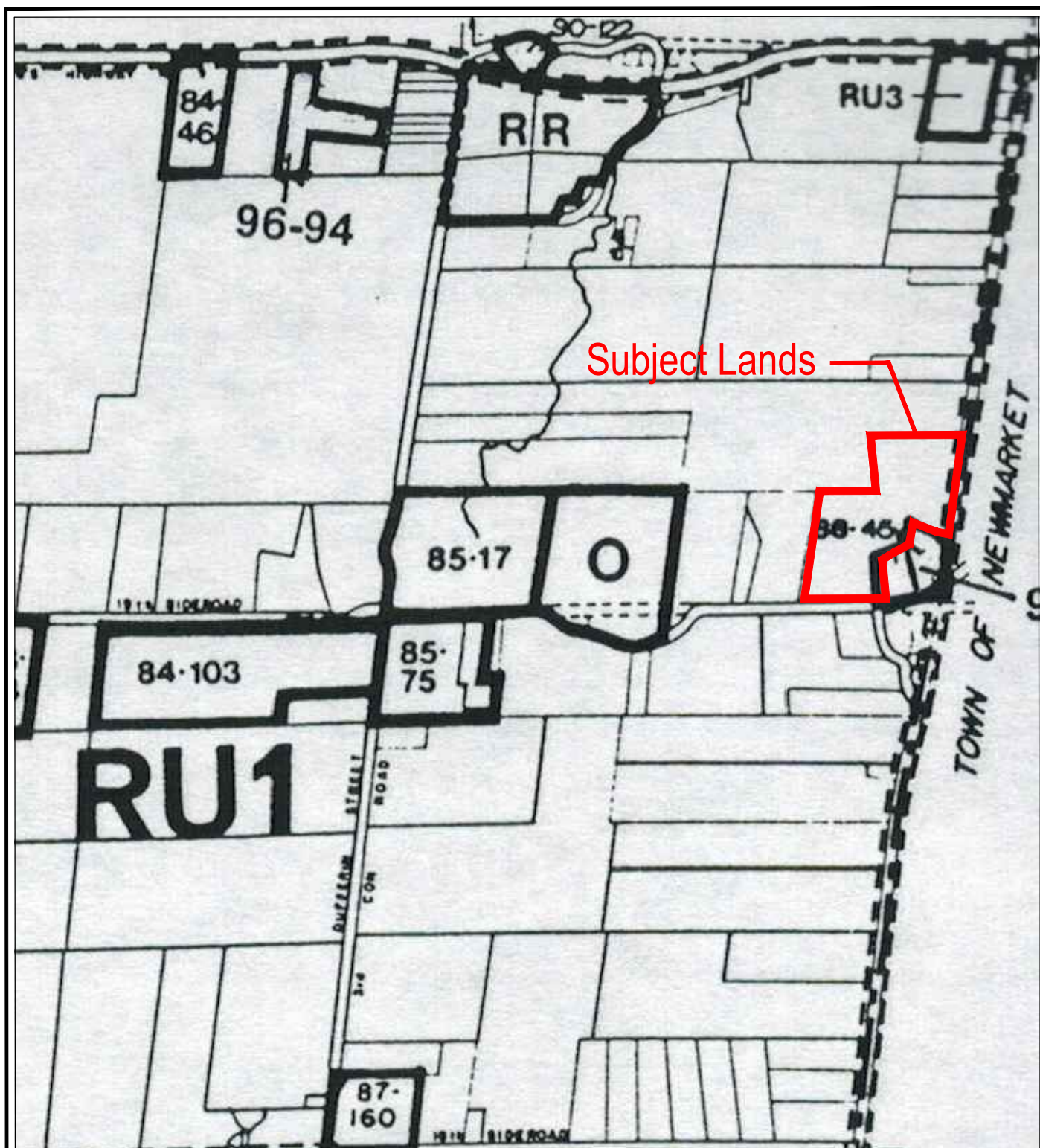


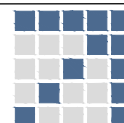
FIGURE 3

KING TOWNSHIP ZONING BY-LAW
SCHEDULE 74-53

860 19th Sideroad
Township of King
Regional Municipality of York

LEGEND

- O Open Space & Conservation
- RR Residential Rural
- RU1 Rural General
- RU3 Rural Specialized



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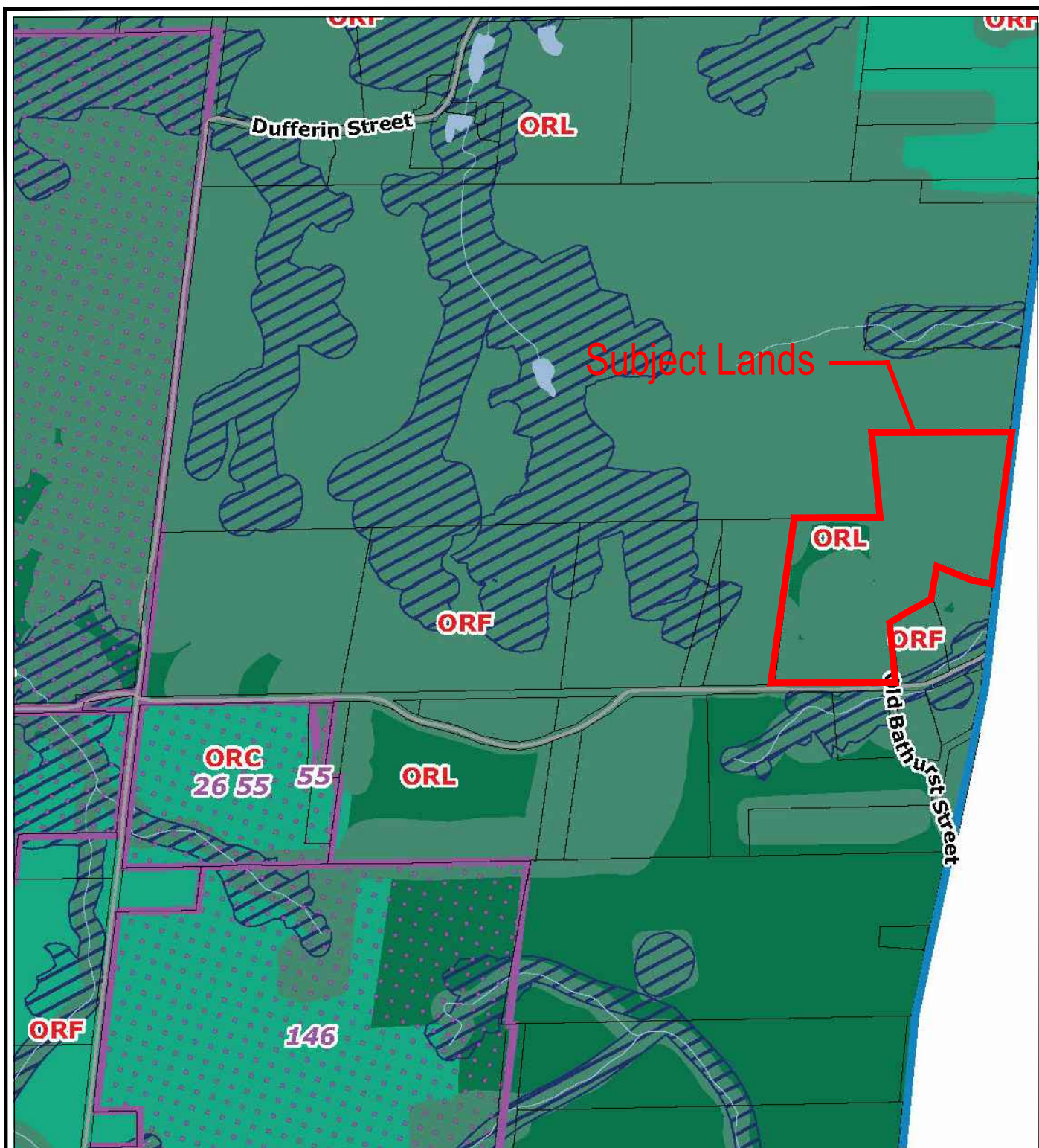


FIGURE 4

DRAFT ZBL FOR THE COUNTRYSIDE
SCHEDULE A11

860 19th Sideroad
Township of King
Regional Municipality of York

Legend

- Oak Ridges Moraine Conservation Plan Area
- Draft Exclusion Zones
- Conservation Authority Regulated Area
- Lake Simcoe Region Conservation Authority
- Toronto and Region Conservation Authority

Hamlet Residential Zones

- OR1 - Hamlet Residential 1
- OR2 - Hamlet Residential 2
- OR3 - Hamlet Residential 3
- OR4 - Hamlet Residential 4
- OR5 - Hamlet Residential 5

Hamlet Commercial, Employment, Institutional and Rural Zones

- ORC - Hamlet Commercial
- ORE - Hamlet Employment
- ORI - Hamlet Institutional
- ORR - Hamlet Rural

Rural and Agricultural Zones

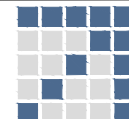
- RR - Rural Residential
- RS - Rural Exclusive Residential
- RC - Rural Commercial
- RE - Rural Employment
- RA - Rural Agricultural

Other Zones

- AG - Agricultural
- AS - Agriculture Specialty Crop
- GNH - Greenbelt Natural Heritage
- VR - Volcanic Village Reserve
- ORP - Oak Ridges Moraine Protection
- ORL - Oak Ridges Moraine Natural Core and Linkage
- ORC - Oak Ridges Moraine Countryside

Other Zones

- FS - Future Use
- OS - Open Space
- EP - Environmental Protection



Thorstone Consulting Services
Land Use Planning and Development
P.O. Box 116, Sutton, Ontario

PREPARED FOR:

GARLOCH

DATE:

APR 23, 2022

REVISION

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SITE STATISTICS
SITE AREA: 52.8 ACRES (213747.6 SM)

EXISTING BUILDING (TO BE CONVERTED TO FULL-TIME FARM HELP RESIDENCE)
TOTAL AREA: 1,700 SF

EXISTING OUTBUILDINGS
TOTAL AREA: 3,008 SF

NEW RESIDENTIAL 1 STOREY DWELLING:
GROUND FLOOR AREA: 5,100 SF GROUND FLOOR

30 m WOODLAND SETBACK

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The Architect is not liable for any loss or diversion of information resulting from subsequent reproduction of the original drawing.

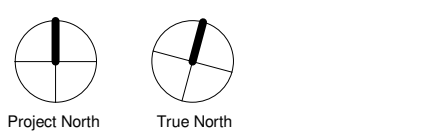
GENERAL NOTES:

- 1 Drawings are not to be scaled. Contractor will verify all existing conditions and dimensions required to perform the Work and will report any discrepancies with the Contract Documents to the Architect before commencing work.
- 2 The Architectural Drawings are to be read in conjunction with all other Contract Documents including the Project Manuals and the Structural, Mechanical and Electrical Drawings. In cases of difference between the Consultant's documents with respect to the quantity, scope or scope of work, the greater shall apply.
- 3 Position of proposed installed Mechanical or Electrical devices, fittings and inlets are indicated on the Architectural Drawings. Locations shown on the Architectural Drawings shall govern over Mechanical and Electrical Drawings. Mechanical and Electrical items not clearly located will be located as directed by the Architect.
- 4 Dimensions indicated are taken between the faces of finished surfaces unless otherwise noted.
- 5 The architect has not been retained for supervision of construction and assumes no responsibility for means, methods and techniques of construction.
- 6 These documents are not to be used for construction unless specifically noted for such purpose.



Rev.	Date	Issued
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850 18th Sideroad, King City, Ontario
L7B1K5



SCALE 1 : 850
PROJECT NO. 8.22.2022
ISSUE DATE

SITE PLAN

APPENDIX B

APPENDIX C

TOWNSHIP OF KING

POLICY GUIDELINES FOR AN ADDITIONAL RESIDENCE FOR FULL-TIME FARM HELP

The following guidelines are to be used to evaluate requests for an additional residence for help employed on a farm.

1. An additional residence shall be permitted only for help employed full-time on the property.
2. For agricultural uses, the minimum lot area necessary for granting permission to establish an additional residence shall be 20 hectares (50 acres). At least seventy-five per cent (75%) of the land should be used for agricultural purposes. In certain instances where the farm operation is labour intensive, such as that occurring in the Holland Marsh, or the operation of large greenhouses, an additional residence may be permitted on lots of less than 20 hectares (fifty acres). In all cases, the applicant shall be required to provide information regarding the nature and productive capability of his operation.
3. The minimum floor area for an additional residence should be 58 square metres (± 620 square feet).
4. All residences on the property should be served by one entrance to the property.
5. An additional residence shall be permitted only where safe access to a public road can be obtained, that is, a traffic hazard shall not be created because of limited sight lines on grades or curves.
6. An additional residence shall be permitted only when it has been established that:
 - (a) soil and drainage conditions are suitable to permit such a residence;
 - (b) private sewage disposal system and private well have been or can be made available to the satisfaction of the Township Building Department.
7. The additional residence should be located in close proximity to existing farm buildings.
8. Where it is intended that a mobile home is to be used as the additional residence, such home should be located not closer to the street than the rear of the main dwelling.
9. The use of the land for agricultural purposes must be established prior to the granting of permission for a second residence.

As a condition of approval of an application for an additional residence, Council may require the owner to enter into a Site Plan Development Agreement pursuant to the provisions of Section 40 of the Planning Act, 1990.

APPENDIX D

To Whom It May Concern:

In June of 2018 we were able to finally purchase our dream property at 860-19th Sdrd, King City. We are life-long outdoor enthusiasts with a passion for forest conservation, sustainable farming, birding, and mountain biking. Despite the 1950's bungalow being in complete disrepair and having animals living in it when we purchased, we have slowly revitalized the 1700sqft home so we can enjoy the wonderful 53ac of Southern Ontario forest and farmland surrounding the modest home.

As our family has grown (3,6,8 year old kids) and our lives have gotten busier, we are finding it more and more demanding to keep up with all the demands of the property. Here is a non-exhaustive list of the typical items that need to be addressed on a weekly basis for the property to function properly and stay in good repair.

- 1) Annual farm crop harvest work and coordination
- 2) Managed forest coordination, logging harvest, and annual thinning
- 3) Access and recreational trail maintenance
- 4) Tractor, and miscellaneous machine maintenance and repair work
- 5) Outbuilding maintenance
- 6) Harvesting of hardwood for heating purposes throughout the winter months
- 7) Orchard planning, maintenance, and harvesting
- 8) Seasonal Spraying for invasive plant species
- 9) 1 km of gravel road repairs and maintenance work
- 10) 1 km of snow removal for residential and farm access
- 11) Hydro Line clearing of dead-fall and arborist work
- 12) Perimeter fence maintenance and repair
- 13) Security due to agency to Newmarket and related trespassing issues
- 14) Maple syrup harvesting and processing work

Given my wife and I both have full-time employment in addition to the property work outlined above, we have decided to hire a full-time farm/property management person. In order to have this role and the property function properly we are proposing to building a new residence for family, and use the current 1700sqft 1950's bungalow for our property manager to live in and take care of the property from.

We trust that this is all clear, but please do not hesitant to reach out if you require any further information regarding our go forward plans for the property.



Sarah & William Gairdner

Aug 24th 2022

APPENDIX E

Prepared By:



Natural Heritage Evaluation

860 19th Sideroad, Township of King

Project No. 05-014-2021

September 2021

23 HERRELL AVENUE, BARRIE ON L4N 6T5

WWW.BIRKSNHC.CA



September 10, 2021

Bill Gairdner
Gairloch Developments
18 Hook Ave., Suite 210
Toronto, Ontario
M4P 1T4

RE: BIRKS NHC 05-014-2021
Natural Heritage Evaluation
860 19th Sideroad, Township of King

Dear Mr. Gairdner:

Thank you for retaining Birks Natural Heritage Consultants Inc. (Birks NHC) to prepare a scoped Natural Heritage Evaluation (NHE) for the property described above. It is our understanding that the NHE is required due to the property being within the Oak Ridges Moraine Conservation Plan area and the Township of King's Natural Heritage System. The property is also partially situated within the Glenville Hills Area of Natural and Scientific Interest and contains woodlands which were evaluated within this NHE for significance. The NHE has been produced in consideration of the proposed residential development within the open field area of the property.

Birks NHC completed site visits on July 13 and July 23, 2021 to review the existing conditions of the property with a focus on any key natural heritage features and key hydrologic features and their associated functions. Through assessment including the site visit, review of background information, and applicable policies and regulations, we have determined that the property contains key natural heritage features and functions, specifically associated with the deciduous woodlands to the north and eastern portions of the property and adjacent lands.



The report provides an assessment of potential impacts associated with the proposed development and provides mitigation measures to reduce any potential impacts. Based on our evaluation and assuming that mitigation is employed as recommended, there is no expectation that impacts to the identified features and functions would result from the proposed residential development within the identified developable area.

If you have any questions or concerns regarding this report, please do not hesitate to contact the undersigned.

Yours truly,

Birks Natural Heritage Consultants Inc.

Heather Marcks, B.Sc., M.F.C.
Ecologist



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1 INTRODUCTION

Birks Natural Heritage Consultants, Inc. (Birks NHC) was retained by Bill Gairdner to undertake a scoped Natural Heritage Evaluation (NHE) for the property 860 19th Sideroad in the Township of King, Regional Municipality of York (Figure 1).

1.1 PURPOSE

The objective of the NHE is to identify and characterize the potential functions associated with key natural heritage features (KNHFs) and key hydrologic features (KHF) present on and adjacent to the property and determine if potential impacts to those features and functions could arise from the proposed development of a single residential dwelling. The assessment is focused on potential ecological impacts which could result from the proposed development of a new residential dwelling situated within the non-forested lands of the property as illustrated in Figure 3. This scoped NHE is required because the property is located within the Oak Ridges Moraine Conservation Plan (ORMCP) area and the Township of King's Natural Heritage System. The property is also partially within the Glenville Hills Area of Natural and Scientific Interest and contains woodlands which were evaluated within this NHE for significance.

