

March 6, 2019

Tom Jones  
Miller Paving Ltd.  
505 Miller Avenue  
Markham, ON L3R 9R8

Dear Tom:

Re: Natural Heritage Evaluation  
Miller Paving Boyington Pit #3  
4499-4589 Concession Road 7  
Township of Uxbridge  
Region of Durham  
Our File: P/N 17-2412

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## 1.0 Introduction

Skelton, Brumwell & Associates Inc. (SBA) was retained to complete a Natural Heritage Evaluation (NHE) in support of Miller Paving Ltd.'s Major Site Plan Control Application for the above noted property. The location of the property is shown on Figure 1.

The application proposes to remove a portion of Aggregate Resources Act (ARA) license and govern that area under Municipal Site Plan Control, as shown on Figure 2, to permit the importation of fill for rehabilitation in order to match the lands to the existing southern grade, expand the M3-1 and M5-1 lands for on site storage, and utilize the site for an asphalt plant and stockpiling.

The lands under application are within the minimum area of influence of Natural Core Area in the ORCMP and Significant Woodlands identified in the Township of Uxbridge Official Plan Schedule I.

A Natural Heritage Evaluation (NHE) is required under Section 2.3.17 of the Durham Region Official Plan, as well as Section 22 (3) of the Oak Ridges Moraine Conservation Plan (ORMCP) for any development or site alteration that falls within the 120-metre minimum area of influence of a key natural heritage feature. In addition, this NHE is designed to satisfy policies for the protection of natural heritage features under the Provincial Policy Statement (PPS) and potential presence of any species at risk, protected under the *Endangered Species Act*.

The purpose of the Natural Heritage Evaluation is to determine if there are any potential impacts to the Significant Woodlands as a result of site alteration and any measures which may be required mitigate those impacts.

The NHE was scoped with the Lake Simcoe Region Conservation Authority (LSRCA) in Terms of Reference provided by SBA dated March 23, 2017. The LSRCA provided comments on the Terms of Reference in their email dated April 10, 2017. The Terms of Reference and LSRCA email are attached.

## 2.0 Existing Conditions

The current zoning of the property is Rural Resource Extraction (M3), Rural Resource Extraction Exception 1 (M3-1) and Aggregate Processing Exception 1 (M5-1).

Adjacent lands to the north and east are part of the existing licenced pit. To the south and west are Rural lands.

The area of application is currently cultured meadow (CUM1-1), and has been anthropogenically disturbed in the past given the high percentage of non-native species present, which includes: Vetch species (*Vicia sp.*), Viper's Bugloss (*Echium vulgare*). Goldenrod species (*Solidago sp.*), Chicory (*Cichorium intybus*), Common Tansy (*Tanacetum vulgare*), White Sweet Clover (*Melilotus albus*), Yellow Salsify (*Tragopogon dubius*), Smooth Bromegrass (*Bromus inermis*), and Common St. John's Wort (*Hypericum perforatum*).

Towards the west license boundary is an area of sumac cultural thicket type (CUT1-1). This area included species such as; Staghorn Sumac (*Rhus typhina*), Common Milkweed (*Asclepias syriaca*), Goldenrod species (*Solidago sp.*), Kentucky Bluegrass (*Poa pratensis*), Orchard Grass (*Dactylis glomerata*), Curly Dock (*Rumex crispus*), Indian Grass (*Sorghastrum nutans*), Poison Ivy (*Toxicodendron radicans*) and Bladder Campion (*Silene vulgaris*).

No significant species were noted, and these cultural habitats provide no significant habitat to wildlife in the area.

Site features and photos can be referenced in the attached Figure 3 and the attached Photo Page.

Significant Woodlands, a key natural heritage feature in the Oak Ridges Moraine Conservation Plan, is identified in the Township Official Plan (Schedule I) to the west of the subject property and area of application as shown on Figure 3. These Significant Woodlands are bisected by Concession Road 7, were visually classified from the roadside to be mixed forest (FOM). The limits of the woodlands have been revised based on current imagery.

No other key natural heritage features were identified in the study area.

### **3.0 Natural Heritage Analysis/Impact Assessment**

The area was inspected for potential species at risk habitat and significant wildlife habitat. No threatened or endangered species were found, nor is habitat conducive to either species at risk habitat or significant wildlife habitat.