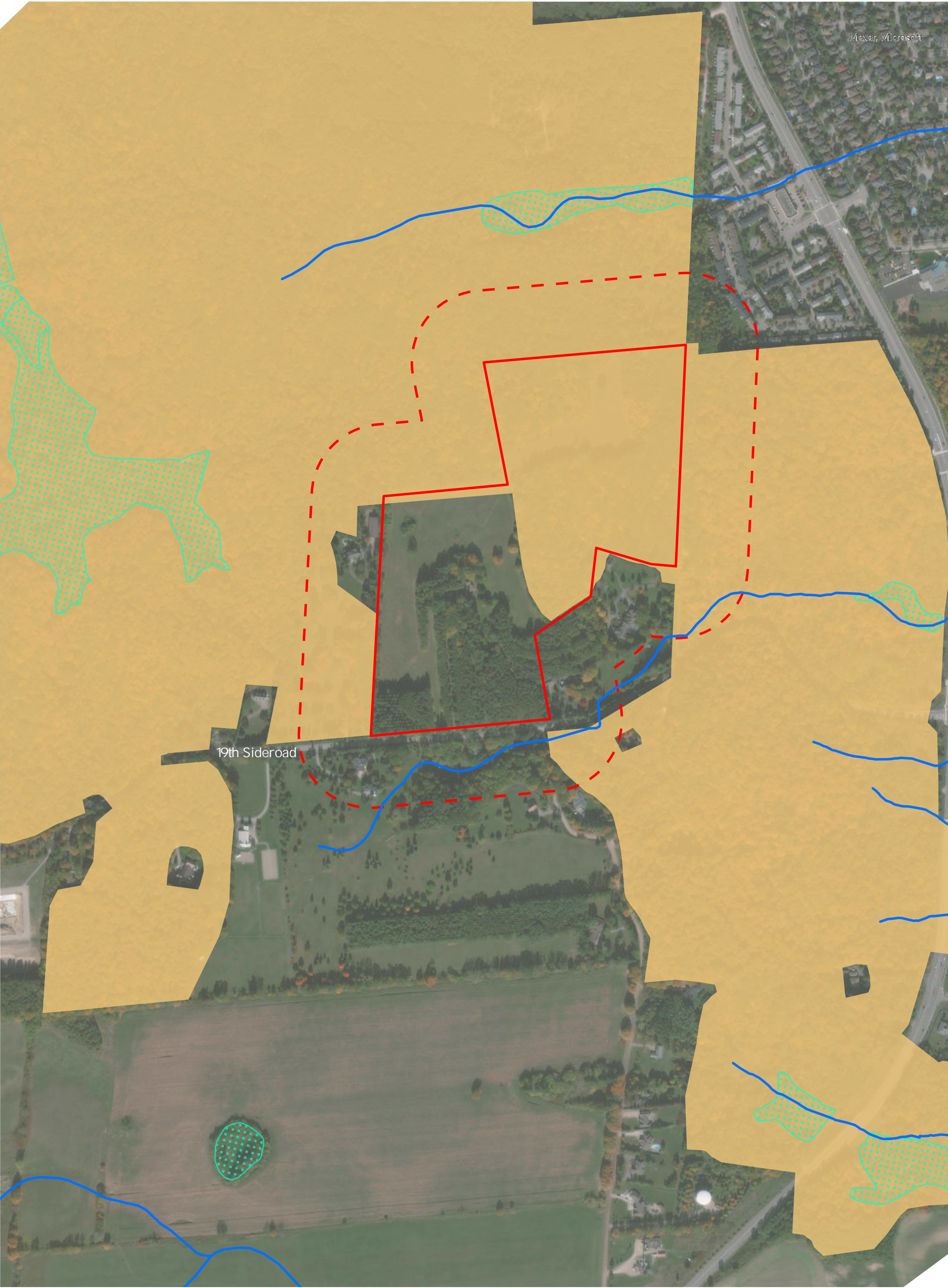
This report has been prepared to address the natural heritage requirements of the Provincial Policy Statement (PPS, 2020), *Endangered Species Act* (ESA, 2007), ORMCP (2017), Lake Simcoe Protection Plan (2009), and the Township of King Official Plan (2019).

1.2 SITE DESCRIPTION

The property measures approximately 21.55 hectares (ha). There are two blocks of mature naturalized Red Pine plantation that appear to have been allowed to grow and succeed naturally; one smaller pocket fronting 19th Sideroad at the south-western portion of the property and a larger plantation area that also fronts 19th Sideroad and covers a substantial part of the southern portion of the property. A driveway through the larger plantation area leads to a maintained, culturally influenced area situated central of the south portion of the property, consisting of structures (*i.e.*, sheds, residential dwelling), mowed lawn, and a mixture of natural and planted species. Deciduous forest is present in the north-eastern portion of the property. The remaining open areas of the property loosely run along the western and northern property lines and are actively farmed for commercial purposes. The open habitat on the property can be described as mixed meadow/agricultural.

1.3 ADJACENT LAND USE

The property is situated on 19th Sideroad, at the border between Township of King and Town of Newmarket. The property is within an agricultural area of King Township with a mix of natural lands, approximately 330 metres (m) east of a Newmarket residential community.



860 19th Sideroad

Township of King

Figure 1:
Study Area

- Property Limit
- Wetland (LIO)
- ANSI
- Watercourse (LIO)
- 120m Study Area



MAP DRAWING INFORMATION:
DATA PROVIDED BY: ESRI CANADA
MAP CREATED BY: SB
MAP CHECKED BY: BB
MAP PROJECTION: NAD 1983 UTM ZONE 17N



FILE LOCATION:
Path: C:\Users\S_Brady\BirksNHC\Birks NHC Team for all - Documents\Project Folders\SBrady Projects\ArcGIS - Projects here\Projects - here\Y9Sideroad\King
PROJECT: 05-014-2021 STATUS: DRAFT DATE: 29/07/2021
0 55 110 220 330 440 Meters



Low density agricultural properties exist along 19th Sideroad on neighbouring properties and continuing south of the road. Natural woodlands exist to the north and north-west encompassed within the Thornton Bales Conservation Area and University of Toronto's Koffler Scientific Reserve at Jokers Hill.

1.4 STUDY AREA

For the purpose of this NHE the Study Area is focused within an area approximately 120 m surrounding the property as illustrated in Figure 1. The Ministry of Natural Resources and Forestry (MNRF) recommends a distance of 120 m for consideration of development and/or site alteration impacts to adjacent features, as outlined within the Natural Heritage Reference Manual (MNR, 2010).

2 ENVIRONMENTAL POLICY FRAMEWORK

The following summarizes the planning policies and regulations related to natural heritage that apply to the proposed development.

2.1 PROVINCIAL POLICY STATEMENT (2020)

Ontario's *Planning Act* requires that planning decisions shall be consistent with the Provincial Policy Statement (PPS, 2020). Section 2.1 of the PPS specifies policy related to protection of natural heritage features and functions. All proposed development needs to meet the "no negative impact" test and demonstrate that there will be no negative impacts to the natural features and their ecological functions per Section 2.1 of the PPS.

According to Section 2.1.4 of the PPS, development and site alteration shall not be permitted in the following features:

- a) Significant wetlands in Ecoregions 5E, 6E, and 7E; and,
- b) Significant coastal wetlands.

Section 2.1.5 of the PPS states that, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions, development and site alteration shall not be permitted in:

- a) Significant woodlands in Ecoregions 6E and 7E;
- b) Significant valleylands in Ecoregions 6E and 7E;
- c) Significant wildlife habitat (SWH);
- d) Significant areas of natural and scientific interest (ANSI); and,
- e) Coastal wetlands in Ecoregions 5E, 6E, and 7E that are not subject to policy 2.1.4(b).

Sections 2.1.6 and 2.1.7 state that development and site alteration is not permitted in fish habitat or habitat of endangered and threatened species except in accordance with federal and provincial requirements.



Section 2.1.8 extends protection of those features defined above in policies 2.1.4, 2.1.5 and 2.1.6 to adjacent lands, typically those within 120 m of the potential impact. Section 2.1.8 states that development and site alteration shall not be permitted on lands adjacent to natural heritage features identified in policies 2.1.4, 2.1.5, and 2.1.6 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 features or on their ecological function.

While many of these features are mapped and direction is available to allow for candidate features and functions to be identified, it remains the responsibility of the province and/or the municipality to designate areas identified within Section 2.1.4 and 2.1.5 of the PPS as significant. The Natural Heritage Reference Manual (MNR, 2010) and Significant Wildlife Habitat Criteria Schedules for Ecoregion 6E (MNRF, 2015) were used within this report to identify candidate features and functions not currently identified by the province and/or municipality.

2.2 ENDANGERED SPECIES ACT (2007)

Ontario's *Endangered Species Act*, 2007 (ESA) provides regulatory protection to Endangered and Threatened species, prohibiting harassment, harm and/or killing of individuals and destruction of their habitats. Habitat is broadly characterized within the ESA as the area prescribed by a regulation as the habitat of the species, or, an area on which the species depends, directly or indirectly, to carry on its life processes including reproduction, rearing of young, hibernation, migration or feeding.

Ontario Regulation (O. Reg.) 230/08 of the ESA identifies Species at Risk in Ontario and includes species listed as Extirpated, Endangered, Threatened, and Special Concern. As noted above, only species listed as Endangered and Threatened receive species and habitat protection through the ESA. Species designated as Special Concern may receive protection under the Significant Wildlife Habitat (SWH) provisions of the PPS.

2.3 OAK RIDGES MORAINÉ CONSERVATION PLAN (2017)

The property is mapped as Natural Core Area within the ORMCP (Appendix A). The purpose of Natural Core Areas is to maintain, and where possible, improve or restore the ecological integrity of the Plan area. Only existing uses, agricultural uses, restricted resource management, low intensity recreational, home businesses, and infrastructure uses are allowed in these areas, subject to Part III (Protecting Ecological and Hydrological Integrity) and Part IV (Specific Land Use Policies) of the ORMCP.

In areas with significant landscape character (called Landform Conservation Areas) in Natural Core Areas, development will have to meet particular review and approval standards. The Study Area is within Landform Conservation Area Category 1. An application for development or site alteration therefore shall keep disturbance to a minimum, including:

- Maintaining significant landform features such as steep slopes, kames, kettles, ravines and ridges in their natural undisturbed form;



- Limiting the portion of the net developable area of the site that is disturbed to not more than 25% of the total area of the site; and,
- Limiting the portion of the net developable area of the site that has impervious surfaces to not more than 15 per cent of the total area of the site.

(ORMCP, 2017, Part III, Section 30.5)

The ORMCP's Natural Core and Natural Linkage Area designation are considered the Natural Heritage System (NHS) for the Moraine. The property is therefore also within the ORMCP NHS. Every application for development or site alteration is to identify planning, design and construction practices that ensure that no buildings or other site alterations impede any hydrological functions or the movement of plants and animals among KNHFs, KHF, and adjacent land within Natural Core Areas and Natural Linkage Areas (ORMCP, 2017, Part 3, Section 20).

The minimum vegetation protection zone that relates to a KNHF or KHF is determined in the Part III Table of the ORMCP. In accordance with the table, land within 30 m of KNHFs/KHFs would be the minimum vegetation protection zone to the feature, or as determined by a NHE in relation to ANSIs and SWH.

2.4 GREENBELT PLAN (2017)

The Greenbelt Plan, together with the ORMCP and Niagara Escarpment Plan, builds on the PPS to establish a land use planning framework that supports protection to the agricultural land base and the ecological features and functions occurring on the 'Greater Golden Horseshoe' landscape. The Study Area is located within the Greenbelt Area as mapped by the Greenbelt Plan (2017). Where lands are located within the Oak Ridges Moraine and are governed by the policies of the ORMCP, the requirements of the ORMCP continue to apply (Greenbelt Plan, 2017, Section 2.1).

2.5 GROWTH PLAN FOR GREATER GOLDEN HORSESHOE (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) was issued under the authority of Section 7 of the *Places to Grow Act*, 2005. It was most recently amended and replaces the initial Growth Plan that took effect in 2017. Like other provincial plans, the Growth Plan builds upon the policy foundation provided by the PPS and provides additional and more specific land use planning policies to address issues facing specific geographic areas in Ontario. Within the Greater Golden Horseshoe, this includes the Greenbelt Plan, the ORMCP and the Niagara Escarpment Plan. As mentioned above, the Study Area falls within the Greenbelt Area and within the Oak Ridges Moraine. As such, policies of the Growth Plan that address the same matters as the Greenbelt Plan and ORMCP do not apply to the Study Area.

2.6 LAKE SIMCOE PROTECTION PLAN (2009)

The objective of the Lake Simcoe Protection Plan (LSPP) is to build on the protections for the Lake Simcoe watershed that are provided by provincial plans that apply to all or part of the watershed (*i.e.*,



Greenbelt Plan, Growth Plan, ORMCP) and other legislation including the *Planning Act*, *Clean Water Act* and the *Conservation Authorities Act*.

The Study Area is within the Lake Simcoe watershed and therefore is subject to the policies of the LSPP. Chapter 6 of the LSPP addresses Shorelines and Natural Heritage. Policies 6.20 through 6.29 (relating to KNHs and KHF) only apply to areas outside of existing settlement areas and outside of the Greenbelt area and Oak Ridges Moraine area and therefore do not apply to the Study Area. Policies 6.32 through 6.34 apply to existing settlement areas and areas of Lake Simcoe adjacent to these lands:

An application for development or site alteration shall, where applicable:

- increase or improve fish habitat in streams, lakes and wetlands, and any adjacent riparian areas;
- include landscaping and habitat restoration that increase the ability of native plants and animals to use valleylands or riparian areas as wildlife habitat and movement corridors;
- seek to avoid, minimize and/or mitigate impacts associated with the quality and quantity of urban run-off into receiving streams, lakes and wetlands; and,
- establish or increase the extent and width of a vegetation protection zone adjacent to Lake Simcoe to a minimum of 30 m where feasible.

Where, through an application for development or site alteration, a buffer is required to be established as a result of the application of the PPS, the buffer shall be composed of and maintained as natural self-sustaining vegetation.

2.7 YORK REGION OFFICIAL PLAN (2010)

The York Region Official Plan (2010) illustrates the Study Area as being within the Regional Greenlands System. The Regional Greenlands System includes KNHFs and KHF, many of which are core areas and corridors. KNHFs and KHF within York Region are subject to the ORMCP, the Greenbelt Plan, the LSPP, and the PPS as discussed in above sections. Local Official Plans include policies and mapping that incorporate and complement the Regional Greenlands System.

Development and site alteration is to be prohibited within the Regional Greenlands System and applications within 120 m are to be accompanied by an Environmental Impact Study. Notwithstanding, within the Regional Greenlands System, legally existing uses that conform with local Official Plans and zoning by-laws may be permitted (York Region Official Plan, 2010, Section 2.1.10). The requirement for, content and scope of the study will be determined through the pre-consultation meeting and a terms of reference shall be submitted to the approval authority early in the application process. Within the Oak Ridges Moraine, the Greenbelt and the Lake Simcoe watershed, environmental impact studies shall meet the requirements of those Plans (York Region Official Plan, 2010, Section 2.1.9).



2.8 TOWNSHIP OF KING OFFICIAL PLAN (2019)

Township of King Official Plan Schedule B (Provincial Plan Areas and Designations) maps the Study Area as being within the ORMCP, the Greenbelt Plan Area, and subject to the LSPP. Schedule E (Countryside Land Use Designations) and Schedule I (Oak Ridges Moraine Landform Conservation Areas) further illustrate the Study Area as being Oak Ridges Moraine Natural Core Area and Landform Conservation Area Category 1 (Appendix B).

The Study Area is within the Township of King's NHS (Schedule C). The Township's NHS includes various natural heritage features and linkages as well as hydrologic features intended for protection by the PPS, Greenbelt Plan, ORMCP, LSPP and those identified in the York Region Official Plan. Development or site alteration shall exceed or meet requirements of those plans (*i.e.*, Greenbelt Plan, ORMCP, LSPP); policies of those plans have also been integrated into the Township's Official Plan.

Development or site alteration is not permitted in a KNHF or KHF or a required vegetation protection zone except for forest, fish and wildlife management; conservation, flood and erosion control, low intensity recreational uses; any other uses as otherwise permitted provided it is demonstrated through a NHE that there will be no negative impact on the feature or its functions. Similarly, development or site alteration within 120 m of a KNHF or a KHF is generally not permitted except in accordance with a NHE where no negative impacts is demonstrated (Township of King, 2019, Section 4.2.2).

3 STUDY APPROACH

The following activities and assessments were undertaken to fulfill the objectives of this study. Consultation with LSRCA was initiated for the scoped NHE Terms of Reference (Appendix C).

3.1 BACKGROUND DATA REVIEW AND SOURCES

Background documents provide information on site characteristics, habitat, wildlife, rare species and communities, and other aspects of the Study Area. For the purpose of this NHE, the following sources were considered:

- Ontario Reptile and Amphibian Atlas (Ontario Nature, 2021)
- Land Information Ontario (LIO; MNRF, 2021)
- Natural Heritage Information Centre (NHIC; MNRF, 2021)
- Species at Risk in Ontario List (MECP, 2018)
- York Region Official Plan (2010)
- Township of King Official Plan (2019)

3.2 FIELD SURVEY

KNHFs and KHF and functions within the Study Area were characterized through completion of two site visits taking place on July 13 and 23, 2021. The following sections outline the methods used at the time



of the site visit, including specific provincial protocols utilized. Incidental wildlife, plant and habitat observations were considered during the survey.

3.2.1 Vegetation Community Mapping and Surveys

The ecological community boundaries were determined through a review of aerial photography and then further refined during the site visit. The ELC system for Southern Ontario (Lee *et al.*, 1998) was used with modifications. In early 2007, the MNRF refined their original vegetation type codes to encompass the vast range of natural and cultural communities across Southern Ontario. These updated ELC codes have also been used for reporting purposes in this NHE where they are more representative. The resulting mapping is illustrated in Figure 2.

Vascular plants were considered during the site visit and a list was compiled for inclusion in this report (Appendix D) based on observations during the site assessment.

3.2.2 Wildlife Surveys

A wildlife assessment within the property was completed through incidental observations while on site. Wildlife habitat functions were evaluated according to provincial criteria outlined in the Significant Wildlife Habitat Criteria Schedules for Ecoregion 6E (MNRF, 2015).