The Oak Ridges Moraine Conservation Plan requires a minimum vegetation protection zone of 30-metres for protection of the Significant Woodlands.

As shown on Figure 3, the area of application is largely outside the 30-metre minimum vegetation protection zone. This majority of this protection zone is within Concession Road 7 and open drainage ditches. There is little opportunity for enhancement of the protection zone.

The majority of the area under application is entirely developed. Uses on site will continue as an asphalt plant and stockpiling area, asphalt recycling facility and indoor and outdoor equipment storage. Small areas of naturalized vegetation in the northwest corner and southern boundary will remain undisturbed.

Several areas of vegetation enhancement areas (landscaping) are planned as shown on Figure 4. The areas will be planted with native (non-invasive) species and provide local wildlife with additional areas of habitat on the property.

Given that existing uses will not change and all operations will be outside of the minimum vegetation protection zone, we anticipate no negative impacts to this feature as a result of the proposed application, future development, and site alteration.

### **4.0 Compliance with Planning Policies**

Section 2.3.17 of the Durham Region Official Plan states:

*“Outside of Urban Areas and Rural Settlements, an environmental impact study, in accordance with Policy 2.3.43, shall be required for any development of site alteration within 120 meters of a key natural heritage or hydrological feature to identify a vegetation protection zone which:*

- a) Is of sufficient width to protect the feature and its functions from the impacts of the proposed change and associated activities that may occur before, during, and after, construction;*
- b) Where possible, will restore or enhance the feature and/or its function; and*
- c) Will maintain self-sustaining vegetation.*

*The vegetation protection zone for wetlands, seepage areas and springs, fish habitat, permanent and intermittent streams, lakes, and significant woodlands, shall be a minimum of 30 meters wide, measured from the outside boundary of the feature. “*

Section 2.3.43 of Durham Region Official Plan states:

*“Any proposal for development or site alteration in proximity to key natural heritage or hydrologic features shall be required to include an Environmental Impact Study as part of a complete application. The Region, in consultation with the respective area municipality, conservation authority and applicant, may select and retain a qualified environmental consultant to peer review the study at the proponent’s expense. Such a study shall apply to the area to be developed, or may be expanded to include additional lands, as may be deemed necessary by the Region, in consultation with the respective area municipality, conservation authority and any other appropriate agency, and it shall address the following:*

- a) The location and nature of the development*
- b) The mapping of the location and extent of the environmental conditions,*
- c) which may include key natural heritage or hydrologic features;*
- d) The degree of sensitivity of the environmental conditions and an evaluation of such conditions;*
- e) An assessment of the potential impacts including cumulative impacts on the environment;*
- f) The need for any measures to protect and/or mitigate negative impacts to key natural heritage or hydrologic features and functions and the surrounding environment, and definitions of such measures;*
- g) Applicable environmental considerations of the Greenbelt Plan;*
- h) Where applicable, assess the significance of the key natural heritage and hydrologic features; and*
- i) Any other matters deemed necessary by Regional Council*

*Such study may also include the requirements of a natural heritage evaluation and/or hydrological evaluation, as detailed in the Oak Ridges Moraine Conservation Plan. In accordance with Policy 10B.2.7.”*

Section 22 (3) of the Oak Ridges Moraine Conservation Plan dictates:

*“An application for development or site alteration with respect to land within the minimum area of influence that relates to a key natural heritage feature, but outside the key natural heritage feature itself and the related minimum vegetation protection zone, shall be accompanied by a natural heritage evaluation under section 23.”*

Furthermore, Section 23 of the Oak Ridges Moraine Conservation Plan states:

(1) *“A natural heritage evaluation shall,*

- a) demonstrate that the development or site alteration applied for will have no adverse effects on the key natural heritage feature or on the related ecological functions;*
- b) identify planning, design and construction practices that will maintain and, where possible, improve or restore the health, diversity and size of the key natural heritage feature and its connectivity with other key natural heritage features;*
- c) in the case of an application relating to land in a Natural Core Area, Natural Linkage Area or Countryside Area, demonstrate how connectivity within and between key natural heritage features will be maintained and, where possible, improved or restored before, during and after construction;*
- d) if the Table to this Part specifies the dimensions of a minimum vegetation protection zone, determine whether it is sufficient, and if it is not sufficient, specify the dimensions of the required minimum vegetation protection zone and provide for the maintenance and, where possible, improvement or restoration of natural self-sustaining vegetation within it;*
- e) if the Table to this Part does not specify the dimensions of a minimum vegetation protection zone, determine whether one is required, and if one is required, specify the dimensions of the required minimum vegetation protection zone and provide for the maintenance and, where possible, improvement or restoration of natural self-sustaining vegetation within it.*