Two bird surveys focussed on grassland breeding birds were conducted to determine potential Bobolink or Eastern Meadowlark (Threatened) habitat.

3.3 SPECIES AT RISK

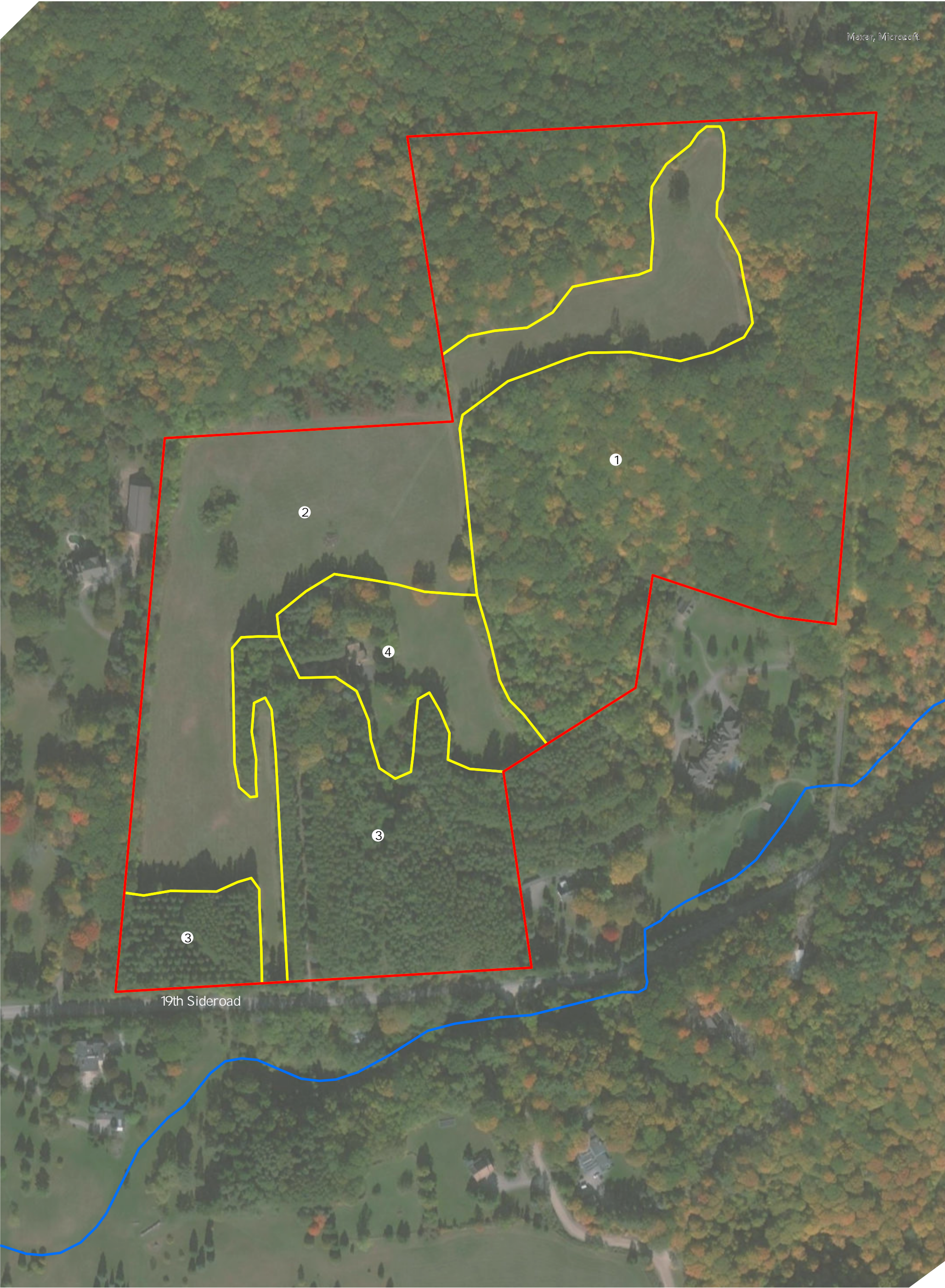
The Species at Risk assessment included an analysis of the habitat requirements of Species at Risk reported to occur in the region to identify those having potential to occur within the Study Area. Birks NHC staff reviewed data obtained through desktop review and the site visits related to potential habitat for provincially designated species, notably Species at Risk listed under O. Reg. 230/08 of the ESA as Threatened or Endangered.

4 EXISTING CONDITIONS

4.1 VEGETATION COMMUNITIES AND PLANTS

The property consists of a mixture of naturalized coniferous plantation, deciduous forest, open meadow/agricultural field, and a maintained culturally influenced area. The vegetation communities that occur on the property are illustrated on Figure 2 and include:

- MA: Maintained lands
- FOCM6-2: Dry - Fresh Red Pine Naturalized Coniferous Plantation Type
- FODM2-4: Dry - Fresh Oak – Hardwood Deciduous Forest Type
- MEMM3: Dry - Fresh Mixed Meadow Ecosite/Agricultural



860 19th Sideroad

Township of King

Figure 2:
Existing Conditions

- Property Limit
- Watercourse (LIO)

- Vegetation Communities
- 1 FODM2- 4 Dry-Fresh Oak-Hardwood Deciduous Forest
 - 2 MEMM3 Dry-Fresh Mixed Meadow Ecosite/Agricultural
 - 3 FOCM6- 2 Dry-Fresh red Pine Naturalized Coniferous Plantation
 - 4 Cultural/Maintained



MAP DRAWING INFORMATION:
DATA PROVIDED BY: ESRI CANADA
MAP CREATED BY: SB
MAP CHECKED BY: BB
MAP PROJECTION: NAD 1983 UTM ZONE 17N



FILE LOCATION:
Path: C:\Users\S_Brady\BirksNHC\Birks NHC Team for all - Documents\Project Folders\SBrady Projects\ArcGIS - Projects here\Projects - here\19thSideroadKing
PROJECT: 05-014-2021 STATUS: DRAFT DATE: 09/08/2021
0 20 40 80 120 160 Meters



FOCM6-2: Dry - Fresh Red Pine Naturalized Coniferous Plantation Type

There were two blocks of mature naturalized Red Pine plantation that appear to have been allowed to grow and succeed naturally; one smaller pocket fronting 19th Sideroad at the south-western portion of the property and a larger plantation area that also fronts 19th Sideroad and covers a substantial part of the southern portion of the property. The plantations were still predominantly coniferous, with Red Pine, White Pine, Norway Spruce, and White Spruce. Various mature trees were present in the naturalized plantations, including Manitoba Maple and Sugar Maple, and in the western plantation Black Walnut and Horse Chestnut. There was a considerable amount of European Lily-of-the-valley in the ground layer of the larger naturalised plantation. Tree marking was observed indicating that forest management activities will be occurring in the plantation portions of the property during this fall 2021 tree harvest.

FODM2-4: Dry – Fresh Oak – Hardwood Deciduous Forest Type

The deciduous forest portions were in situated within the north-eastern area of the property. Red Oak and Sugar Maple were the predominant species in the canopy and sub-canopy. Other tree species could be found throughout the forest, including Paper Birch, Black Cherry, Trebling Aspen, and Eastern Hop-hornbeam. Butternut, provincially designated as an Endangered species, was occasional within the deciduous forest. Staghorn Sumac and Black Walnut were present along the edges. Understory and ground layer contained a variety of herbaceous plants including Rose Twisted-stalk, Bracken Fern, Broad-leaved Enchanter's Nightshade, May-apple, and trilliums. Topography within the deciduous forest area was representative of those typically described as 'rolling hills' of the Oak Ridges Moraine. As with the naturalized plantations, tree marking and well-defined trails were observed indicating that forest management activities occur, or will be occurring, in the deciduous forest portions the property. Gypsy Moth and Emerald Ash Borer presence was evident.

MA: Maintained lands

A maintained, culturally influenced area was situated central of the south portion of the property. The maintained lands included structures (*i.e.*, sheds, residential dwelling), mowed lawn, and a mixture of natural and planted species. Along with some native species, a number of non-native species such as Goutweed, Garlic Mustard, European Swallowwort, European Lily-of-the-valley, Scots Pine, European Buckthorn, and Common Lilac were within the maintained, culturally influenced area of the property.

MEMM3: Dry - Fresh Mixed Meadow Ecosite/Agricultural

The remaining open portions of the property loosely run along the western and northern property lines and were historically cleared for agricultural use. The open habitat on the property can be described as mixed meadow, consisting of a mix of broadleaf species and grass-like species such as Mouse-ear Hawkweed, Sheep Sorrel, Common St. John's-wort, Red Fescue, Clover, and Orchard Grass. A small clump in the north-western corner of the meadow consisted of woody and herbaceous plants such as raspberry, goldenrod, Canada Thistle, Staghorn Sumac, Black Walnut, and Willow. This portion of the property is under contract with a local farmer to manage and harvest.



The majority of plants observed on the property are considered common provincially and locally; one Species at Risk (Butternut) was documented within the property. Appendix D provides a list of vascular plants documented at the time of the site visit.

4.2 WILDLIFE HABITAT

4.2.1 Birds

A mix of open and treed habitats were present on the property, providing habitat for a number of common species found in urban and rural areas. In addition to those bird species recorded on the property (Table 1 below), evidence of Pileated Woodpecker activity within the deciduous forest was observed. Eastern Wood-pewee (provincially designated Special Concern) was heard off-property within the deciduous woodlands to the north. No Bobolink or Eastern Meadowlark were observed on the property.

Table 1: Bird Species Recorded on the Property

Common Name	Scientific Name	Provincial S-Rank*	Provincial Endangered Species Act
American Crow	<i>Corvus brachyrhynchos</i>	S5B	-----
American Goldfinch	<i>Spinus tristis</i>	S5B	-----
American Robin	<i>Turdus migratorius</i>	S5B	-----
Black-capped Chickadee	<i>Poecile atricapillus</i>	S5	-----
Blue Jay	<i>Cyanocitta cristata</i>	S5	-----
Cedar Waxwing	<i>Bombycilla cedrorum</i>	S5B	-----
Downy Woodpecker	<i>Picoides pubescens</i>	S5	-----
Eastern Phoebe	<i>Sayornis phoebe</i>	S5B	-----
Indigo Bunting	<i>Passerina cyanea</i>	S4B	-----
Northern Cardinal	<i>Cardinalis cardinalis</i>	S5	-----
Red-breasted Nuthatch	<i>Sitta canadensis</i>	S5	-----
Red-eyed Vireo	<i>Vireo olivaceus</i>	S5B	-----
Wild Turkey	<i>Meleagris gallopavo</i>	S5	-----

*S-Rank: S1 - Extremely Rare, S2 - Very Rare, S3 - Rare to Uncommon, S4 - Common, S5 - Very Common; S#B - breeding

4.2.2 Mammals

Typical mammals observed in urban and rural settings are expected to utilize the habitats within the study area. These include Eastern Cottontail, Raccoon, White-tailed Deer, Striped Skunk, and small rodents. Grey Squirrel and Red Squirrel were observed on site; signs of White-tailed Deer were noted on the property.

4.2.3 Amphibians and Reptiles

No targeted amphibian or reptile surveys were conducted within the Study Area. Given the habitats present, species range maps, and observations in the general area (Ontario Nature, 2021), Eastern



Gartersnake, Red-bellied Snake, and Red-backed Salamander could be expected to be present within the habitats associated with the Study Area. No aquatic habitats were present on the property however amphibians may utilize any seasonal, temporary flowing or pools of water due to the topography within the deciduous forest. Amphibians and reptiles may also utilize the pond on adjacent lands to the east along 19th Sideroad.

4.2.4 Fish

The Study Area is located at the western border of the East Humber River Subwatershed. A total of 35 fish species have been captured from the East Holland River since 1930 (LSRCA, 2010). Generally, the East Holland River displays cold to coolwater tributaries feeding a warmwater main branch (LSRCA, 2010). No fish habitat was present on the property. A mapped drainage feature is present within 120 m of the property, south of 19th Sideroad. Given the location of the proposed development in relation to the drainage feature (over 120 m), and that the drainage feature was off property, a fish habitat assessment was not conducted on the drainage feature. Fish dot information indicates that only one species of fish has been recorded (Northern Redbelly Dace) within the water feature at a number of sampling points to the east of the Study Area and Bathurst Street (source: LIO). Based on aerial photography it appears that the feature does not flow within the Study Area south of 19th Sideroad as mapped, and is at best, temporary seasonal flow that may contribute to minimal fish habitat upstream.

5 KEY NATURAL HERITAGE AND KEY HYDROLOGIC FEATURES AND FUNCTIONS

In the following sections we summarize the range of KNHFs and KHF and functions attributable to the Study Area based on existing designations/delineations by agencies and as revealed through the application of provincial guidelines for identification of significant natural heritage features and functions.

5.1 PROVINCIAL SIGNIFICANT WETLAND

There are no mapped Provincially Significant Wetlands within the Study Area.

5.2 OTHER WETLANDS

There are no mapped wetlands within the Study Area. Birks NHC did not observe any vegetation communities exhibiting wetland characteristics on the property.

5.3 SIGNIFICANT WOODLAND

Woodland habitat is present on the property and within adjacent lands. These lands are mapped as Woodlands by the Township of King Official Plan (Appendix B). According to the Township of King Official Plan Section 4.2.5, the woodlands would be considered significant if directly supports provincially Threatened, Endangered or rare plants or animals as assigned by the NHIC (*i.e.*, Eastern



Wood-pewee; Butternut). Further, according to the Township of King Official Plan, the woodlands would be considered significant if within 100 m of a Life Science ANSI and is located within the NHS (*i.e.*, Glenville Hills ANSI; ORMCP NHS). The Township of King would therefore consider the deciduous woodlands significant.

Woodland size criteria in the Natural Heritage Reference Manual indicates that where woodlands are 15% - 30% of the land cover, woodlands 20 ha in size or larger should be considered significant (MNR, 2010). According to the Subwatershed Plans, approximately 20% of the East Holland River subwatershed, and 21% of the adjacent West Holland River subwatershed, is covered by woodlands (LSRCA, 2010). The woodland feature, including woodlands within the property and contiguous outside the property boundaries, is measured at approximately 484 ha (Appendix E) and therefore is considered Candidate Significant Woodland based on size at a subwatershed scale. The woodland feature is also expected to meet the following Natural Heritage Reference Manual criteria to be considered Candidate Significant Woodland:

- Woodland Interior: Greater than 150 ha of interior habitat (more than 100 m from the woodland edge).
- Proximity to Other Woodlands or Other Habitats: woodlands contain unevaluated wetland, Thornton Bales Conservation Area, Glenville Hills Kames ANSI, and Glenville Hills ANSI.
- Water Protection: woodlands encompass unevaluated wetlands and associated drainage features and smaller water bodies.

5.4 SIGNIFICANT VALLEYLANDS

There are no significant valleylands within the Study Area.

5.5 SIGNIFICANT WILDLIFE HABITAT

The Significant Wildlife Habitat Criteria Schedules for Ecoregion 6E (MNRF, 2015) was reviewed as part of this study to determine whether any portions of the Study Area would meet the criteria. Habitat and species data sources were reviewed in addition to field data gathered by Birks NHC ecologists. All functions noted below are linked to the associated deciduous woodland habitat present within the northern portion of the property and adjacent lands.

5.5.1 Seasonal Concentration Areas of Animals

As outlined within the Significant Wildlife Habitat Criteria Schedules for Ecoregion 6E (MNRF, 2015), Seasonal Concentration Areas are areas where wildlife species occur annually. These seasonal aggregations result in large numbers of individuals, sometimes highly concentrated within relatively small areas. As a result, the loss of, or damage to, these features can result in a significant impact to populations.



Bat Maternity Colonies

For the majority of bat species in Ontario, natural maternal roosting habitat is comprised of roost trees that are in early stages of decay and contain features such as cavities or crevices, or loose, peeling bark. According to the Significant Wildlife Habitat Technical Guide (MNR, 2000) and Significant Wildlife Habitat Criteria Schedules for Ecoregion 6E (MNRF, 2015), candidate maternity colonies SWH are located in mature deciduous or mixed forest stands with greater than 10 large diameter (>25cm dbh) wildlife trees per hectare. Bat maternity colonies for Silver-haired Bat and Big Brown Bat are identified as candidate SWH because known locations of forested bat maternity colonies are extremely rare in Ontario. It remains extremely difficult to confirm this SWH designation as it requires confirmation of use by more than ten Big Brown Bats or more than five Silver-haired Bats.

Potential bat roosting habitat is present in the Study Area. Candidate roost trees were observed within the deciduous woodlands of the property; larger (greater than 25 cm diameter at breast height) standing trees with loose bark, cavities, and woodpecker holes were noted. The deciduous forest woodlands would be considered Candidate SWH for Bat Maternity Colonies.

Reptile Hibernaculum

Snakes overwinter in Ontario by accessing underground hibernation sites below the frost line. They will utilize rock crevices, rodent burrows, tree root systems and structures such as old building foundations to get below ground deep enough so they will not freeze. Because of the variability in features that snakes will use for hibernation, snake hibernaculum may be found in almost any habitat (except for very wet ones). Since features associated with this function appear to be common in the landscape, reptile hibernaculum SWH may be present within the Study Area. Within the Study Area, reptiles may gain access to below the frost line for hibernation through rodent burrows and tree root systems.

5.5.2 Specialized Habitat for Wildlife

Specialized Habitat for Wildlife is a community or diversity-based category. The more wildlife species a habitat contains, the more significant the habitat becomes to the planning area. Some species require large areas of habitat for their long-term survival and many require substantial areas of suitable habitat for successful breeding. The largest and least fragmented habitats will support the most significant populations of wildlife (MNRF, 2015).