This NHE was prepared to satisfy Section 2.3.17 of the Durham Region Official Plan. We are of the opinion that the 30-metre Vegetation Protection Zone, set out by both the Oak Ridges Moraine Conservation Plan and Durham Region Official Plan, is sufficient in protecting the integrity of the natural heritage feature. Native plantings will be completed in the application area, which will enhance the area for local wildlife.

There would be no negative change to connectivity in the landscape, as current uses on the property will continue and no proposed clearing or increased development area is proposed. Given the significant woodlands and the property are separated by Uxbridge Concession Road 7, further enhancement to the feature is limited.

## **5.0 Conclusions**

Skelton, Brumwell & Associates Inc. prepared this Natural Heritage Evaluation to assess potential impacts to key natural heritage features as a result of removing a section of the site from the Aggregate Resources Act licensed area on the subject property.

The proposed development was found to be within the minimum area of influence of Significant Woodlands that were identified on adjacent lands to the west of the property.

There are no adverse effects anticipated to the Significant Woodlands, and the proposed development is in compliance with the policies of the Township of Uxbridge Official Plan, the Region of Durham Official Plan, Oak Ridges Moraine Conservation Plan and *Endangered Species Act*.

If you have any questions, please contact us.

Yours truly,

Skelton, Brumwell & Associates Inc.

Per:

A handwritten signature in blue ink, appearing to read 'Kyle Fleming', with a stylized flourish at the end.

Kyle Fleming, BSc. (Wildlife)  
Senior Terrestrial Ecologist

JKF/

C-19-051

Attach.

March 23, 2017

Lake Simcoe Region Conservation Authority  
120 Bayview Parkway  
Newmarket, ON L3Y 3W3

Attention: Melinda Bessey, MSc., MCIP, RPP  
Development Planner

Dear Melinda:

Re: Terms of Reference for Natural Heritage Evaluation  
Site Plan Application  
4499-4589 Concession Road 7  
Township of Uxbridge  
Our File: P/N 10-2412

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The following is provided as a Terms of Reference for a Natural Heritage Evaluation required under Section 22.(3) of the Oak Ridges Moraine Conservation Plan (ORMCP) for the above noted Site Plan Application.

The ORCMP identifies the site as being within Countryside Area. On adjacent lands to the west are Natural Core Area.

The ORCMP requires that any application for development or site alteration within the minimum area of influence for a Natural Core Area, in this case being 120 metres, is accompanied by a Natural Heritage Evaluation.

The application proposes to remove a portion of Aggregate Resources Act (ARA) license and govern that area under Municipal Site Plan Control. Imported fill will be brought in to fill portions of the site to the existing grade, which will then be landscaped.

The majority of the area under application is entirely developed. Uses on site will continue as an asphalt plant and stockpiling area, asphalt recycling facility and indoor and outdoor equipment storage. Small areas of naturalized vegetation in the northwest corner and southern boundary will remain undisturbed.

To the north and east of the area of application is the existing licensed pit, to the south is Reid Road and residential development, and to the west is Concession Road 7.

Due to the disturbed nature of the site and continuation of an existing use with no proposed clearing or increased development area, we propose to scope the Terms of Reference for the Natural Heritage Evaluation to the following:

- Desktop review of any known key natural heritage or hydrologic features on the site or in the minimum area of influence (120m);
- Complete a review of species at risk and potential habitat on site;
- One (1) field visit to:
  - Classify vegetation communities onsite using Ecological Land Classification (ELC) to the vegetation unit;
  - Classify vegetation communities on adjacent lands to the Ecosite unit or vegetation unit where possible from roadside observations;
  - Complete a vascular plant inventory of the site in mid-to-late spring or early summer; and
  - Investigate the presence of any unknown key features on site (i.e. watercourses, wetlands, vernal pools, etc.).
- Prepare a landscaping plan using native species for areas to be filled and graded; and
- Prepare a Natural Heritage Evaluation report for review by the LSRCA.