Woodland Raptor Nesting Habitat

All forested ecosites (natural or conifer plantation) greater than 30 ha with at least 10 ha of interior habitat (determined with a 200 m buffer) are to be considered candidate SWH for Woodland Raptor Nesting Habitat. These area-sensitive habitats are often used annually by the following raptor species, as indicated in the Habitat Criteria Schedules for Ecoregion 6E (MNRF, 2015); Northern Goshawk, Cooper's Hawk, Sharp-shinned Hawk, Red-shouldered Hawk, Barred Owl, and Broad-winged Hawk. The Study Area contains forest stands that are part of a larger woodland community that continues outside of the property boundaries. The woodland feature was determined to contain forest interior habitat



(with a 200 m buffer), outside of the Study Area (Appendix E). Therefore, woodland raptor nesting habitat is possible.

Woodland Area-Sensitive Breeding Bird Habitat

Woodland Area-Sensitive Breeding Bird Habitat generally requires that large mature trees, typically greater than 60 years in age, are present in contiguous forest communities. Additionally, to provide this function, interior forest habitat needs to be at least 200 m from the forest edge. Often this type of habitat is limited in areas where large patches of forest have been removed to allow for settlement and farming. Although there is no interior habitat associated with the Study Area, there is a large amount of interior habitat associated with the greater woodland to the north and west. Woodland Area-Sensitive Birds may therefore be present in the area and it is assumed that this function can be associated with the broader landscape area. As a result some habitat, specifically focussed within the deciduous forest vegetation community, will be expected to provide this function.

5.5.3 Habitat for Species of Conservation Concern

Habitat for all Special Concern and provincially Rare (S1-S3, SH) plant and animal species is considered SWH. Habitat for Species of Conservation Concern does not include habitats of Endangered or Threatened species as identified by the ESA. When a NHIC element occurrence is identified within a survey grid square for a Special Concern or provincially rare species, linking candidate habitat on the site needs to be completed. The following potential Special Concern species was identified as occurring or potentially occurring within the Study Area:

Snapping Turtle (Special Concern)

The Snapping Turtle occurs in almost any freshwater habitat including small wetlands, ponds, and ditches. This species is known within the area and has recent occurrences recorded in the survey grid squares which encompass the Study Area (NHIC square 17PJ2077 (to the north of the property); ON square 17PJ17). While it is unlikely that the turtle would be found on the property itself due to the lack of suitable habitat, this turtle has potential to utilize the man-made ponds and drainage features in the general area and travel through the Study Area.

Eastern Wood-pewee (Special Concern)

Eastern Wood-pewee is a small forest bird that breeds in forest stands of intermediate age with little understory. This species is also associated with forest clearings and edges of deciduous and mixed forests. Eastern Wood-pewees are less known to occur in woodlands surrounding residential development (COSEWIC, 2012). This species has potential to inhabit the deciduous woodlands of the Study Area; one individual Eastern Wood-pewee was heard calling from the woodlands, outside of the property boundaries to the north-west.



Wood Thrush (Special Concern)

The Wood Thrush is a medium sized songbird typically found in mature deciduous and mixed forests with well-developed undergrowth and tall trees (MECP, 2019). While Wood Thrushes often inhabit large forests, they will also use smaller stands of trees. This species has been recorded in the Study Area and adjacent lands (NHIC data; survey grid squares 17PS1876, 17PJ977, 17PJ976, 17PJ2077, 17PJ2076) and therefore has potential to inhabit the deciduous woodlands of the Study Area.

5.6 AREAS OF NATURAL AND SCIENTIFIC INTEREST

Areas of Natural and Scientific Interest (ANSIs) are areas containing natural landscapes or features which have been identified by the province as having value related to protection, natural heritage, scientific study or education. A Life Sciences ANSI is a region that exhibits ecological features, while an Earth Science ANSI is a region exhibiting geological features. Both Life Science and Earth Science ANSI (Glenville Hills) are mapped within the Study Area. Glenville Hills consists of kames (*i.e.*, hills) and kame slopes which are the dominant topographical features in the area caused by glacier activity.

5.7 FISH AND FISH HABITAT

Although a mapped watercourse is identified to the south of 19th Sideroad there is no fish habitat within the property boundary. Habitat function for the mapped watercourse was not considered in full depth because it is well over 120 m from the proposed activity.

5.8 HABITAT OF THREATENED AND ENDANGERED SPECIES

The habitat requirements of those species listed as Threatened and Endangered under the ESA were considered in relation to the habitat features noted within the property limits and the adjacent lands. Based on habitat use, site knowledge and data available, it was determined that potential habitat for the following Endangered species have some potential to be present in the Study Area:

5.8.1 Little Brown Myotis, Northern Myotis, and Tri-colored Bat (Endangered)

Assessment of the characteristics of woodlands as they relate to potential use by Endangered bat species is a consideration in land development. Important habitat functions for Little Brown Myotis, Northern Myotis, and Tri-colored bats include hibernacula, maternity roost, day roosts, and foraging habitat. Of these habitat types, no features with potential to function as hibernacula exists within the Study Area.

Potential foraging habitat would be associated with woodland and wetland areas outside of the property limits that provide an abundance of flying insects. Foraging habitat is widely available within wetland and wooded areas common throughout the Regional Municipality of York. Day roosts are those that are used by males and non-reproductive females as they move across the landscape and can take the form of any tree with appropriate snag features such as loose bark, cracks or crevices. Maternity roosting habitat is found in woodlands providing a relatively high density of large wildlife cavity trees. Potential bat roosting habitat is present in the Study Area. Candidate roost trees were observed within



the deciduous woodlands of the property; larger standing trees with loose bark, cavities, and woodpecker holes were noted. The deciduous forest woodlands within the Study Area may therefore provide suitable roosting habitat for Endangered bat species.

5.8.2 Butternut (Endangered)

Butternut is a small to medium sized deciduous tree that is listed as an Endangered species in Ontario. The Endangered status of Butternut is based on observed declines due to a fungal disease known as Butternut Canker that often results in tree mortality. This tree species can grow in a variety of treed and open habitats, individually or in small groups. Disturbed areas (*i.e.*, fencerow, road, trail) are more likely to have Butternut because the tree species is intolerant of shade and requires open sunlight, however Butternut can also occur in forested communities in a canopy opening or near the forest edge. Element occurrences have been recorded in the survey square that encompasses the Study Area and in adjacent woodlands (NHIC data; survey square 17PJ1976 and 17PJ1876). Butternut trees were observed within the deciduous forest lands on the property.

5.9 KEY NATURAL HERITAGE FEATURES AND KEY HYDROLOGIC FEATURES AND FUNCTIONS SUMMARY

The results of the site visit, review of background information and analysis indicate KNHFs and functions to be associated within the Study Area. Our impact assessment will consider potential impacts only to features and functions where further evaluation is warranted as summarized in Table 2.

Table 2: Key Natural Heritage Features and Key Hydrologic Features and Functions Summary

Key Natural Heritage & Key Hydrologic Feature and Function	Within Property	Within 120 m of Property	Actions Required
Provincially Significant Wetland	None	None	No actions required.
Other Wetland	None	None	No actions required.
Significant Woodlands	Present associated with the deciduous forest in the northeast of the property.	Present associated with deciduous forest north east and west of the property boundary.	Evaluation for potential impacts required.
Significant Valleylands	None	None	No actions required.



Table 2: Key Natural Heritage Features and Key Hydrologic Features and Functions Summary

Key Natural Heritage & Key Hydrologic Feature and Function	Within Property	Within 120 m of Property	Actions Required
Significant Wildlife Habitat	<p>Potential within forested areas of the property:</p> <ul style="list-style-type: none"> • Bat Maternity Colonies • Reptile Hibernaculum 	<p>Potential within forested areas adjacent to the property:</p> <ul style="list-style-type: none"> • Bat Maternity Colonies • Reptile Hibernaculum • Woodland Raptor Nesting Habitat • Woodland Area Sensitive Breeding Bird Habitat • Special Concern and Rare Wildlife (Wood Thrush; Snapping Turtle) <p>Confirmed within deciduous forest northwest of the property:</p> <ul style="list-style-type: none"> • Special Concern and Rare Wildlife (Eastern Wood-pewee) 	Evaluation for potential impacts required.
Provincial Areas of Natural and Scientific Interest	Glenville Hills	Glenville Hills	Evaluation for potential impacts required.
Fish Habitat	None	Mapped Feature present > 120 m from proposed activity	No further assessment undertaken. Distance to feature considered suitable to protect.



Table 2: Key Natural Heritage Features and Key Hydrologic Features and Functions Summary

Key Natural Heritage & Key Hydrologic Feature and Function	Within Property	Within 120 m of Property	Actions Required
Habitat of Threatened or Endangered Species	<p>Potential associated with forested areas of the property:</p> <ul style="list-style-type: none">Endangered bat species <p>Confirmed within deciduous forest in the northeast portion of the property:</p> <ul style="list-style-type: none">Butternut	<p>Potential associated with forested areas adjacent to the property:</p> <ul style="list-style-type: none">Endangered bat speciesButternut	Evaluation for potential impacts required.

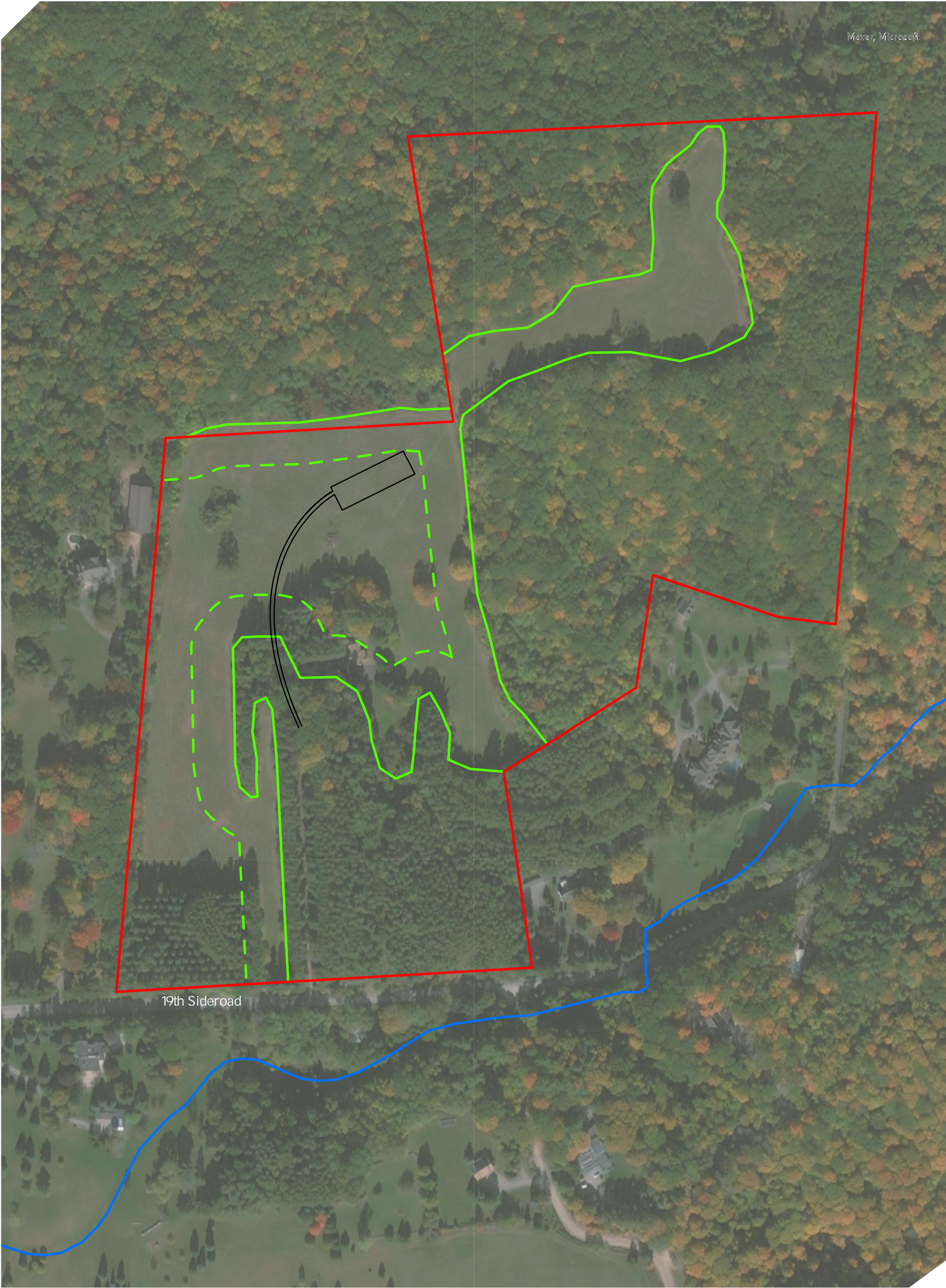
6 IMPACT ASSESSMENT

The intent of this study is to identify KNHFs and KHF and functions associated with the Study Area and determine if potential impacts could arise from the proposed development. Impacts are evaluated on the current knowledge of the property based on data collected in 2021 by Birks NHC ecologists.

6.1 DEVELOPMENT PLAN

The proposal involves the construction of a new residential residence in the open meadow/agricultural field (Figure 3). No development or site alteration is proposed within an identified KNHF or KHF. Additionally, given that the woodlands are a KNHF, a 30 m protection zone/setback is proposed to the woodlands intended to avoid disturbance to the feature and its functions, and maintain the landform character (*i.e.*, topography within the deciduous forest area representative of those typically described as ‘rolling hills’ of the Oak Ridges Moraine and kame slopes which are the dominant topographical features in the area).

Figure 3 illustrates the development plan, which situates the proposed dwelling outside of the woodland and associated 30 m protection zone.



860 19th Sideroad

Township of King

- Property Limit
- Watercourse (LIO)
- Woodland Limit
- 30m Woodland Setback
- Proposed Development

Figure 3:
Proposed Development



MAP DRAWING INFORMATION:
DATA PROVIDED BY: ESRI CANADA
MAP CREATED BY: SB
MAP CHECKED BY: BB
MAP PROJECTION: NAD 1983 UTM ZONE 17N



FILE LOCATION:
Path: C:\Users\S_Brady\BirksNHC\Birks NHC Team for all - Documents\Project Folders\SBrady Projects\ArcGIS - Projects here\Projects - here\19thSideroad\King
PROJECT: 05-014-2021 STATUS: DRAFT DATE: 13/09/2021
0 20 40 80 120 160 Meters



6.2 DIRECT IMPACTS

Direct impacts are those that are immediately evident as a result of a development. Typically, the adverse effects of direct impacts are most evident during the site preparation and construction phase of a development.

6.2.1 Tree and Vegetation Removals

Vegetation removals within the treed ecosites associated with the property or development in proximity to those features has potential to result in direct loss of significant woodland and impacts to the associated functions. For the purpose of this assessment, the deciduous woodland units present in the northeast portion of the property and to the northeast and west of the property are considered to meet criteria to be considered candidate significant woodlands. They provide appropriate habitat to support significant wildlife habitat as discussed in Section 5.5 of this report and habitat of Threatened or Endangered species as outlined in Section 5.8. Removals within these areas would create potential for direct removals of woodland or associated habitat function.

Development is proposed within the open portion of the property therefore tree and vegetation removals would be minimal. The vegetation in that area consisted of a mix of common broadleaf and grass-like species, with a small clump in the north-western corner of the meadow consisting of woody and herbaceous plants such as raspberry, goldenrod, Staghorn Sumac, and Willow. Note that the open field/agricultural portion of the property already experiences cultural disturbance as the farmer cuts the field for hay. Potential vegetation removals on the property would occur outside of any KNHF or KHF and outside of the 30 m vegetation protection zone. Access will be gained via the existing driveway and cultural maintained lands of the property. Therefore, the proposed development is not expected to result in a negative ecological impact as it relates to the removal of vegetation associated with candidate significant woodlands and the associated functions.

6.3 INDIRECT IMPACTS

Indirect impacts are those that do not always manifest in the core development area but in the lands adjacent to the development. Indirect impacts of the proposed residential development include:

- Disturbance to Wildlife and Wildlife habitat
- Increased Potential for Invasion of Non-native Species

6.3.1 Disturbance to Wildlife and Wildlife habitat

A mix of open and treed habitats were present on the property and adjacent lands, providing habitat for a number of common species found in urban and rural areas. Eastern Wood-pewee (provincially designated Special Concern) was heard off-property within the deciduous woodlands to the north. Additionally, the deciduous woodlands may provide habitat for Endangered bat species and SWH functions; the deciduous woodlands are therefore considered a KNHF. No other portion of the Study Area contains features which would support rare or at risk wildlife species or contain any candidate SWH. New development present in proximity to woodlands with these habitat function require



appropriate consideration to ensure that new stimuli such as light, noise or other activity will not be introduced which could detract from the associated function.

The residential dwelling is planned on the property outside of the deciduous woodlands. The proposed development would also be outside of the required 30 m minimum vegetation protection zone for KNHFs (*i.e.*, significant woodlands, SWH, ANSI) and would therefore not result in the removal of significant wildlife habitats. Nor would it impede the movement of plants and animals among KNHFs, KHF, and adjacent lands. There is no expectation that the development of a residential home in the open field would result in a negative ecological impact to wildlife and wildlife habitat. Residential activity is well established on the property and in surrounding lands. We have not been made aware of changes proposed for the property which would create unusual alterations to light or noise activity in the area.

Assuming that mitigation measures provided in Section 7 are followed, there is no expectation that the proposed residential dwelling in the open field would result in indirect impacts to wildlife or their habitats.

6.3.2 Increased Potential for Invasive or Non-native Species

Any site disturbance has the potential to increase the likelihood that non-native and/or invasive vegetation to become established within the retained vegetation communities. If construction equipment coming from other sites is used without first being cleaned properly, invasive species transport may occur. Mitigation measures are provided in Section 7 below to control the potential introduction and spread of invasive species. Assuming these mitigation measures are followed there is no expectation that the proposed activity will result in a significant increase to potential of the spread of invasive or non-native species.

7 RECOMMENDATIONS AND MITIGATION MEASURES

Mitigation refers to the avoidance or reduction of impacts associated with the proposed works through best practices. Where applied correctly, mitigation is intended to reduce the potential for impacts to ensure that the natural heritage features and functions will continue uninhibited by the proposed development. Thus, mitigation would be required to ensure that there is no negative impact, and the development can proceed in conformity with the relevant planning documents and in compliance with environmental law.