We ask that you please provide us with acceptance of this Terms of Reference at your earliest convenience.

Yours truly,

Skelton, Brumwell & Associates Inc.

Per:



Kyle Fleming, BSc. (Wildlife)  
Ecologist

JKF/lah

C-17-127

cc: Tom Jones - Miller Paving Ltd.



## Kyle Fleming

---

**From:** Kate Lillie <K.Lillie@lsrca.on.ca>  
**Sent:** April 10, 2017 3:36 PM  
**To:** Kyle Fleming  
**Cc:** Melinda Bessey  
**Subject:** RE: Miller Boyington #3 - Terms of Reference for Scoped NHE  
**Attachments:** 127LakeSimcoeRegion ConservationAuthority.2412.pdf

Hi Kyle,

I was asked to review the attached proposed terms of reference for a NHE at the Miller Boyington property on Concession Rd 7 in Uxbridge. In addition to what has been proposed in the ToR already, I've listed a few items below to be addressed through the NHE as well. Please let me know if you agree or if you have any concerns.

1. Record wildlife observations and screen for existing or potential significant wildlife habitat.
2. Map the vegetation communities as well as the proposed development and limit of disturbance on a current, high quality orthoimage.
3. Provide an assessment of potential impacts from the proposed development on the natural heritage system and related ecological and hydrological functions.
4. Develop and provide appropriate avoidance, mitigation and/or restoration to address any known or potential impacts that would result from the proposed development.
5. Demonstrate conformity with all applicable legislation and policies.

Thanks,

**Kate Lillie, B.Sc., EP, ISA**  
Natural Heritage Ecologist  
**Lake Simcoe Region Conservation Authority**  
120 Bayview Parkway,  
Newmarket, Ontario L3Y 3W3  
905-895-1281, ext. 527 | 1-800-465-0437  
k.lillie@LSRCA.on.ca | www.LSRCA.on.ca

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**From:** Caitlin Port [<mailto:cport@skeltonbrumwell.ca>]  
**Sent:** Friday, March 24, 2017 1:11 PM  
**To:** Melinda Bessey  
**Cc:** Kyle Fleming; Tom Jones ([Tom.Jones@millergroup.ca](mailto:Tom.Jones@millergroup.ca))  
**Subject:** Miller Boyington #3 - Terms of Reference for Scoped NHE

Hi Melinda,

Attached is a Terms of Reference for the Scoped Natural Heritage Evaluation for the Miller Boyington #3 Site Plan Application in the Township of Uxbridge. We would appreciate the LSRCA's review and acceptance within the next month in order to start field work this Spring.

Please do not hesitate to contact me with any questions or to discuss further.



**West Property line. Significant Woodlands visible in background across Concession Road 7.**



**Small area of cultural meadow in southern corner of the site along Concession Road 7 and Reid Road. Significant Woodlands visible in background.**



**Storage area within application area.**



**Cultural meadow communities in previously disturbed areas with inclusions of cultural thicket.**



**Entrance to site from Concession Road 7. Significant Woodlands visible in background.**

SOURCE: Site photos taken by SBA July 2017.

**Natural Heritage Evaluation  
Miller Boyington Pit #3  
Township of Uxbridge**

Photo Page

P/N 2412

March 2019

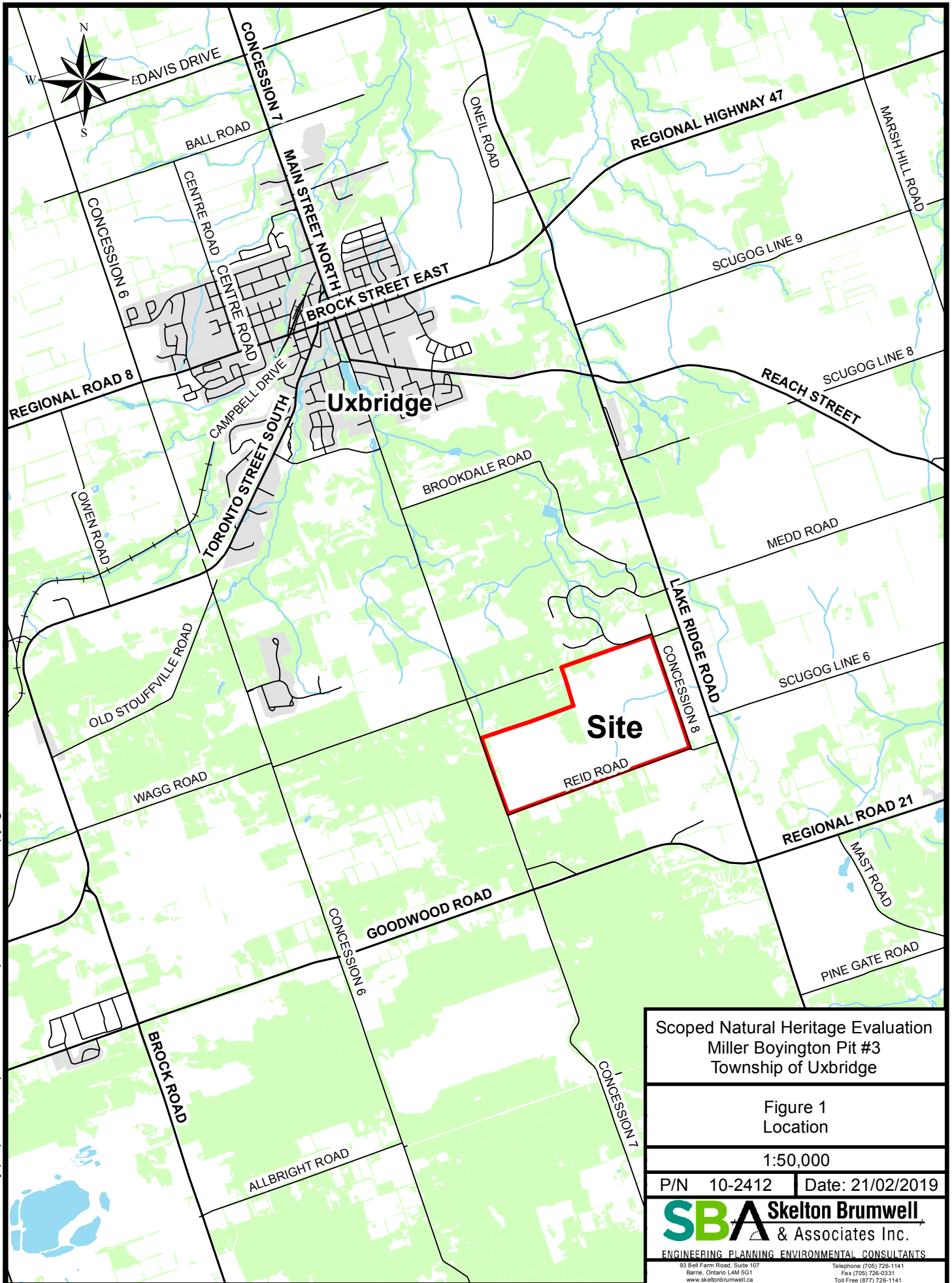
**SBA Skelton Brumwell & Associates Inc.**  
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FAX (705) 726-0331