The following recommended mitigation measures are recommended to minimize the above listed potential impacts.



7.1 SPECIES AT RISK

Given the dynamic character of the natural environment, as well as changes to policy (*i.e.*, new species listing), consideration is recommended in the interpretation of potential presence of Threatened or Endangered species as protected under the ESA.

This report was produced based on the most up-to-date policy information however, it is not intended to act as a long-term assessment of potential species at risk. The ESA is recognized as being a ‘proponent-driven’ piece of legislation and therefore it is the responsibility of the landowner/developer to ensure compliance with the regulations made under this act. Should a considerable length of time and/or sudden change in policy occur prior to construction, it is recommended that a review of the assessment provided within this report be undertaken by a qualified ecologist to ensure compliance with the ESA at that time.

All current Threatened or Endangered species listed under O. Reg. 230/08 made under the ESA (currency date August 1, 2018) have been considered within this report.

7.2 MIGRATORY BIRDS

Future development activities involving the removal of vegetation should be restricted from occurring during the bird breeding season. Migratory birds, nests, and eggs are protected by the *Migratory Birds Convention Act*, 1994 and the *Fish and Wildlife Conservation Act*, 1997. Environment Canada outlines dates when activities in any region have potential to impact nests at the Environment Canada Website (<https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds.html>)

For this location, vegetation removal should be avoided between April 1st and August 31st of any given year. If vegetation clearing is required between these dates, screening by an ecologist with knowledge of bird species present in the area should be undertaken to ensure that the vegetation has been confirmed to be free of nests prior to clearing.

7.3 PROTECTION ZONE

The minimum setback/protection zone that relates to a KNHF is determined in the Part III Table of the ORMCP. In accordance with the table, land within 30 m of KNHFs would be the minimum vegetation protection zone to the feature, or as determined by a NHE in relation to ANSIs and SWH. Figure 3 therefore illustrates the KNHF (woodland limit) and 30 m protection zone as a constraint to development. No development is to occur within the KNHF or the protection zone. Note that the existing vegetation in the protection zone is open field/agriculture and will remain as such.

In advance of any development works, the development limits approved in the proposed Site Plan should be established in proximity to the KNHF and functions to be protected. A temporary fence (*i.e.*, sediment fence) should be erected along the surveyed limits to prevent inadvertent encroachment into these areas to be protected. This fence should be kept intact throughout the entire construction and



monitored to ensure that the barrier remains in good working condition. No development activities (*i.e.*, material and equipment storage, grading, equipment activity) are permitted in the protection zone.

7.4 GENERAL MITIGATION PLAN

General mitigation of potential impacts to identified KNHFs and functions during future development include:

- Erosion and sediment control plan to be implemented to protect the retained natural habitats. Control measures to be in place until site works have been completed and the risk of sedimentation is no longer a concern.
- Refueling of all equipment should occur at least 30 m from retained natural features, including woodland habitat.
- Control potentially contaminated materials (*i.e.*, fill, soil, gravel, excavated materials) moved by equipment during construction to prevent the spread of invasive plants.
- Inspect and clean equipment and vehicles prior to allowing access to the property to prevent the spread of additional invasive plant species into the site.
- Make sure that all equipment, boots, clothing etc. are cleaned at the site to ensure seeds from invasive plants are not transported from the site.
- Should an animal be injured or found injured during the construction phase, they should be transported to an appropriate wildlife rehabilitation centre.

8 CONCLUSIONS

This NHE was prepared for the proposed development of a residential dwelling in the open field of the property 860 19th Sideroad in Township of King. It is our understanding that the NHE was required due to the property being within the ORMCP area and the Township of King's NHS. The property is also partially situated within the Glenville Hills ANSI and contains woodlands which were evaluated for significance. The intent of the NHE was to identify the presence of KNHFs and KHF functions within the Study Area that have the potential to be impacted by the proposed development.

Through assessment of the site visits, review of background information, and applicable policies and regulations, we have determined that the property contains candidate KNHF and functions. The site plan design and mitigation measures recommended in this report have been developed to avoid the KNHF (*i.e.*, woodland) and mitigate any potential negative ecological impacts associated with the proposed dwelling. Overall, potential ecological impacts are minimal and mitigable provided the listed mitigation measures are applied accordingly. Therefore, no impacts to the identified features and functions are expected as a result of the proposed residential development within the identified developable area.



9 REFERENCES

- Committee on the Status of Endangered Wildlife in Canada (COSEWIC). 2012. COSEWIC assessment and status report on the Eastern Wood-pewee *Contopus virens* in Canada. https://www.registrelep-sararegistry.gc.ca/virtual_sara/files/cosewic/sr_Eastern%20Wood-pewee_2013_e.pdf
- Lake Simcoe Region Conservation Authority (LSRCA). 2010. East Holland River Subwatershed Plan. <https://www.lsrca.on.ca/Shared%20Documents/Subwatershed-Plans/east-holland-subwatershed-plan.pdf>
- Lake Simcoe Region Conservation Authority (LSRCA). 2010. West Holland River Subwatershed Plan. <https://www.lsrca.on.ca/Shared%20Documents/Subwatershed-Plans/east-holland-subwatershed-plan.pdf>
- Lee, H.T., W.D. Bakowsky, J. Riley, J. Bowles, M. Puddister, P. Uhlig and S. McMurray. 1998. Ecological Land Classification for Southern Ontario: First Approximation and Its Application.
- Ministry of the Environment, Conservation and Parks (MECP). 2019. Wood Thrush. Scientific name: *Hylocichla mustelina*. <https://www.ontario.ca/page/wood-thrush>
- Ministry of the Environment, Conservation and Parks (MECP). Accessed 2021. O. Reg. 230/08: Species at Risk in Ontario List under the Endangered Species Act, 2007. <https://www.ontario.ca/laws/regulation/080230>
- Ministry of Municipal Affairs and Housing (MMAH). 2017. Oak Ridges Moraine Conservation Plan. <https://www.ontario.ca/page/oak-ridges-moraine-conservation-plan-2017>
- Ministry of Municipal Affairs and Housing (MMAH). 2020. Provincial Policy Statement. <https://files.ontario.ca/mmah-provincial-policy-statement-2020-accessible-final-en-2020-02-14.pdf>
- Ministry of Natural Resources (MNR). 2010. Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement, 2005. Second Edition. 248 pp.
- Ministry of Natural Resources and Forestry (MNRF). 2015. Significant Wildlife Habitat Criteria Schedules for Ecoregion 6E. 38pp.
- Ministry of Natural Resources and Forestry (MNRF). 2021. Land Information Ontario. <https://www.ontario.ca/page/land-information-ontario>



Ministry of Natural Resources and Forestry (MNRF). 2021. Natural Heritage Information Centre Database. <https://www.ontario.ca/page/natural-heritage-information-centre>

Ontario Nature. 2021. Ontario Reptile and Amphibian Atlas. <https://ontarionature.org/programs/citizen-science/reptile-amphibian-atlas/>

Township of King. 2019. Township of King Official Plan (Our King). <https://www.king.ca/development-growth/planning-land-use/official-plan>

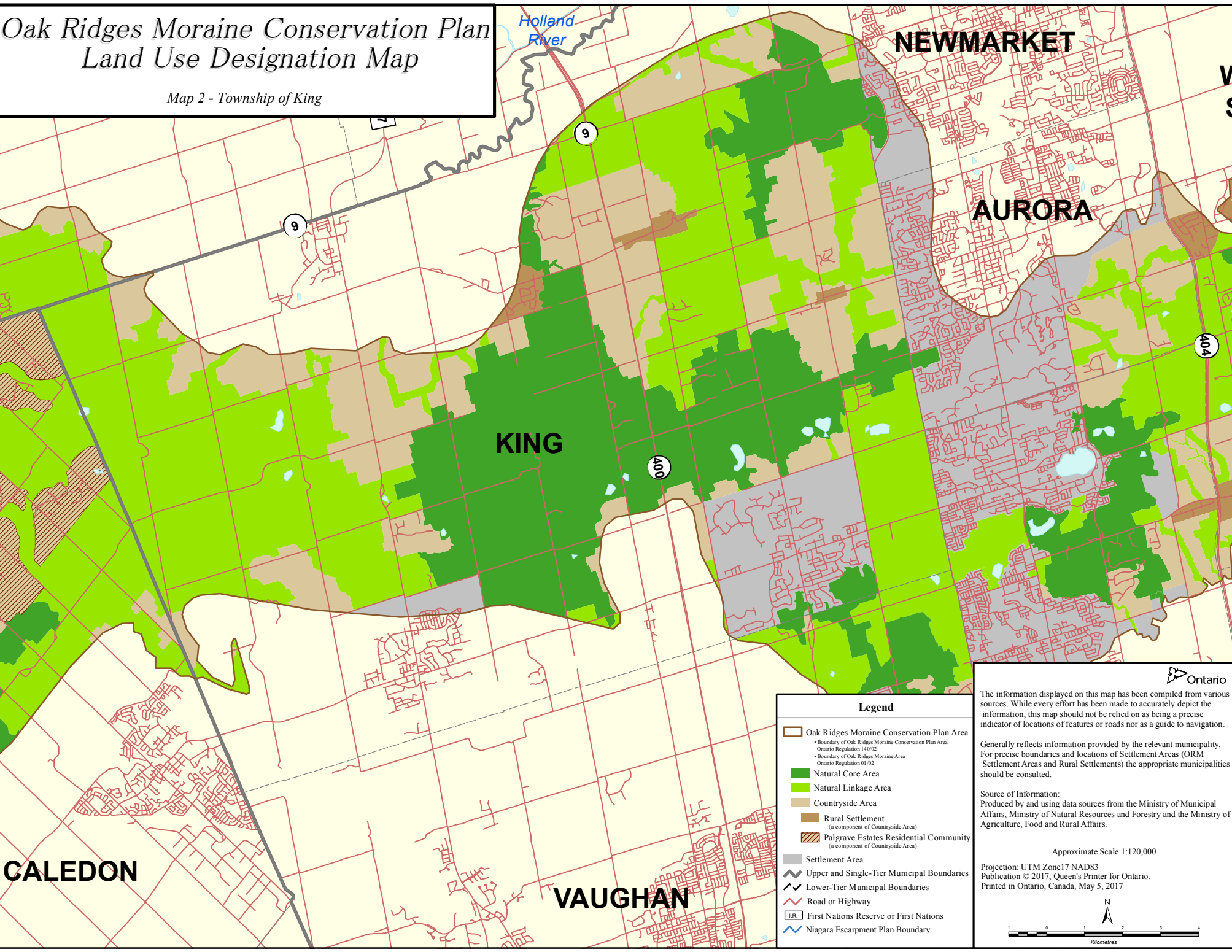
Appendix A

Oak Ridges Moraine Conservation Plan Land Use Designation Map



Oak Ridges Moraine Conservation Plan Land Use Designation Map

Map 2 - Township of King



Legend

- Oak Ridges Moraine Conservation Plan Area
 - Boundary of Oak Ridges Moraine Conservation Plan Area Ontario Regulation 140/02
 - Boundary of Oak Ridges Moraine Area Ontario Regulation 01/02
- Natural Core Area
- Natural Linkage Area
- Countryside Area
- Rural Settlement
 - (a component of Countryside Area)
- Palgrave Estates Residential Community
 - (a component of Countryside Area)
- Settlement Area
- Upper and Single-Tier Municipal Boundaries
- Lower-Tier Municipal Boundaries
- Road or Highway
- First Nations Reserve or First Nations
- Niagara Escarpment Plan Boundary



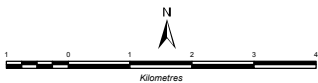
The information displayed on this map has been compiled from various sources. While every effort has been made to accurately depict the information, this map should not be relied on as being a precise indicator of locations of features or roads nor as a guide to navigation.

Generally reflects information provided by the relevant municipality. For precise boundaries and locations of Settlement Areas (ORM Settlement Areas and Rural Settlements) the appropriate municipalities should be consulted.

Source of Information:
Produced by and using data sources from the Ministry of Municipal Affairs, Ministry of Natural Resources and Forestry and the Ministry of Agriculture, Food and Rural Affairs.

Approximate Scale 1:120,000

Projection: UTM Zone17 NAD83
Publication © 2017, Queen's Printer for Ontario.
Printed in Ontario, Canada, May 5, 2017

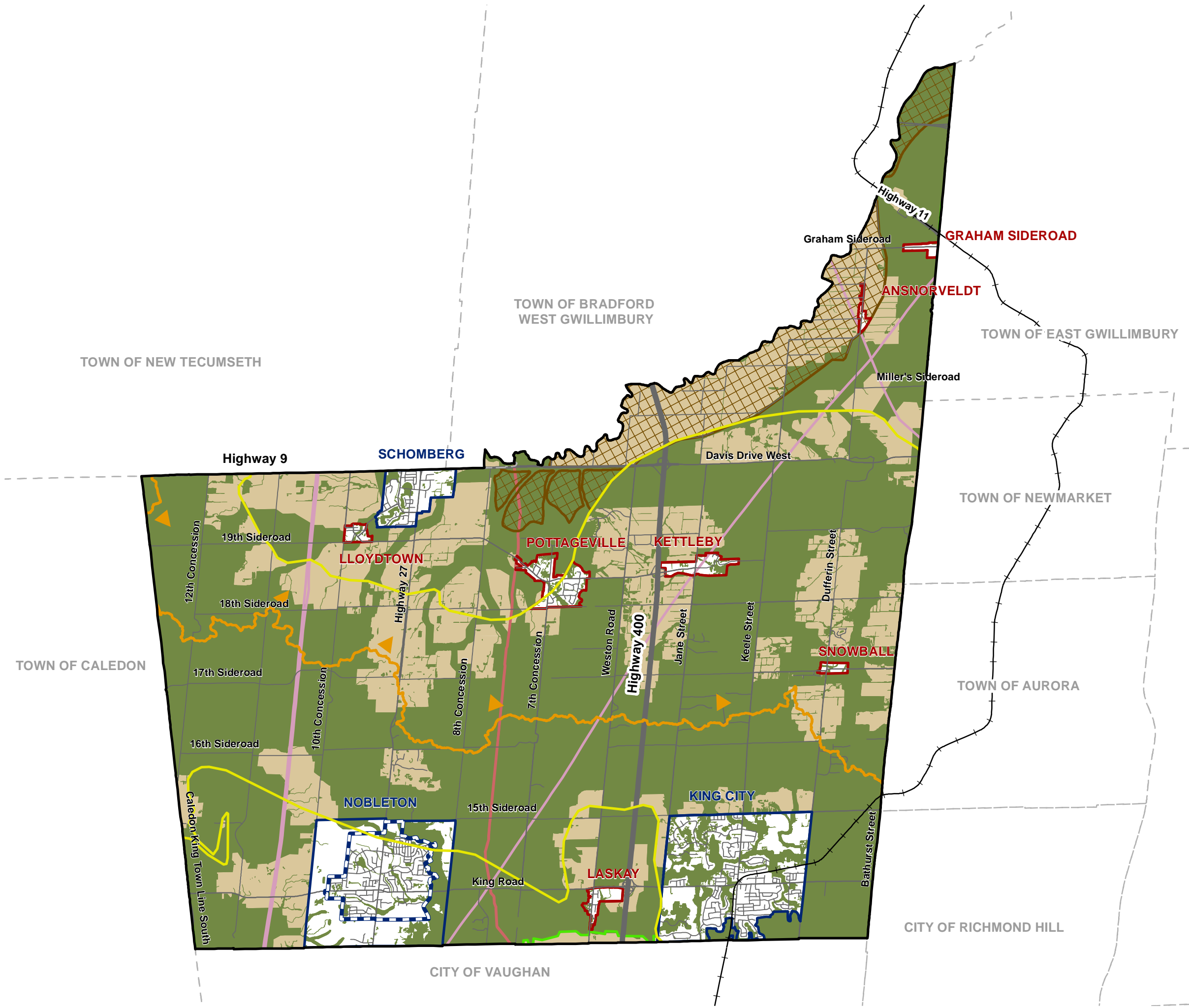


Appendix B

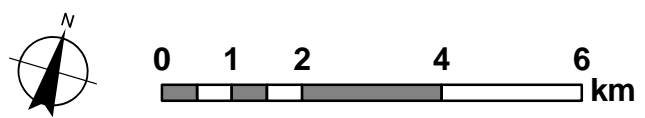
Township of King Official Plan Schedules



TOWNSHIP OF KING
OFFICIAL PLAN



- Township Boundary
- Village Boundary
- Neighbourhood Area
- Hamlet Boundary
- Greenbelt Planning Area Boundary
- Oak Ridges-McCowan Planning Area Boundary
- Area Subject to the Lake Simcoe Protection Plan
- GO Rail Line
- Hydro Corridor
- TransCanada Pipeline
- Hard Marsh Specialty Crop Area
- Natural Heritage System
- Agricultural and Rural Areas (Refer to Schedule E)



TOWNSHIP OF KING
OFFICIAL PLAN

- Township of King Boundary
- Village Boundary
- Nobleton Urban Area
- Hamlet Boundary
- Holland Marsh Special Core Area
- GO Rail Line

Oak Ridges Moraine Conservation Plan

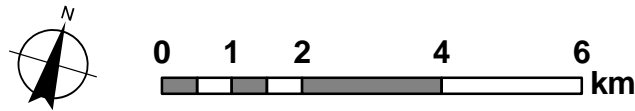
- Oak Ridges Moraine Conservation Plan Area Boundary
- Natural Core Area
- Natural Linkage Area
- Coupled Area