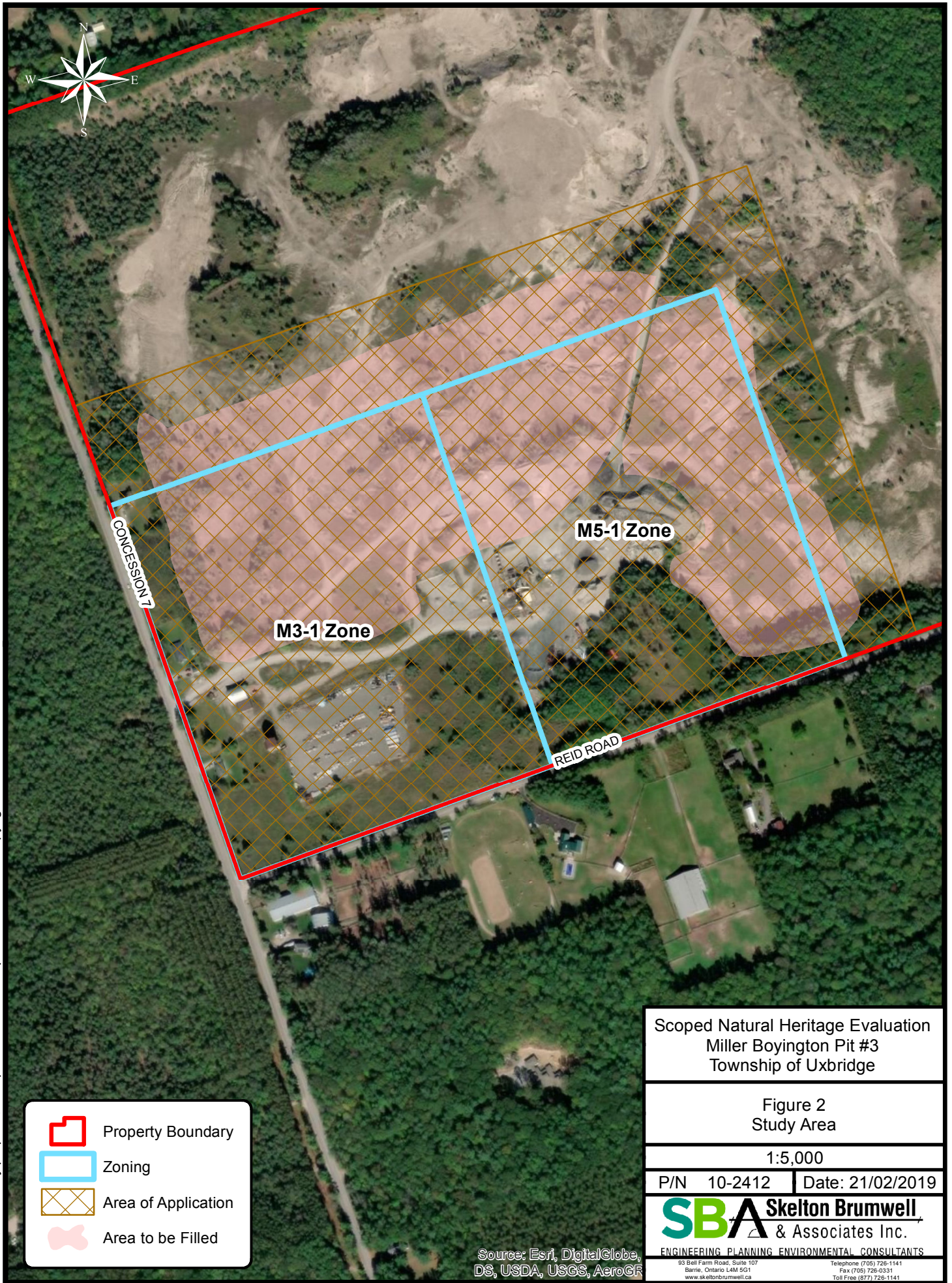
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|  |                  |
|--|------------------|
| Scoped Natural Heritage Evaluation<br>Miller Boyington Pit #3<br>Township of Uxbridge              |                  |
| Figure 1<br>Location   |                  |
| 1:50,000   |                  |
| P/N 10-2412  | Date: 21/02/2019 |
| <b>SBA Skelton Brumwell</b><br>& Associates Inc.<br>ENGINEERING PLANNING ENVIRONMENTAL CONSULTANTS |                  |
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Scoped Natural Heritage Evaluation  
Miller Boyington Pit #3  
Township of Uxbridge