Greenbelt Plan

- Greenbelt Plan Area Boundary
- Natural Heritage System
- Protected Coupled

Lake Simcoe Protection Plan

- Area Subject to the Lake Simcoe Protection Plan

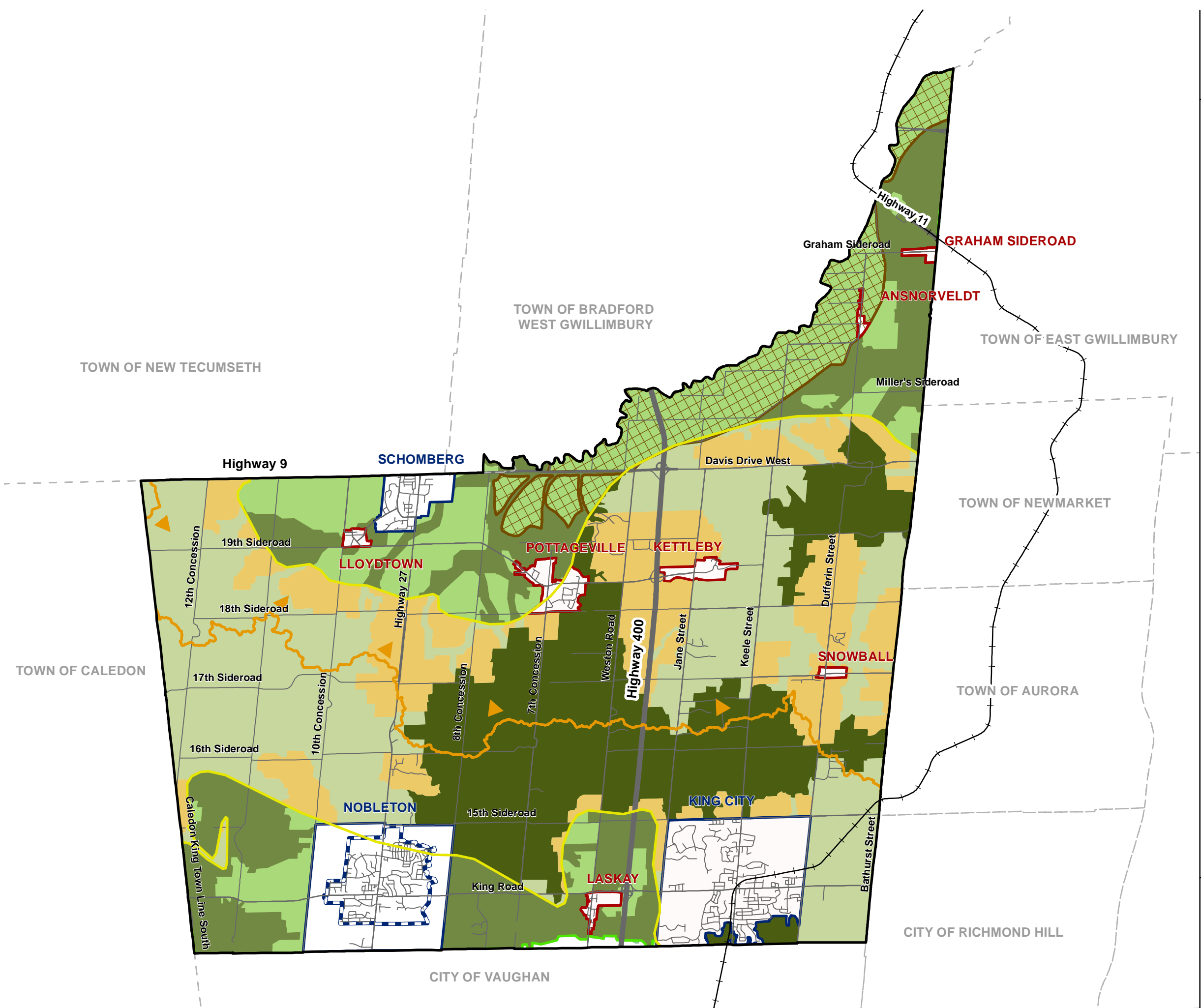


Prepared by
WSP

Sources:
Base Data: MNR, York Region & Township of King
Projection: UTM NAD83 Zone 17

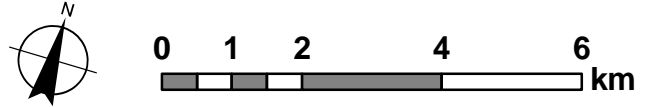
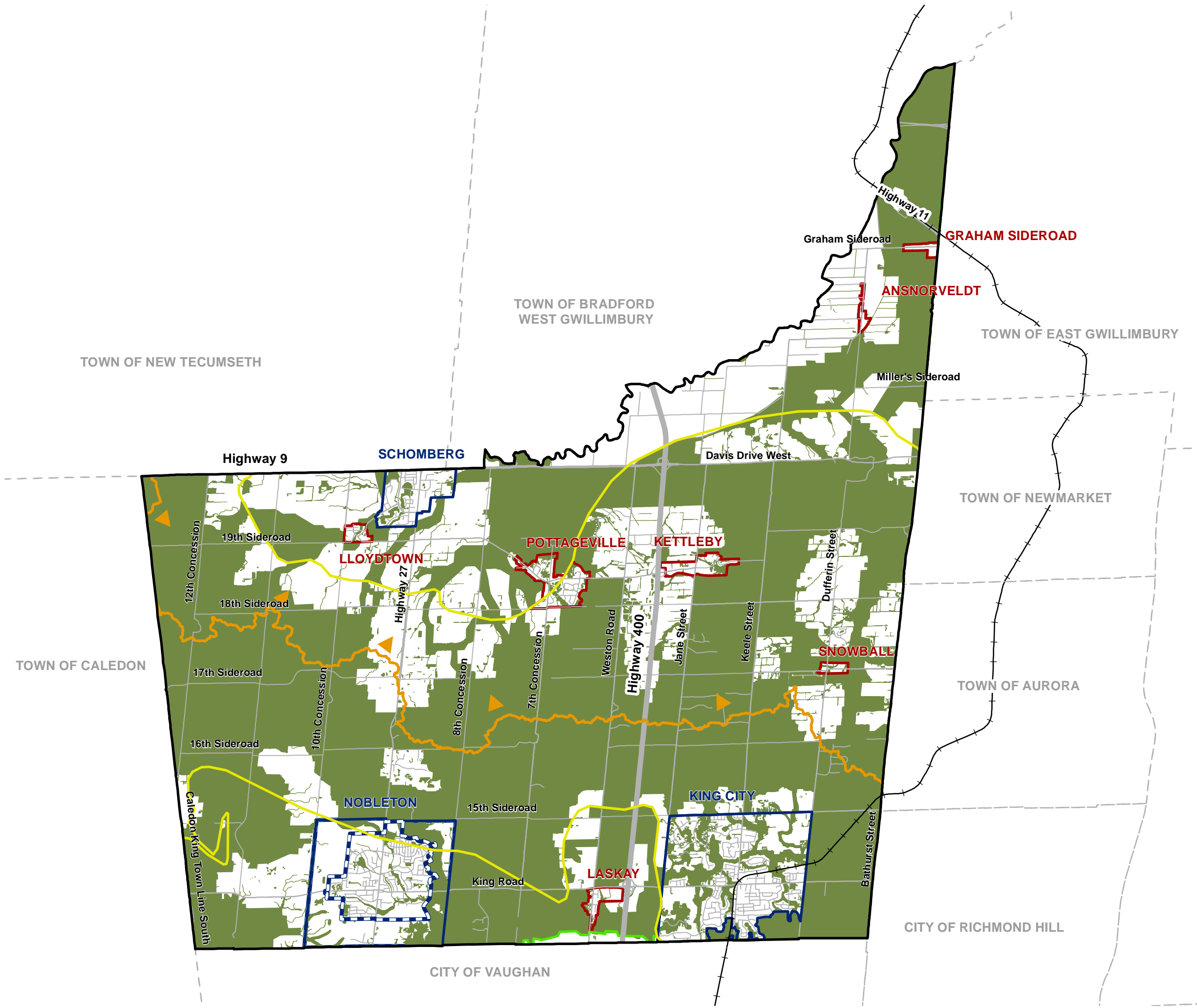
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Revised: August 10, 2020



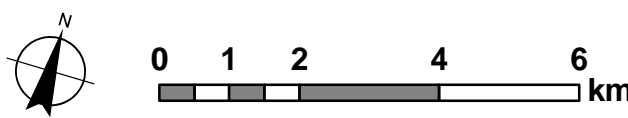
TOWNSHIP OF KING
OFFICIAL PLAN

- Township of King Boundary
- Village Boundary
- Nobleton Urban Area
- Hamlet Boundary
- Greenbelt Plan Area Boundary
- Oak Ridges-McCowan Conservation Plan Area Boundary
- Area Subject to the Lake Simcoe Protection Plan
- GO Rail Line
- Natural Heritage System



TOWNSHIP OF KING
OFFICIAL PLAN

- Township of King Boundary
- Village Boundary
- Nobleton Urban Area
- Hamlet Boundary
- GO Rail Line
- Oak Ridge Marine Conservation Plan Area Boundary
- Area Subject to Lake Simcoe Protection Plan
- Greenbelt Plan Area Boundary
- Woodlands

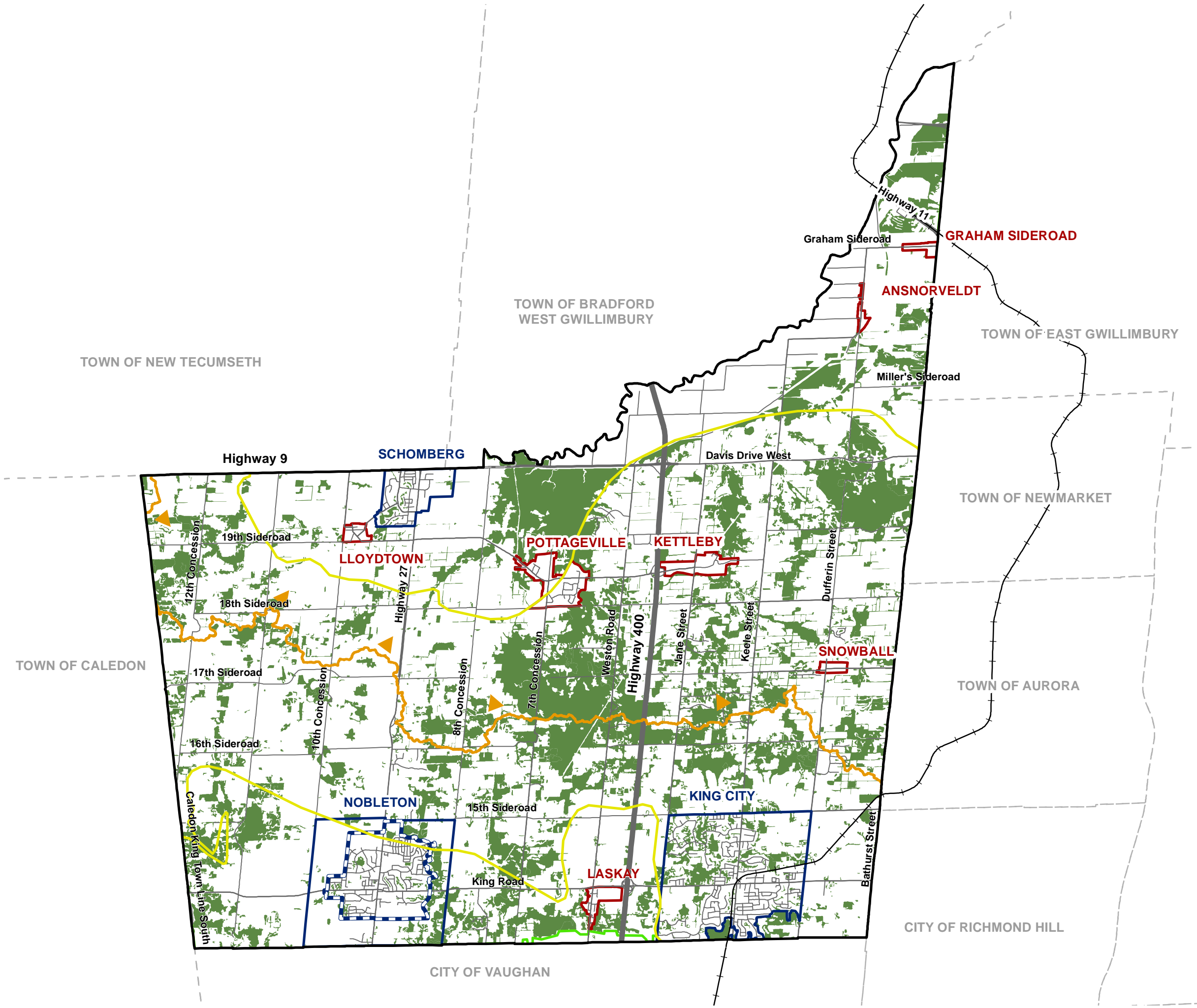


Prepared by
WSP

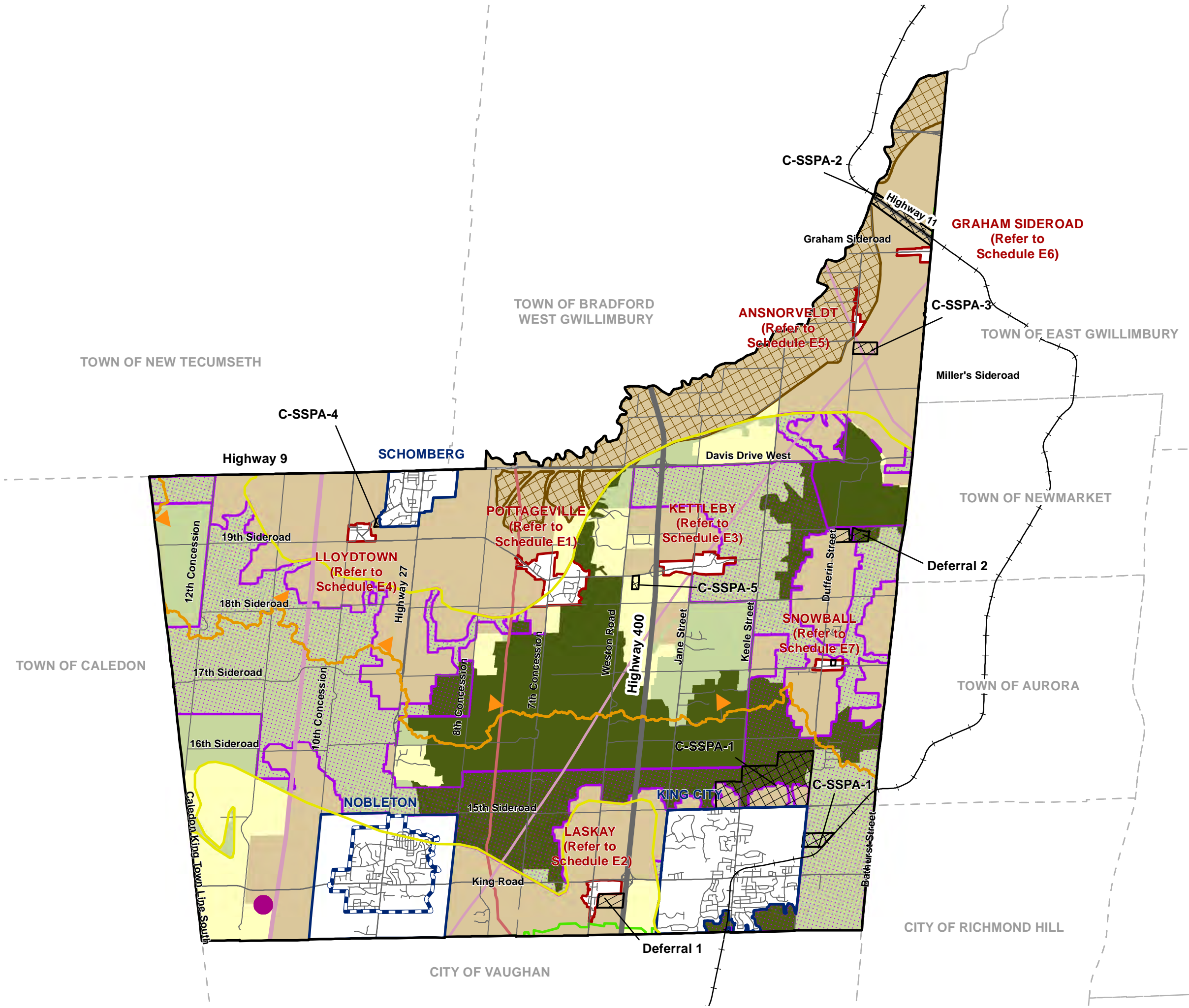
Sources:
Base Data: MNR, York Region & Township of King
Projection: UTM NAD83 Zone 17