Figure 2  
Study Area

1:5,000

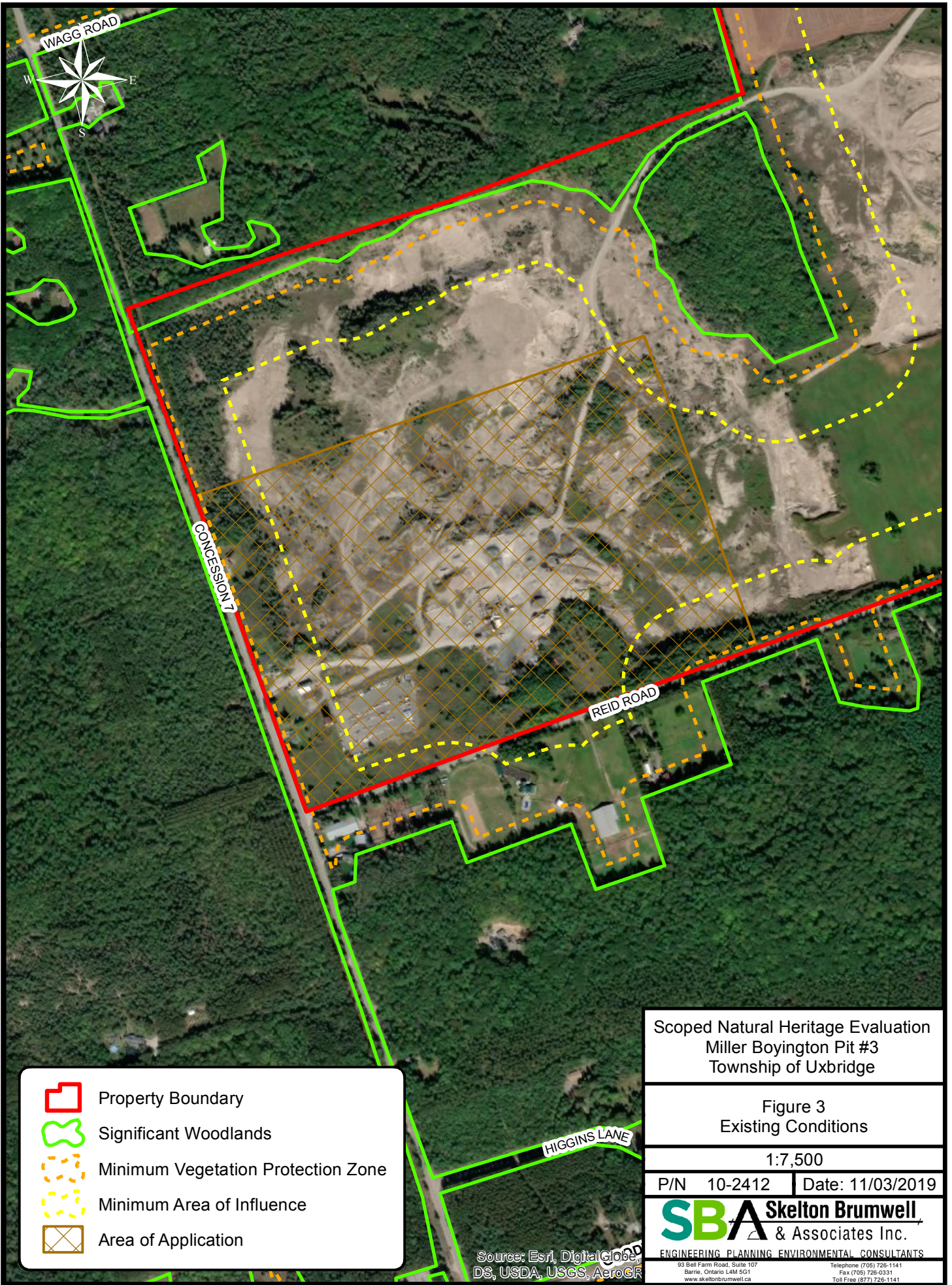
P/N 10-2412 | Date: 21/02/2019






**SBA** Skelton Brumwell  
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|   |                                    |
|---|------------------------------------|
|  | Property Boundary                  |
|  | Significant Woodlands              |
|  | Minimum Vegetation Protection Zone |
|  | Minimum Area of Influence          |
|  | Area of Application                |

Scoped Natural Heritage Evaluation  
 Miller Boyington Pit #3  
 Township of Uxbridge