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Revised: August 10, 2020

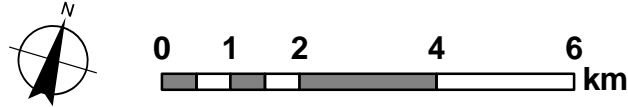


TOWNSHIP OF KING
OFFICIAL PLAN

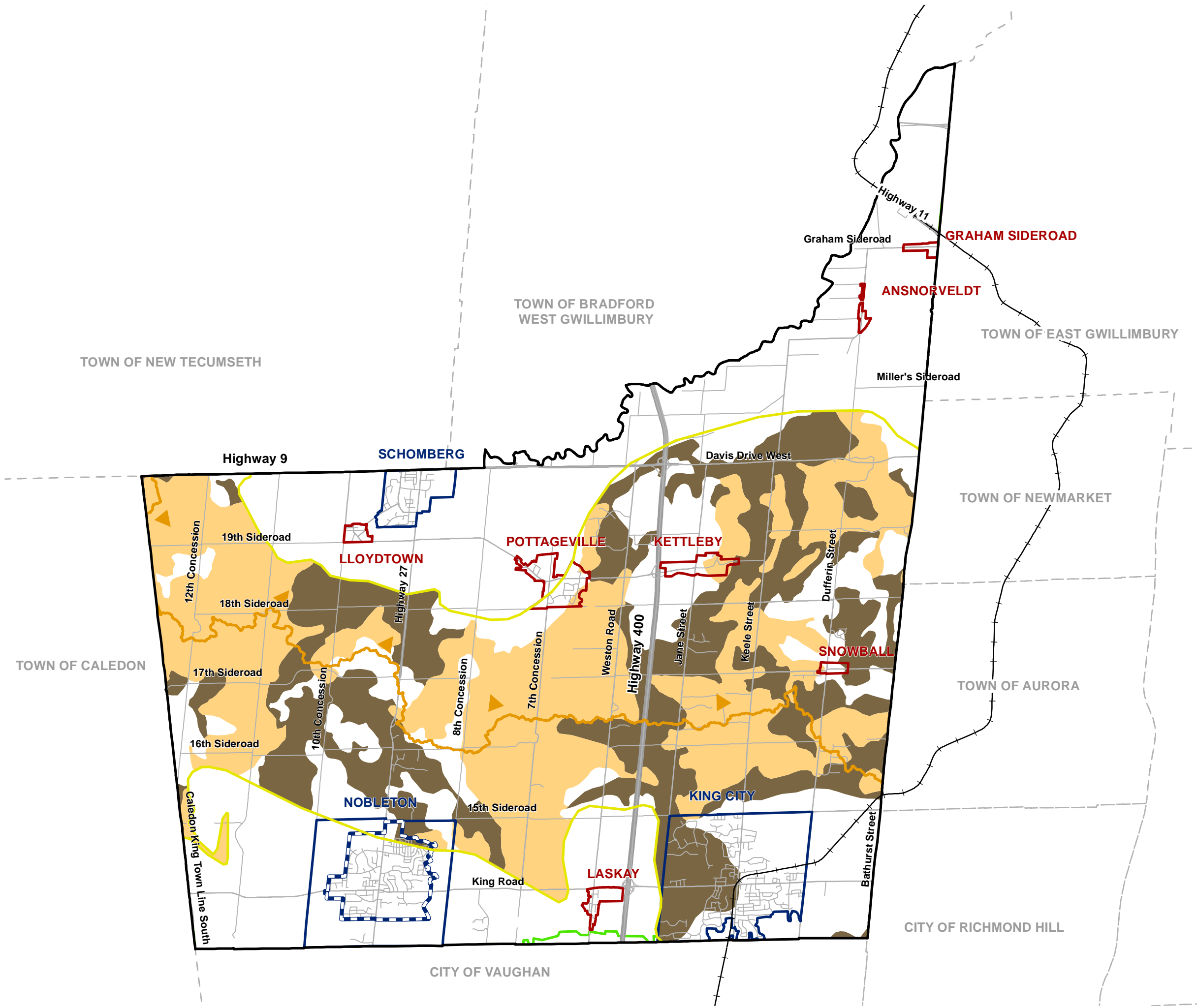


- Township of King Boundary
- Village Boundary
- Noble Urban Area
- Harlet Boundary (refer to Schedules E1 – E7 for land use designation)
- Greebelt Plan Area Boundary
- Oak Ridges Major Corridor Plan Area Boundary
- Area Subject to the Lake Simcoe Protection Plan
- GO Rail Line
- HydroCorridor
- TransCanada Pipeline
- Site Specific Policy Area (SSPA)
- Subject to Deferral
- Habitat Marsh Specialty Core Area
- Prime Agricultural Area in the ORM
- Natural Core Areas and Natural Linkage Areas
- Noble Water Resource Recovery Facility

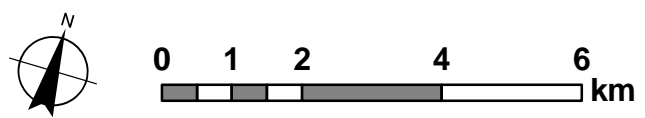
- Land Use Designations
- Agricultural Area
 - Rural Area
 - Oak Ridges Major Natural Core Area
 - Oak Ridges Major Natural Linkage Area



TOWNSHIP OF KING
OFFICIAL PLAN



- Township of King Boundary
- Village Boundary
- Nobleton Urban Area
- Hamlet Boundary
- Greenbelt Plan Area Boundary
- Oak Ridges Moraine Conservation Plan Area Boundary
- Area Subject to Lake Simcoe Protection Plan
- GO Rail Line
- Landform Conservation Area Category 1
- Landform Conservation Area Category 2



Appendix C

Terms of Reference Consultation



Heather Marcks

From: Kate Lillie <K.Lillie@lsrca.on.ca>
Sent: August 5, 2021 3:15 PM
To: Heather Marcks
Cc: Laura Tafreshi; Aloma Dreher
Subject: RE: Terms of Reference: NHE for 860 19th Sideroad
Attachments: Figure 2. Existing Conditions 29July2021.pdf; LSRCA TOR checklist -860 19th Sideroad.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Heather,

Thanks for your email and for providing the attached terms of reference and mapping for the property. I appreciate your patience. The scope of study you've proposed is appropriate with a few points of clarification, which I've listed below:

1. If potential Species at Risk (SAR) grassland bird habitat is present, but no SAR were detected in the first two surveys, a third survey would be required to confirm. However, if you have confirmation from MECP that two surveys would be sufficient, we'd accept that as well.
2. If development/disturbance is being proposed within 30m of woodland, a site visit may be required to confirm the limit of woodland feature.
3. If development/disturbance is being proposed within 30m of potential significant wildlife habitat, two breeding bird surveys for those areas would also be required. If these were not completed this season, as an alternative, you could make conservative assumptions about species presence (i.e. anything with potential to be using the habitat would be considered present).
4. An Area of Natural and Scientific Interest (ANSI) has been mapped in areas on and surrounding the subject property. Please include an assessment of potential impacts to this feature as well.
5. A restoration planting plan will be required for any identified vegetation protection zones.

Please let me know if you have any questions or concerns with what I've provided above.

Kind regards,

Kate Lillie, HBSc, EP, ISA
Natural Heritage Ecologist
Lake Simcoe Region Conservation Authority
120 Bayview Parkway,
Newmarket, Ontario L3Y 3W3
905-895-1281, ext. 286 | 1-800-465-0437
k.lillie@LSRCA.on.ca | www.LSRCA.on.ca

Please note: The LSRCA Board of Directors approved a change to our Fee Policy. A NEW Preconsultation Fee has come into effect as of April 1st, 2021. Please click [here](#) for the new fee schedule.

Twitter: @LSRCA
Facebook: LakeSimcoeConservation

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From: Heather Marcks <hmarcks@birksnhc.ca>
Sent: July 30, 2021 9:40 AM
To: Laura Tafreshi <L.Tafreshi@lsrca.on.ca>; Aloma Dreher <adreher@king.ca>
Cc: Kate Lillie <K.Lillie@lsrca.on.ca>
Subject: RE: Terms of Reference: NHE for 860 19th Sideroad

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Good Morning Laura and Aloma,

I had also sent the Terms of Reference as emailed to the Township of King to Kate Lillie, LSRCA on July 20, 2021. I have also cc'd her on this reply. Additionally, please see attached completed form. I have also attached preliminary mapping of the property.

Thank You,



Heather Marcks, HB.Sc, M.F.C. /Ecologist
Birks Natural Heritage Consultants, Inc.
p. (705)321-3743
w. www.birksnhc.ca
a. 23 Herrell Avenue, Barrie L4N 6T5



From: Laura Tafreshi <L.Tafreshi@lsrca.on.ca>
Sent: July 30, 2021 9:15 AM
To: Aloma Dreher <adreher@king.ca>; Heather Marcks <hmarcks@birksnhc.ca>
Subject: RE: Terms of Reference: NHE for 860 19th Sideroad

Good morning Heather,

LSRCA has a new fillable PDF for the Terms of Reference. Would you mind completing it based on the scope provided in your email? It should only take a few minutes.

I will provide it to Kate Lillie upon her return next week for review.

Much appreciated.

Lara Tafreshi

PLM

LSRCA Region Conservation Authority

Bayview Parkway,

Newmarket, Ontario N3C 4W3

Office: (905) 882-4000

L.Tafreshi@LSRCA.ca | www.LSRCA.ca

Twitter: @LSRCA

Fax: (905) 882-4000

(pfr)

Please note: the LSRCA Board of Directors approved a change to our Fee Policy. The new fees will take effect on April 1, 2021. Please click [here](#) for the new fee schedule.

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From: Aloma Dreher <adreher@king.ca>
Sent: July 30, 2021 8:55 AM
To: Heather Marcks <hmarcks@birksnhc.ca>
Cc: Laura Tafreshi <L.Tafreshi@lsrca.on.ca>
Subject: RE: Terms of Reference: NHE for 860 19th Sideroad

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Hi Heather,

Thank you for your patience. The Township defers to the Conservation Authority to provide natural heritage comments through the Site Plan Development Application process. As such, the Planning Department at the Lake Simcoe Region Conservation Authority would be able to best answer your questions. Please contact Laura Tafreshi, Planner I, at the LSRCA. She can be reached at:

Office: 905-895-1281, ext. 299
Cell: Cell: 416-294-6973
Email: L.Tafreshi@LSRCA.on.ca

I have also copied Laura on this email.

Thank you,

Aloma Dreher (B.E.S., M.S.P.I.)

Planner
Planning Division
Growth Management Service
Ext. 0
adreher@king.ca



ATTENTION - COVID-19 TOWNSHIP IMPACTS

Although many of our Township facilities remain closed to the public, including our King Township Municipal Centre (2585 King Road), you can still access services virtually via our website at www.king.ca, by phone through ServiceKing at 905-833-5321 or by emailing ServiceKing@king.ca. All working staff can be contacted directly via their email or telephone line.

Limited in-person services are being offered by appointment only. Additionally, some recreational facilities/services have reopened. The latest information and updates can be found on our COVID-19 Information Hub at <http://www.king.ca/covid19>.

The health and safety of our citizens is our number one priority. For continuous COVID-19 updates, visit York Region Public Health online at <http://york.ca/covid19>.



From: Heather Marcks <hmarcks@birksnhc.ca>
Sent: July 30, 2021 8:49 AM
To: Planning <Planning@king.ca>
Subject: RE: Terms of Reference: NHE for 860 19th Sideroad

CAUTION! This email originated from **outside your organization**. Verify the sender's email address and carefully examine any links or attachments before clicking. If you believe this may be a phishing email, forward it to help@king.ca then delete it from your inbox. If you think you may have clicked on a phishing link, please report it to Help Desk immediately.

Good morning, I am writing to follow up on the email sent below regarding the Terms of Reference for a Natural Heritage Evaluation for the property identified as 860 19th Sideroad in the Town of King City.

Thank You,



Heather Marcks, HB.Sc, M.F.C. /Ecologist
Birks Natural Heritage Consultants, Inc.
p. (705)321-3743
w. www.birksnhc.ca
a. 23 Herrell Avenue, Barrie L4N 6T5
 

From: Heather Marcks
Sent: July 20, 2021 3:30 PM
To: planning@king.ca
Subject: FW: Terms of Reference: NHE for 860 19th Sideroad

Good Afternoon

Birks Natural Heritage Consultants, Inc. (Birks NHC) has been retained to undertake a Natural Heritage Evaluation (NHE) for the property identified as 860 19th Sideroad in the Town of King City (please see attached figure). The property owner is proposing to build a new residential dwelling in the open, non-forested lands of the property. It is our understanding that a NHE is required due to the property being within the Oak Ridges Moraine Conservation Plan (ORMCP) area, mapped as Natural Core Area and within the Greenbelt Plan Natural Heritage System mapped as Protected Countryside. The property also contains woodlands which are to be evaluated in a NHE for significance. According to online mapping available, the property itself is not in a LSRCA regulated area but is within 120 m of regulated lands. The property is also located within 120 m of the Glenville Hills Kames ANSI.

Birks NHC Ecologists have reviewed the available background information of the property and have established the following scope of work to complete the NHE:

1. Site Assessment
 - Review available background information for the property and surrounding lands (*i.e.*, within 120 metres), including current environmental mapping for natural heritage and hydrologic features, and the natural heritage system within and surrounding the study area;
 - Review policies related to the natural heritage components of the proposed development, including municipal and provincial policies;

- Conduct field surveys to document existing natural heritage features, functions, and species. Surveys include:
 - Classification of vegetation communities using protocols of the Ecological Land Classification (ELC) for Southern Ontario (Lee *et al.* 1998);
 - A single site visit to collect vegetation and wildlife data which would include a one season vegetation inventory and observations of all wildlife occurrences.
 - Two July breeding bird surveys to determine potential Species at Risk (Threatened) Bobolink, Meadowlark habitat.
- Map any key natural heritage feature within the property including characterization of vegetation communities utilizing the Ecological Land Classification system;
- Conduct a Species at Risk habitat assessment for the property to determine if appropriate habitat is present to allow Species at Risk to potentially be present.

2. Report Preparation and Submission. Prepare one NHE report which will include the following:

- The scope of proposed development;
- Description of the ELC communities in the study area;
- Assessment of Significant Wildlife Habitat as per the Significant Wildlife Habitat Criteria Schedules for Ecoregion 6E (MNRF, 2015);
- An outline of any significant natural heritage features or functions in the study area and the broader natural heritage system that they are within;
- Mapping outlining:
 - i. The approximate boundary of the property and study area
 - ii. Ecological Land Classification communities
 - iii. The locations of any identified natural heritage features or functions on the property
 - iv. The proposed development plan
- An outline of any potential direct, indirect and cumulative impacts to those features or functions associated with the proposed development
- Proposed mitigation to reduce the potential for any impacts to those features or functions
- Conclusion, recommendations and mitigations that align with the overarching policy framework of the land parcels or study area

At this time, Birks NHC requests that staff review the above proposed Terms of Reference and provide any feedback where deemed required.

If you have any questions or concerns, please do not hesitate to contact me directly at anytime. Thank you for your assistance in this matter.

Regards,



Heather Marcks, HB.Sc, M.F.C. /Ecologist
 Birks Natural Heritage Consultants, Inc.
 p. (705)321-3743
 w. www.birksnhc.ca
 a. 23 Herrell Avenue, Barrie L4N 6T5



Appendix D

Plant List



Appendix D. Vascular Plant List

Scientific Name	Common Name	Vegetation Community				Species Ranking		
		MEMM3 / Agricultural	FODM2-4	FOCM6-2	Cultural / Maintained	Provincial S_Rank	Global G_Rank	Provincial Endangered Species Act
<i>Abies balsamea</i>	Balsam Fir			x		S5	G5	-----
<i>Acer negundo</i>	Manitoba Maple			x		SNA	GNR	-----
<i>Acer saccharum</i>	Sugar Maple		x	x	x	S5	G5	-----
<i>Acer x freemanii</i>	(<i>Acer rubrum</i> X <i>Acer saccharinum</i>)		x			SNA	GNR	-----
<i>Actaea pachypoda</i>	White Baneberry		x		x	S5	G5	-----
<i>Aegopodium podagraria</i>	Goutweed				x	SNA	GNR	-----
<i>Aesculus hippocastanum</i>	Horse Chestnut			x		SNA	GNR	-----
<i>Agrostis gigantea</i>	Redtop	x				SNA	G4G5	-----
<i>Alliaria petiolata</i>	Garlic Mustard			x	x	SNA	GNR	-----
<i>Apios americana</i>	American Groundnut		x			S5	G5	-----
<i>Apocynum androsaemifolium</i>	Spreading Dogbane		x	x		S5	G5	-----
<i>Aralia nudicaulis</i>	Wild Sarsaparilla			x		S5	G5	-----
<i>Berberis thunbergii</i>	Japanese Barberry		x			SNA	GNR	-----
<i>Betula papyrifera</i>	Paper Birch		x			S5	G5	-----
<i>Chelidonium majus</i>	Greater Celandine			x		SNA	GNR	-----
<i>Circaea canadensis</i>	Broad-leaved Enchanter's Nightshade	x	x	x	x	S5	G5	-----
<i>Cirsium arvense</i>	Canada Thistle	x				SNA	G5	-----
<i>Convallaria majalis</i>	European Lily-of-the-valley	x		x	x	SNA	G5	-----
<i>Convolvulus arvensis</i>	Field Bindweed	x				SNA	GNR	-----
<i>Cornus racemosa</i>	Grey Dogwood	x				S5	G5	-----
<i>Dactylis glomerata</i>	Orchard Grass	x				SNA	GNR	-----
<i>Daucus carota</i>	Wild Carrot	x				SNA	GNR	-----
<i>Desmodium canadense</i>	Canada Tick-trefoil		x		x	S4	G5	-----
<i>Erigeron annuus</i>	Annual Fleabane	x				S5	G5	-----
<i>Eurybia macrophylla</i>	Large-leaved Aster		x			S5	G5	-----
<i>Eutrochium maculatum</i>	Spotted Joe Pye Weed	x				S5	G5	-----
<i>Fagus grandifolia</i>	American Beech		x			S4	G5	-----
<i>Festuca rubra</i>	Red Fescue	x				S5	G5	-----
<i>Fraxinus americana</i>	White Ash		x	x		S4	G5	-----
<i>Geranium robertianum</i>	Herb-Robert			x	x	S5	G5	-----
<i>Hypericum perforatum</i>	Common St. John's-wort	x				SNA	GNR	-----
<i>Hypericum punctatum</i>	Spotted St. John's-wort	x			x	S5	G5	-----
<i>Juglans cinerea</i>	Butternut		x			S2?	G3	END
<i>Juglans nigra</i>	Black Walnut	x	x	x		S4?	G5	-----
<i>Linaria vulgaris</i>	Butter-and-eggs	x				SNA	GNR	-----
<i>Lonicera tatarica</i>	Tatarian Honeysuckle			x		SNA	GNR	-----
<i>Lycopus americanus</i>	American Water-horehound	x				S5	G5	-----
<i>Maianthemum canadense</i>	Wild Lily-of-the-valley		x	x	x	S5	G5	-----
<i>Malva moschata</i>	Musk Mallow	x				SNA	GNR	-----
<i>Medicago lupulina</i>	Black Medick	x				SNA	GNR	-----
<i>Morus alba</i>	White Mulberry			x		SNA	GNR	-----
<i>Nabalus</i> sp.	Rattlesnakeroot species		x			---	---	-----
<i>Oenothera biennis</i>	Common Evening-primrose	x				S5	G5	-----
<i>Ostrya virginiana</i>	Eastern Hop-hornbeam		x			S5	G5	-----
<i>Oxalis corniculata</i>	Creeping Wood-sorrel	x			x	SNA	GNR	-----
<i>Pachysandra terminalis</i>	Japanese-spurge			x		SNA	GNR	-----
<i>Parthenocissus quinquefolia</i>	Virginia Creeper	x				S4?	G5	-----
<i>Physalis heterophylla</i>	Clammy Ground-cherry	x				S4	G5	-----
<i>Picea abies</i>	Norway Spruce			x		SNA	G5	-----
<i>Picea glauca</i>	White Spruce			x		S5	G5	-----
<i>Pilosella officinarum</i>	Mouse-ear Hawkweed	x				SNA	GNR	-----
<i>Pinus resinosa</i>	Red Pine			x		S5	G5	-----
<i>Pinus strobus</i>	Eastern White Pine	x		x		S5	G5	-----
<i>Pinus sylvestris</i>	Scots Pine			x	x	SNA	GNR	-----
<i>Plantago lanceolata</i>	English Plantain	x				SNA	G5	-----
<i>Podophyllum peltatum</i>	May-apple		x			S5	G5	-----
<i>Populus alba</i>	White Poplar	x	x			SNA	G5	-----
<i>Populus tremuloides</i>	Trembling Aspen		x			S5	G5	-----
<i>Potentilla recta</i>	Sulphur Cinquefoil	x				SNA	GNR	-----
<i>Prunella vulgaris</i>	Common Self-heal	x				S5	G5	-----
<i>Prunus serotina</i>	Black Cherry	x	x	x		S5	G5	-----
<i>Pteridium aquilinum</i>	Bracken Fern		x			S5	G5	-----