Figure 3  
 Existing Conditions

1:7,500

P/N 10-2412 | Date: 11/03/2019

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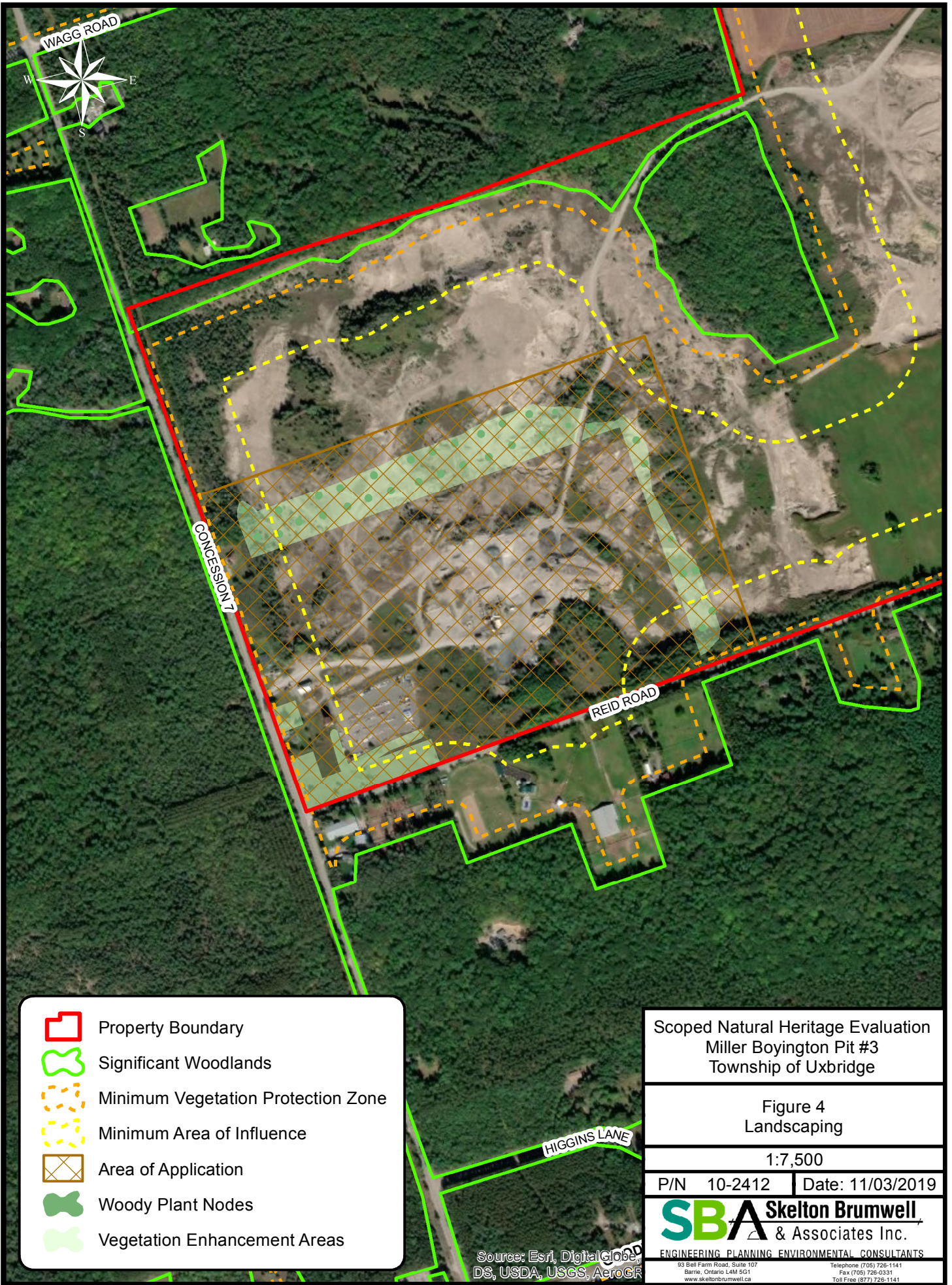
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Source: Esri, DigitalGlobe,  
 GeoEye, USDA, USGS, AeroGR



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|  |                                    |
|--|------------------------------------|
|  | Property Boundary                  |
|  | Significant Woodlands              |
|  | Minimum Vegetation Protection Zone |
|  | Minimum Area of Influence          |
|  | Area of Application                |
|  | Woody Plant Nodes                  |
|  | Vegetation Enhancement Areas       |

Scoped Natural Heritage Evaluation  
 Miller Boyington Pit #3  
 Township of Uxbridge

Figure 4  
 Landscaping

1:7,500

P/N 10-2412 | Date: 11/03/2019

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