Appendix D. Vascular Plant List

Scientific Name	Common Name	Vegetation Community				Species Ranking		
		MEMM3 / Agricultural	FODM2-4	FOCM6-2	Cultural / Maintained	Provincial S_Rank	Global G_Rank	Provincial Endangered Species Act
<i>Quercus rubra</i>	Northern Red Oak	x	x			S5	G5	----
<i>Rhamnus cathartica</i>	European Buckthorn	x	x	x	x	SNA	GNR	----
<i>Rhus typhina</i>	Staghorn Sumac	x	x			S5	G5	----
<i>Ribes cynosbati</i>	Eastern Prickly Gooseberry			x		S5	G5	----
<i>Rubus allegheniensis</i>	Allegheny Blackberry			x		S5	G5	----
<i>Rubus idaeus</i>	Red Raspberry	x	x			S5	G5	----
<i>Rubus occidentalis</i>	Black Raspberry	x				S5	G5	----
<i>Rumex acetosella</i>	Sheep Sorrel	x				SNA	GNR	----
<i>Rumex crispus</i>	Curled Dock	x				SNA	GNR	----
<i>Salix babylonica</i>	Weeping Willow	x						----
<i>Sambucus racemosa</i>	Red Elderberry			x		S5	G5	----
<i>Solanum dulcamara</i>	Bittersweet Nightshade			x		SNA	GNR	----
<i>Solidago altissima</i>	Tall Goldenrod	x				S5	G5	----
<i>Sorbus aucuparia</i>	European Mountain-ash				x	SNA	G5	----
<i>Streptopus lanceolatus</i>	Rose Twisted-stalk		x	x		S5	G5	----
<i>Syringa vulgaris</i>	Common Lilac				x	SNA	GNR	----
<i>Thalictrum pubescens</i>	Tall Meadow-rue		x			S5	G5	----
<i>Thuja occidentalis</i>	Eastern White Cedar			x		S5	G5	----
<i>Tilia americana</i>	Basswood		x			S5	G5	----
<i>Toxicodendron radicans</i>	Poison Ivy		x	x		S5	G5	----
<i>Trifolium pratense</i>	Red Clover	x				SNA	GNR	----
<i>Trifolium repens</i>	White Clover	x			x	SNA	GNR	----
<i>Trillidium</i> sp.	Trillium species		x			---	---	----
<i>Verbascum thapsus</i>	Common Mullein	x				SNA	GNR	----
<i>Viburnum acerifolium</i>	Maple-leaved Viburnum	x	x			S5	G5	----
<i>Vicia cracca</i>	Tufted Vetch			x		SNA	GNR	----
<i>Vincetoxicum rossicum</i>	European Swallowwort	x		x	x	SNA	GNR	----
<i>Vitis riparia</i>	Riverbank Grape	x			x	S5	G5	----

Provincial Rank: S1 - Extremely Rare, S2 - Very Rare, S3 - Rare to Uncommon, S4 - Common, S5 - Very Common

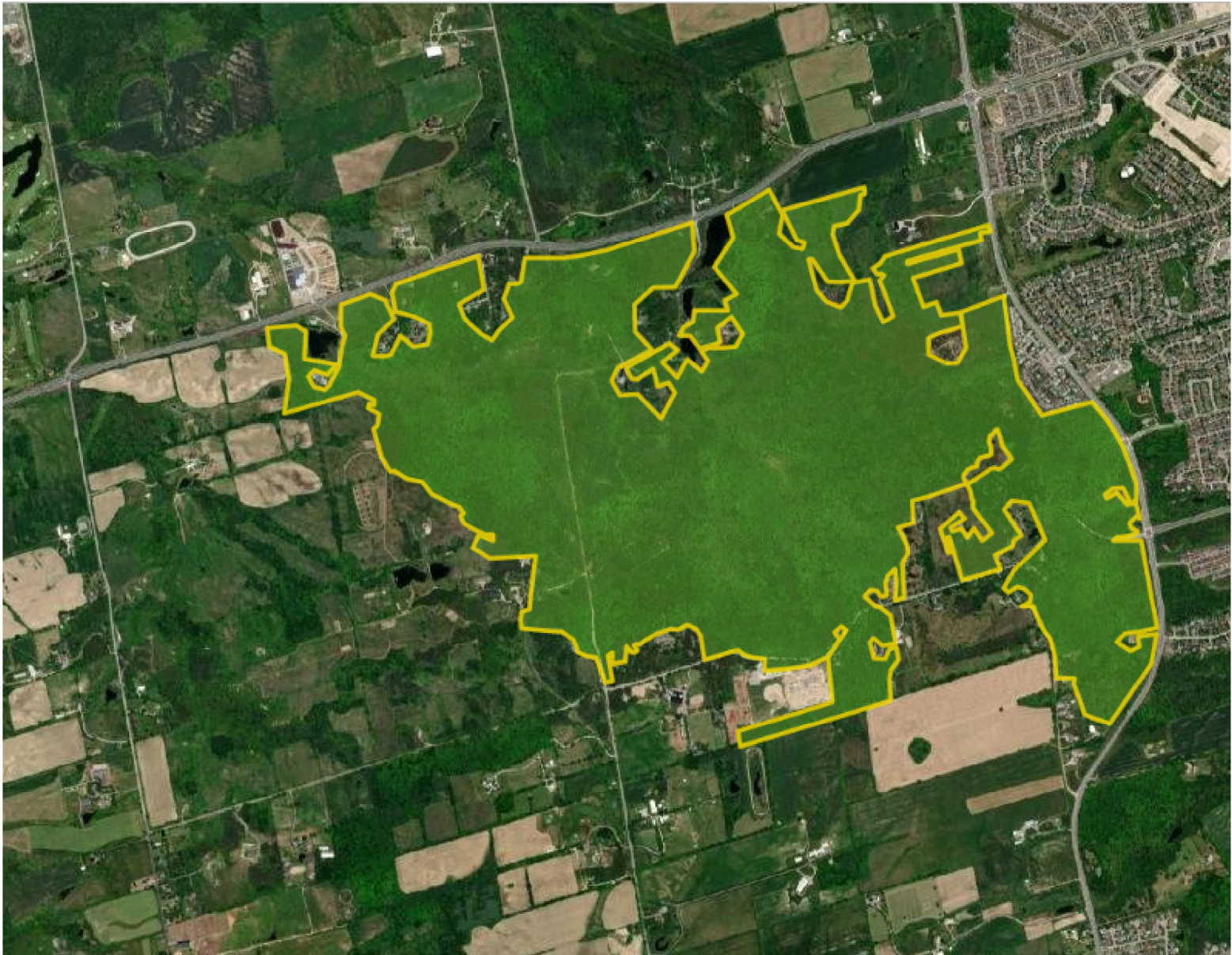
Global Rank: G1 - Critically Imperiled, G2 - Imperiled, G3 - Vulnerable, G4 - Apparently Secure, G5 - Secure

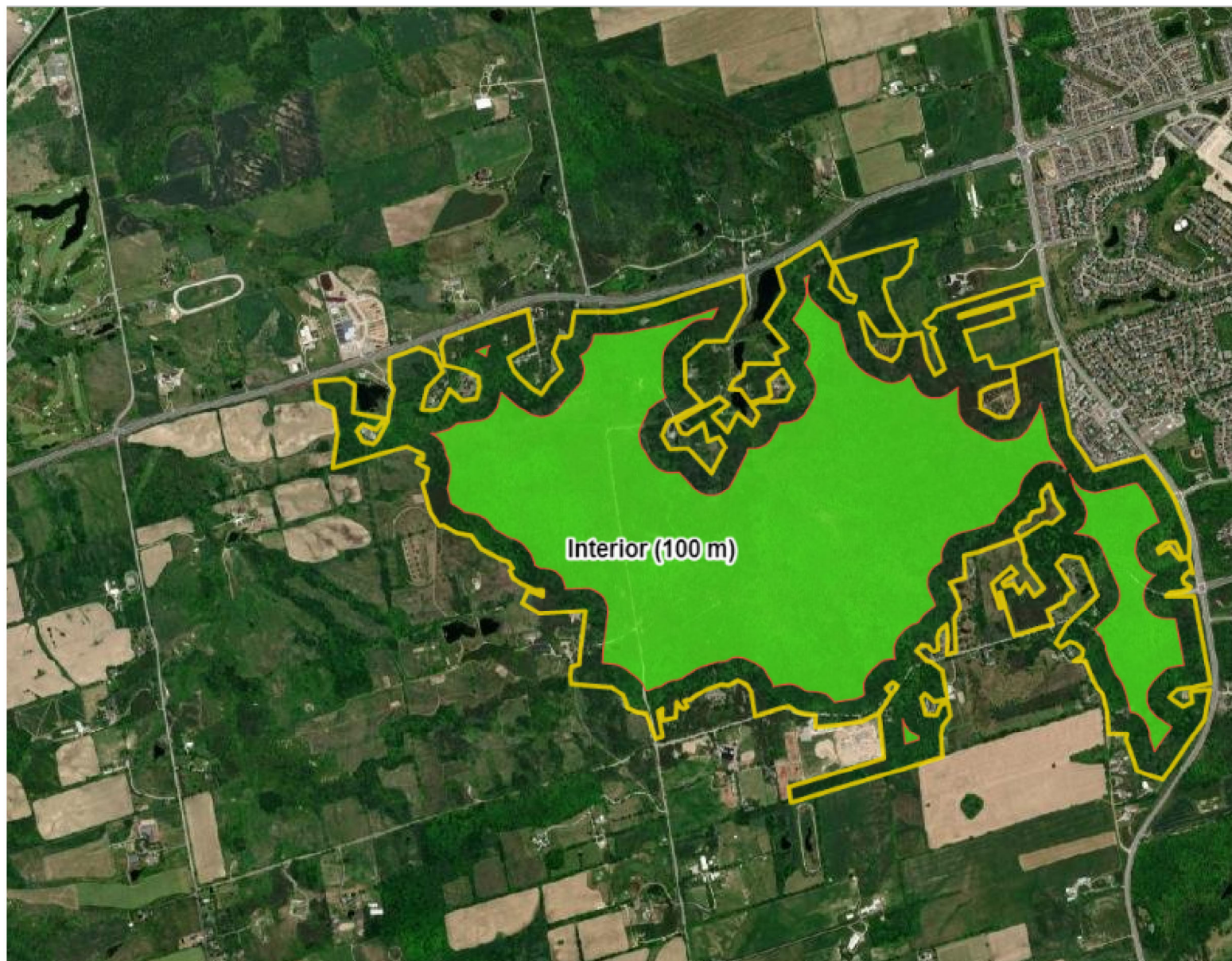
Endangered Species Act: EXP (Extirpated), END (Endangered), THR (Threatened), SC (Special Concern), NAR (Not At Risk)

Appendix E

Woodlands









APPENDIX F

THE CORPORATION OF THE TOWNSHIP OF KING

BY-LAW NUMBER 2022-___

BEING A BY-LAW TO AMEND ZONING BY-LAW 74-53, AS AMENDED, and BY-LAW

WHEREAS Zoning By-law Number 74-53, being a By-law to regulate the use of land and the character, location and use of buildings and structures in the Township of King, passed on the 7th day of October 1974;

AND WHEREAS it is deemed necessary to further amend By-law Number 74-53, as amended, the matters herein set out are in conformity with the Official Plan of the Township of King, as amended, which is approved and in force and at this time;

AND WHEREAS authority is granted pursuant of Section 34 of the Planning Act, R.S.O. 1990, Chapter P.13, to the Council of the Corporation of the Township of King to exercise such powers;

NOW THEREFORE the Council of the Corporation of the Township of King **HEREBY ENACTS AS FOLLOWS:**

1. **THAT** the land subject to this by-law consist of Parts of Lots 31 and 32, Concession 2, Township of King, as more particularly shown in heavy outline on Schedule A attached hereto, and that Schedule A forms part of this By-law:
2. **THAT** Schedule "A" of Zoning By-law 74-53, as amended, be further amended by changing the zone symbol on the lands shown in heavy outline as depicted on Schedule A attached to this By-law from **(RU1) Rural General** to **(RU1*XX) Rural General with Exception XX**;
3. **THAT** Schedule "A" of Zoning By-law 74-53, as amended, shall continue to apply to those lands zoned (RU1*XX) Rural General with Exception XX with the exception of the following:
 - a. That notwithstanding Section 6.30, an additional single family detached dwelling for the use of persons employed on the property may be permitted.

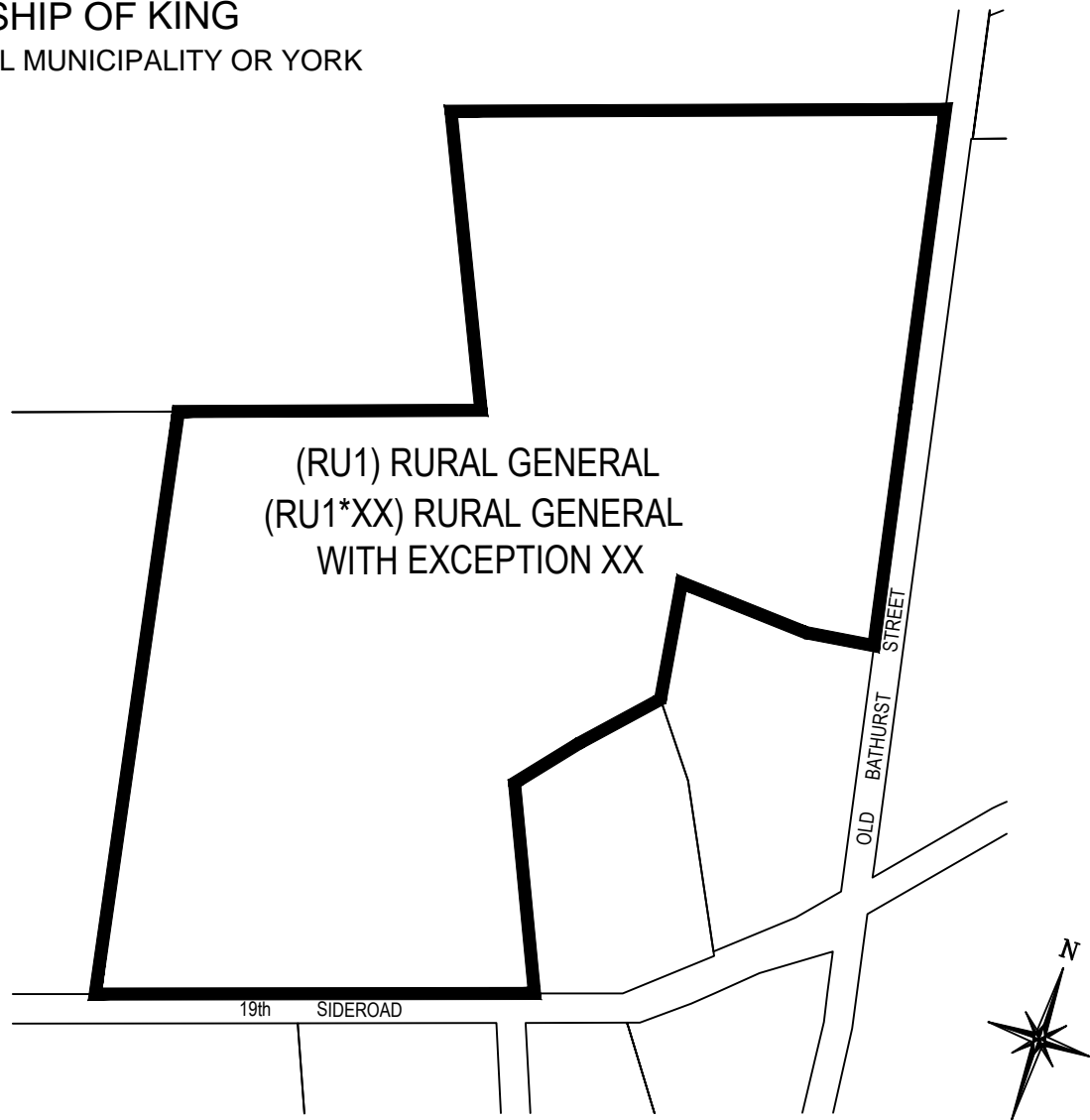
4. **THAT** this By-law shall come in to force and effect in accordance with the provisions and regulations pursuant to Section 34 of the Planning Act.

READ a **FIRST, SECOND** and **THIRD** time and **PASSED** this ____ day of
_____ 2022

Steve Pellegrini, Mayor

Kathryn Moyle, Clerk

PLAN SHOWING
860 19th SIDEROAD
TOWNSHIP OF KING
REGIONAL MUNICIPALITY OF YORK



THIS IS SCHEDULE "A" TO BY-LAW No. 2022-
PASSED ON THIS _____ DAY OF _____, 2022

STEVE PELLEGRINI, MAYOR

KATHRYN MOYLE, CLERK

_____ SUBJECT LANDS